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Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 1, January 3, 1941

THE WEEK IN WASHINGTON

Attorney General Robert H. Jackson announced that the Justice Department would bring criminal procedure under the anti-trust law against ASCAP, BMI, NBC and CBS. Next day, at a press conference, Thurman Arnold indicated that others might be indicted, too. (p. 1)

The Wage and Hour Division says that weekly salaries can be stabilized by prepayment of overtime when salaried employees work less than their regular work week. (p. 5)

Paul Peter, NAB Research Director, told the American Marketing Association convention that advertisers should "put more in radio". (p. 6)

A new plan for associate membership in the NAB has been approved by the Board of Directors. The country now has 50,100,000 receiving sets. (p. 7)

Radio engineers throughout the country are getting ready for the Ohio State University Engineering Conference starting February 10. (p. 8)

Neville Miller tells the country, in a broadcast, that the American System of Broadcasting is coming through the emergency period with flying colors. (p. 9)

The FCC has been asked to follow last year's procedure with regard to financial reports. The Commission sent its annual report to Congress without any recommendations for major broadcasting legislation. (p. 9)

Colonel Charles H. March has been elected chairman of the Federal Trade Commission for the coming year. The Commission discussed advertising at length in its report to Congress. (p. 11)

All proposed legislation affecting broadcasting dies with the adjournment of Congress January 3. Many of the bills listed in this issue will be reintroduced. (p. 13)

Starting with this issue, the page numbers of the NAB Reports will start with "one" with the start of each volume each January 1. This is to facilitate back reference.

BMI Developments

JUSTICE DEPARTMENT STEPS IN

Attorney General Robert H. Jackson announced December 26 that he had authorized Thurman Arnold, Assistant Attorney General in charge of the Antitrust Division, to institute criminal proceedings under the Sherman Act against the American Society of Composers, Authors and Publishers, Broadcast Music, Inc., the National Broadcasting Company, and the Columbia Broadcasting System. The proceedings, he said, will be brought in Milwaukee, Wisconsin, immediately after the first of January, and will be based on the following charges:

1. The illegal pooling of most of the desirable copyright music available for radio broadcasting in order to eliminate competition and to monopolize the supply.
2. Illegal discrimination against users of copyright music.
3. Illegal discrimination against composers who are not members of ASCAP or Broadcast Music, Inc.
4. Withholding music from publication in order to exact fees not permitted by the copyright laws.
5. Illegal price fixing.
6. Restraining composers in their right to bargain for the sale of their own music.
7. Requiring users of music to pay for tunes on programs in which no music is played.
8. Mutual boycotts by ASCAP and by the broadcasting chains (through Broadcasting Music, Inc.) in an attempt by each of these conflicting groups to obtain for themselves control over the supply of music by depriving the others of control, which boycotts threaten to restrain and obstruct the rendition over the radio of about ninety percent of the desirable modern copyright music.

Explaining the Department's decision to institute criminal proceedings, Assistant Attorney General Arnold said:

"For a number of years the Antitrust Division has received constant complaints against the activities of ASCAP. The original purpose of ASCAP was one which the Department recognizes to be legitimate, i.e., collective action to protect its members from piracy of their copyrights. Activities which further this purpose have not been questioned by the Department, and are not attacked in these proceedings. However, the Department for many years past has frequently called to the attention of ASCAP practices which went far beyond the necessity of protecting its members in their copyright privileges,—practices which were designed solely for the purpose of eliminating competition in the furnishing of music, and securing a monopoly control over the supply.

"Recently, through Broadcast Music, Inc. (an association controlled by the major broadcasting chains), the National Broadcasting Company and the Columbia Broadcasting System have engaged in, and threaten to continue on a larger and larger scale, restrictive practices similar to those which the Department charges were illegally instituted by ASCAP. It is claimed that these activities were necessary to protect the broadcasting chains from the illegal activities of ASCAP. The Department is not concerned with the

(Continued on page 2)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

BMI DEVELOPMENTS

(Continued from page 1)

question as to which organization was the aggressor. Each of these groups today is charged with using illegal methods to wrest the control of copyright music from the other. The threatened conflict is already in its first stage. The mutual boycotts already begun will hamper and obstruct the rendition of all copyrighted music over the radio and deprive the public of the privilege of hearing that music except on terms dictated by the victor in the contest. In such a struggle the public is in the position of a neutral caught between two aggressive belligerents.

"This Department cannot sit by and see ASCAP and the broadcasters engage in a private war at the expense of the public, using violations of law as their weapons in order to fight fire with fire. We have tried to obtain voluntary agreement to form the basis of a working peace which would eliminate the illegal activities and allow the associations of composers to continue their legitimate function of protecting their members from piracy. Those efforts, which a few days ago appeared to be on the verge of success, have failed. Now we have no choice but to proceed with a criminal prosecution to protect the interests of the public in orderly competition in the distribution of music.

"It should be added that complaints have also been received against the Society of European Stage Authors and Composers, commonly called SESAC. These complaints are now being investigated."

Neville Miller that night made the following comment on the Justice Department's statement:

"The Department of Justice is on the right track in bringing criminal charges against the American Society of Composers, Authors and Publishers. For many years broadcasters have sought relief from the grip of this illegal monopoly. It is a fact that the Department has had pending an anti-trust suit against ASCAP for more than six years and it is also true that for many weeks now the Department has been dickering with ASCAP for a consent decree which would have eliminated the monopolistic practices of which the broadcasters complain. This consent decree would have established an open and competitive market for music which once more would give broadcasters access to the great supplies of music controlled by the Society in a monopolistic pool.

"It is significant of the justice of the broadcasters' complaints against the Society and of the propriety of the Department of Justice's pressing for a consent decree on the part of ASCAP that only two days ago three justices of the Federal Court in Washington unanimously held that ASCAP was an illegal monopoly in the restraint of trade.

"It is most unfortunate that the Department appears to have confused the illegal practices of ASCAP with the perfectly legitimate effort of broadcasters to create an alternative competitive supply of music. Broadcast Music, Inc., is not the creature of NBC and CBS. It was formed by mandate of the National Association of Broadcasters in open convention, and more than 600 stations are the owners of its stock and the users of its music. It was at the urging of many of these stations and of myself that the networks cooperated in the formation of BMI, of which they together own less than 20% of the stock. Broadcasters throughout the country set up BMI after they had found it impossible to deal with ASCAP on any basis other than paying a tax on all programs whether they used music or not. In forming BMI, we had competent legal advice and are confident that it is in no sense violative of the law.

"The statement issued by the Department of Justice shows that the Department does not understand the set-up of Broadcast Music, Inc. This is not surprising in view of the fact that the Department of Justice has made no attempt to discuss this set-up with broadcasters, nor has it pointed out to us any ways in which it believed we were violating the law. Certainly if it believes that broadcasters are attempting a boycott, it is completely misinformed. For weeks the Department of Justice discussed a consent decree with ASCAP and, when it failed to get one, it suddenly accuses practically the whole broadcasting industry, represented in BMI, of criminal practices without giving us any opportunity at all for a similar discussion. The reason for this unusual behavior is not at all clear to me, and I hope that before the Department carries out its announced plan, it will be willing to give at least as much consideration to the broadcasters as it has given to a society which it has itself branded as a law violator over an extended period of years."

BMI FEATURE TUNES

January 6-13

1. I GIVE YOU MY WORD
2. SO YOU'RE THE ONE
3. THERE I GO
4. I HEAR A RHAPSODY
5. ACCIDENT'LY ON PURPOSE
6. HIGH ON A WINDY HILL
7. YOU WALK BY
8. MAY I NEVER LOVE AGAIN
9. I CAN'T REMEMBER TO FORGET
10. IT ALL COMES BACK TO ME NOW

The way BMI music continues to mount in the public favor is indicated by the fact that the week ended December 28 was the biggest in BMI's history, so far as sheet music sales are concerned, in spite of the fact that this is ordinarily a dull season of the year in the music business and that last week included the Christmas holiday. BMI chalked up a record of 39,043 regular sheet music copies sold and 3,323 orchestrations. *There I Go* has now sold about 106,000 regular copies and 9,300 orchestrations. *I Give You My Word, I Hear A Rhapsody,* and *So You're The One* account for nearly 90,000 more. All four of these numbers appear on the Enquirer's list of sheet music best sellers—*twice as many as the number shown by any other publishing house.* This record is the complete answer to the ASCAP claim that BMI music cannot stand comparison with the music of ASCAP houses in public favor.

In the column next to their list of sheet music best sellers, the Enquirer carries news items on two new songs which are now being featured—*Until Tomorrow, Good Night,* composition by Sammy Kaye which the composer is featuring with his own band, and *Monday's Wash,* a new boogie-woogie instrumental by Erskine Butterfield, WOR entertainer and Decca recording artist. The Enquirer says, "Plans of recording managers indicate that record companies will go after these numbers in a big way."

Both of these promising numbers come under the BMI license. Sammy Kaye's music is published by the Republic Music Corporation and *Monday's Wash* is a publication of Joe Davis's Beacon Music Company. BMI has recently concluded agreements for the performing rights in music of both of these companies and also in the catalogue of Mayo Music Corporation, another Joe Davis company. Mr. Davis has been well known for many years in the music business and his catalogues are valuable additions to BMI.

As the old year ends, BMI has become practically identical with the radio industry in the United States. As we go to press, 658 stations (672 including non-commercials) are in the BMI membership list. We welcome to the BMI ranks the following:

WLAK—Lakeland, Fla.
WFBG—Altoona, Penna.
WBAB—Atlantic City, N. J.
WBCM—Bay City, Mich.
KOOS—Marshfield, Ore.
WAIM—Anderson, S. C.
WCBA-WSAN—Allentown, Pa.
KHBG—Okmulgee, Okla.
WING—Dayton, Ohio
WIZE—Springfield, Ohio
WJPF—Herrin, Illinois
WCNW—Brooklyn, N. Y.
KGHL—Billings, Mont.
WQBC—Vicksburg, Miss.
WOLS—Florence, S. C.
WJJD—Chicago, Ill.
KADA—Ada, Oklahoma
WINX—Washington, D. C.
KBKR—Baker, Oregon
KHUB—Watsonville, Calif.
KODL—The Dalles, Ore.
KBTM—Jonesboro, Ark.
WLW—Cincinnati, Ohio
KVOX—Moorhead, Minn.
WGNY—Newburgh, N. Y.
WAAT—Jersey City, N. J.
WWRL—Woodside, N. Y.

BMI receives many letters which contain expressions of support. One recently received by Mr. Tompkins sums up the substance of so many that it merits quotation. It is from Bob Nolan of Miami, Florida:

> "BMI, in my humble opinion, is destined to become the most powerful musical organization in the country. Any thinking person can reach this decision by simple deduction.
>
> "You have an excellent staff of arrangers and composers. The printing layout is simple, clean cut and, therefore, perfectly legible.
>
> "Your professional department is quick, courteous and never too busy to personally correspond.
>
> "Taking all these attributes and topping them with executives who are thoroughly familiar with the trials and tribulations of broadcasting and musicians, you have the fundamental requisites of a top flight organization that will bring a smile to the countenance of the musical world.
>
> ". . . I have been in radio for twenty-one years and have spent a great many of those years in and out of this territory. . . . All of us down here are with you one hundred per cent.
>
> "Having spent so many years in the profession I have innumerable friends in ASCAP and, as you and I both know, there are amongst them many brilliant, intelligent men who, upon hearing similar reports to mine from all over the country (as they are bound to do), there can be little doubt will 'see the light.'" . . .

The following wire was sent December 31st to all member stations:

THIS IS LAST MINUTE REMINDER TO BE VIGILANT IN AVOIDING COPYRIGHT INFRINGEMENT BUT NOT TO BE PANICKED BY BRINGING OF INFRINGEMENT ACTIONS AGAINST YOU BY ASCAP. THESE ACTIONS ARE USUALLY HARD TO PROVE, SUBJECT TO MANY DEFENSES, AND TAKE CONSIDERABLE TIME TO REACH COURT. IF CLAIM IS MADE ON WORK WHICH IS IN OUR CATALOGUE, PLEASE NOTIFY YOUR LOCAL COUNSEL SO THAT THERE WILL NOT BE A DEFAULT PENDING ADVICE FROM US AND SEND US COPIES OF COMPLAINTS OR WRITTEN CLAIMS OF COPYRIGHT INFRINGEMENT IMMEDIATELY. WE HAVE TAKEN OUT ONE MILLION DOLLARS OF COPYRIGHT INSURANCE COVERING OUR CATALOGUE AND PROTECTING OUR BROADCASTING STATIONS AND THEIR ADVERTISERS, ADVERTISING AGENCIES AND PERFORMING ARTISTS. DETAILS OF THIS COVERAGE WILL BE FURNISHED YOU LATER.

BROADCAST MUSIC, INC.

Tacoma Decision

Here is the text of the three-judge Federal District Court decision in Tacoma, Washington, denying ASCAP an injunction against enforcement of the Washington state copyright law:

HANEY, Circuit Judge

This is a suit to enjoin enforcement of a Washington Statute on the ground of its unconstitutionality. The cause has been submitted on an application for a permanent injunction.

Briefly stated, the Statute attacked declares it to be unlawful for separate copyright owners to pool the copyrights in order to fix prices, collect fees, or issue blanket licenses for the use of such copyrights, except where the licenses are issued assessing rates on a "per piece" system of usage. The detailed provisions of the Statute need not be discussed.

The Bill prayed for a permanent injunction restraining defendants from taking any act or proceeding under the Statute, and for a decree declaring such Statute unconstitutional. It is alleged in the Bill that on February 13, 1914, a small group of composers, authors and publishers organized a voluntary unincorporated nonprofit association under the laws of New York, which they designated as the American Society of Composers, Authors and Publishers, hereafter called the Society, for the purpose of licensing to users of music throughout the country the right to publicly perform for profit the works of its members. It was further alleged that there are approximately 123 publisher members of the Society and about 1000 writer and composer members of the Society. . . . That such members assign their respective exclusive right of public performance for profit in their respective musical compositions . . . that similar organizations exist in foreign countries, and the Society has the exclusive right to and does license within the United States, the public performance for profit of the musical compositions copyrighted by all members of such foreign societies . . . and that the Society's blanket license permits the licensee to use many hundreds of thousands of compositions composed and written by more than 44,000 members of such foreign societies.

It appears that the members assign to the Society the exclusive right of public performance, and the Society then has the exclusive right to permit by licenses, licensees to use or not to use the compositions of the Society's members, to fix the prices for licenses, to sue for infringement, and in general, to manage the right of public performance in the same manner as the owner of the copyright.

The motion to dismiss on behalf of the defendants, was based on several grounds, one of which was "That mere unconstitutionality, even assuming it to exist, does not warrant injunctive relief, but that the facts alleged must bring the case within the recognized rules of equity relating to injunctions, and that complainants have not done so." The motion to dismiss filed by intervener KMO, Inc., states a number of grounds, one being that the plaintiffs are not entitled to equity because they were a monopoly. Although no answers have been filed, we may treat the motions to dismiss as answers. Intervener Lockhart argues the monopoly question, but his motion to dismiss does not present such question. We treat his motion as an answer and amended so as to present the question.

Regarding the completeness of the monopoly of the Society, it is said in Buck v. Swanson, D. C., Neb. . . . J. 33 F. Supp. 377, 386. . . .

"Of the popular music necessary for the successful operation of radio stations, dance halls, hotels and theaters, the Society has control of about 85 per cent or 90 per cent and also has control of from 50 per cent to 75 per cent of the standard or older music that is played occasionally. All of the large and more influential publishers of music in the United States are members of the Society. The users of music in Nebraska can not successfully carry on their business except they deal with the plaintiff Society because there is no place where nor person or agency to whom users of music in Nebraska may go in order to deal for public performance rights and negotiate for music in any substantial amount sufficient to meet the ordinary needs of music users in the State, except the Society."

Mr. Justice Black in Gibbs v. Buck, 307 U. S. 66, 81, says:

"This combination apparently includes practically all—probably 95 per cent—American and foreign copyright owners controlling rendition of copyrighted music for profit in the United States. Not only does this combination fix prices through a self-perpetuating board of twenty-four directors, but its power over the business of musical rendition is so great that it can refuse to sell rights to single compositions, and can, and does, require purchasers to take, at a monopolistically fixed annual fee, the entire repertory of all members controlled by the combination."

In the instant case the testimony of the operators of two of the largest radio broadcasting stations in Washington was that it would be impossible to operate such stations without the music controlled by the Society. The Society has neither submitted evidence, nor made argument to the contrary.

On the hearing for an injunction pendente lite, we dismissed the cause for lack of jurisdiction. Buck v. Case, 24 F. Supp. 541. On appeal our decree was reversed with directions to take evidence on the jurisdictional question. Buck v. Gallagher, 307 U. S. 95. Subsequently, we referred the cause to a special master for the taking of evidence on the question, and directed him to make findings. The special master found facts disclosing jurisdiction in the court below. Believing that the evidence supports such findings, we sustain them as not being clearly erroneous.

Plaintiffs contend that the Washington Statute is unconstitutional for a number of reasons, and rely on Buck v. Swanson. . . . D. C. Neb. . . ., 33 F. Supp. 377, Buck v. Harton. . . . D. C. Tenn. 33 F. Supp. 1014, and Buck v. Gibbs. . . . D. C. Fla. . . . 34 F. Supp. 510, holding somewhat similar statutes unconstitutional. Before passing on that question, it is necessary to determine whether or not plaintiffs may invoke the aid of a court of equity. If a party "has been engaged in an illegal business and has been cheated, equity will not help him." Wheeler v. Sage, 68 U. S. . . . 1 Wall. . . . 518, 529.

In other words, before plaintiffs may invoke the aid of a court of equity, they must come into court with clean hands. Keystone Co. v. Excavator Co., 290 U. S. 240, 244. If the Society exists in violation of the Sherman Anti-Trust Act, it and the members composing it, are not entitled to a decree for its benefit. Section 1 . . . 15 USCA Sec. 1 . . . of the Sherman Anti-Trust Act provides in part . . .

"Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several states, or with foreign nations, is declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor." . . .

Section 2 . . . 15 USCA Sec. 2 . . . of such Act provides in part:

"Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several states, or with foreign nations, shall be deemed guilty of a misdemeanor. . . .

Whatever the distinction between these two sections may be, the supreme court has recently said that Congress, by the act in question, "Extended the condemnation of the statute to restraints effected by any combination in the form of trust or otherwise, or conspiracy, as well as by contract or agreement, having those effects on the competitive system and on purchasers and consumers of goods or services which were characteristic of restraints deemed illegal at common law."

Apex Hosiery Co. v. Leader, 310 U. S. 469, 498. The "Effects" mentioned were "business and commercial transactions which tended to restrict production, raise prices or otherwise control the market to the detriment of purchasers or consumers of goods and services." ID., p. 493.

Such effects were brought about by "Contracts for the restriction or suppression of competition in the market, agreements to fix prices, divide marketing territories, apportion customers, restrict production and the like practices, which tend to raise prices or otherwise take from buyers or consumers the advantages which accrue to them from free competition in the market." ID., p. 497.

There can be little question here that the Society has the power to fix prices for the right to publicly perform compositions for profit. Likewise, it has restricted substantially all competition in the sale of such rights, because it has all such rights. Since the Interstate Commerce feature is conceded to be present, the Society clearly violates the Act in question . . . United States v. Socony Vacuum Oil Co., 310 U. S. 150, 223 . . . unless the right to publicly perform for profit is not embraced within the Act. Upon that point the Act says nothing expressly about rights or commodities. The statute is aimed at "Restraints" of trade and commerce, and not at the "subjects" of the trade or commerce. Rights may be and often are the subject of trade or commerce, and the Sherman law limits restraints of trade in "rights" as well as commodities. Standard Sanitary Mfg. Co. v. United States 226 U. S. 20, 49.

The restraint here is the power acquired by the assignments of the Society's members, to deal in a right acquired by copyrights and thus we have a contract or combination in restraint of trade. Straus v. Am. Publishers Assn., 231 U. S. 222, 234. Plaintiffs contend that if the activity of the Society "Affects trade or commerce, it promotes rather than restrains it." Here, we are not concerned with such questions. Congress has decided that if such a combination has acquired power to fix prices, it is an illegal combination in restraint of trade. Plaintiffs further contend that the power to fix prices, as here, is not the odious "price fixing" condemned by the Act in question. They say that while a gallon of oil is the same no matter who sells it, musical compositions are not gallons of oil, but each of them is different. All we have said before, it is immaterial what the subject of the trade or commerce may be. The fact is that the Society has acquired the power to fix the prices at which rights of a particular nature may be purchased by prospective users. We think that is sufficient under the statute.

Buck v. Swanson. . . . D. C. Neb. . . . Supra, Buck v. Horton. . . . D. C. Tenn. . . . Supra, and Buck v. Gibbs. . . . D. C. Fla. . . . Supra, do not involve the point herein taken.

Let the bill be dismissed.

Labor

OVERTIME PRE-PAYMENT

A great many broadcasters are failing to take advantage of the money-saving overtime prepayment plan that can be used to avoid extra cost under the Wage and Hour Act.

The plan is simple. Take the case of an announcer who regularly works 40 hours a week for $40. You need him only 36 hours one week. Pay him his usual $40, and credit yourself *on your books* with $4 overtime prepayment. Three weeks later (or at any later date) he works 44 hours. He is entitled to his regular $40, plus $6 overtime. However, he has been prepaid $4 of the $6, and so his payment that week will be only $42.

Time off for fishing trips, funerals, and the like can be used to the same advantage, *provided that it is understood between the employer and employee that the regular salary is for a full week's work, and that any time off will be used to establish credit against future overtime.*

Vacations, holidays, and sick leave could be used for the same purpose if it were similarly understood between the employer and employee. However, the NAB is of the opinion that it would be of doubtful wisdom, in the long run, to compel employees to make up time off for vacations, holidays and sick leave when this has not been the practice in the past.

Any broadcaster contemplating the use of the prepayment plan should notify in writing each employee involved how he will be affected. A copy of this notice should be retained in case it is requested by the Wage and Hour inspector.

The prepayment plan cannot be used in the cases of employees who customarily work an irregular number of hours. Their regular hourly rate for the purpose of determining overtime, must be determined week by week.

Here is the Wage and Hour Division's official statement on the prepayment plan:

Salaried Employees

Let us take the example of a salaried employee who earns $20.00 a week for a regular workweek of 42 hours and whose regular rate of pay is therefore 50 cents an hour. ($20 ÷ 40 hours.)

Weeks	1	2	3	4	5	6	7	8
Hours	36	40	40	40	40	40	40	48

For the first week the employee will receive $20.00 although he earned and is entitled to only $18.00 (36 hours × 50 cents). The employer will credit himself with $2.00 as a prepayment of compensation for overtime to be subsequently worked. The employee will receive $20.00 during each of the next six weeks. For the eighth week the employee is entitled to $26.00. ([40 hours × 50 cents] + [8 hours × 75 cents]). He will thus have worked off the entire credit of $2.00 accumulated by the employer and will receive $24.00 in cash.

The validity of the plan as outlined depends upon the assumption that the employee is overpaid when he received $21.00 for the first week of 36 hours and that therefore the employer has loaned or advanced him $3.00. In addition to the criteria set forth under case I to determine whether the "loan" or "advance" is real or only a bookkeeping device an additional consideration comes into play with respect to the salaried employee who works a regular number of hours. If the employer, who contemplates adopting a "prepayment" plan is presently required by contract or agreement with the employee, express or implied, to pay him the fixed wage or salary even when the employee works less than the regular number of hours in some week or weeks, it cannot be said that the employee is paid in excess of what he earns or is entitled to when he receives the fixed wage or salary in such weeks.* He has received no "loan" or "advance" and no amount therefore may be credited to the employer as a prepayment of compensation for overtime to be subsequently worked.

For the same reason a prepayment plan cannot be applied to a salaried employee who works a fluctuating number of hours.

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* It cannot be emphasized too strongly that the validity of the plan depends upon the assumption that when the employee receives $20.00 in the weeks when he works less than 40 hours, he is being paid in excess of what he earns or is entitled to and is therefore given a loan or advance which he may work out by subsequent overtime. . . . The determination of this question may depend upon what the parties understand will happen when an employee severs his relationship with the employer. If the employer still has some accumulated credits at that time, will some attempt be made to get back the amount of the "loan" or "advance" from the employee since there is no further possibility that it will be worked out by subsequent overtime? The fact that no attempt will be made by the employer to collect the amount due him either by deducting such amount from the employee's last check or by some other way, is some indication that the "loan" or "advance" is simply a fictitious bookkeeping device.

Similarly the fact that at the end of the year or at the end of some shorter period credits accumulated by the employer are simply wiped off the slate and a new start is made, is some indication that there is no "loan" or "advance" in fact but simply a bookkeeping device. If there is no "prepayment" in fact and the plan is nothing but a bookkeeping device, the Act will have been violated. No one criteria may be sufficient to determine this question but all the criteria set forth herein will be given weight in deciding this question.

Since the nature of such an employee's employment is that he will receive the fixed basic salary regardless of the number of hours worked it cannot be said that such an employee is paid in excess of what he earns or is entitled to in any week in which he receives the fixed salary eevn though such weeks may have been short weeks.

We have considered above the question of the conversion of a salaried employee working a fluctuating number of hours into an hourly rate employee.

The amounts paid to an employee while absent from work on a vacation, holiday, sick leave or other miscellaneous periods of leave, may not be considered by the employer as prepaid overtime compensation just as the time off during such periods may not be used to balance overtime worked within the pay period. Payment during holidays, vacations, etc., is not payment *for overtime* and may not be considered by the employer as compensation for the employee's overtime work under the Act.

In two respects a prepayment plan, if it may be properly applied to salaried employees, is not subject to the same restrictions as a "time off" plan. It is not confined, in its operation, to the pay period. Credits to the employer, i. e., amounts paid by him in excess of the amounts earned by the employee or to which the employee is entitled, may be carried over beyond the pay period until they are consumed by the overtime work of the employee. Secondly, a prepayment plan may be applied to employees who are paid weekly.

It need not be restricted in its application, as is the "time off" plan, to employees paid on a bi-weekly, semi-monthly, or monthly basis. Under a prepayment plan the employee is being paid the overtime compensation due him, either in advance or, at the latest, at the time of the regular pay period.

Where applicable, a "time off" and "prepayment" plan may be applied in conjunction with each other.

Sales

PAUL PETER ADDRESSES MARKETING ASSOCIATION

Paul Peter, NAB Director of Research, spoke Thursday, December 26, before the American Marketing Association in convention at Chicago. The convention session, at which Mr. Peter spoke, was titled "Advertising, 1941 Model—How to Get More For Your Advertising Dollar". Mr. Vernon D. Beatty, Advertising Manager of Swift & Company, was chairman of the session and introduced the speakers as follows:

"Put More in Newspapers"—Fred Dickinson, Bureau of Advertising, American Newspaper Publishers Association.

"Put More in Magazines"—Frank Braucher, Periodical Publishers Association.

"Put More in Outdoor"—F. N. McGehee, Outdoor Advertising, Inc.

"Put More in Radio"—Paul F. Peter, Director of Research, National Association of Broadcasters.

Mr. Peter summarized his discussion as follows:

"Why Put More in Radio? Because broadcasting faces 1941 with the largest circulation of any advertising medium . . . 9 out of 10 homes with radio . . . more than a third of passenger cars are radio-equipped . . . 50 million radios in the country.

"Because the use of these sets is increasing . . . a greater percentage of families use their sets daily . . . use them for more hours per day . . . use them more in the summer as well as the winter . . . use them more in the daytime; morning, afternoon and evening.

"Because the use of sets in upper, middle, and lower income families is increasing . . . average program ratings are rising giving advertisers lower cost per thousand results . . . lower than any other advertising medium.

"Because the nation's largest advertisers are giving a greater share of their advertising appropriations to radio . . . greater than any other advertising medium.

"Because the 'super-advertisers', those spending a million dollars or more in the three major media, put the major share of their budgets in radio . . . more of them 'major' in radio than any other medium.

"Because the average American family is spending more money annually for radio listening (operations, ownership and upkeep) than for purchases of newspapers and magazines combined. Etc. . . . Etc. . . ."

NRDGA ASSOCIATE MEMBERSHIP

As a result of a conference with Joseph E. Hanson, manager of the Promotion Department of NRDGA, the solicitation of radio stations to take out associate membership in that organization will be held in abeyance. We are endeavoring to work out a plan with Mr. Hanson which we feel will be mutually beneficial to his organization, to the broadcasters and to NAB. Any contemplating membership in NRDGA are asked to communicate with us before taking any action.

VOORHIS BILL

The Voorhis Bill (H. R. 10720) to tax advertising expenditures in excess of $100,000 annually, has died with the close of this Congress. Presumably, however, it will be introduced again early in the new Congress.

If enacted, it would operate to prevent advertisers from deducting advertising expense,—over and above a basic exemption of $100,000 to each business,—from gross income in computing taxable net income under the Federal income tax and excess-profits tax laws. The effect of such enactment would be widespread, as there are several hundred advertisers whose expenditures for advertising in major media annually exceed $100,000.

The Voorhis Bill (Voorhis, D.—Cal.):

A BILL

To provide funds for the national defense; to prevent avoidance of taxes by unlimited investment in advertising; to control uneconomic advertising expense engaged in by the liquor, tobacco, and luxury trades; to discourage advertising on the public highways and to derive revenue therefrom; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

SECTION 1. This Act may be cited as the "Advertising Tax Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) Congress hereby finds (1) that some taxpayers are and for many years have been avoiding income taxes by making extravagant investments in good-will advertising; (2) that the graduated levies of the new defense taxes will be largely nullified if unlimited deductions for advertising expense are permitted in computing taxable net income; (3) that much of the advertising sponsored by the liquor, tobacco. and luxury trades is an economic waste not permitted in other countries; and (4) that advertising on the public highways is a partial use of the public domain and advertisers are fairly chargeable therefor.

(b) It is hereby declared to be the policy of this Act that the conditions hereinbefore referred to shall be corrected.

DEFINITIONS

Sec. 3. When used in this Act—

(a) "Advertising" means and shall include all expense incurred which publicizes within the boundaries of the United States a business or its products and is for the purpose of promoting the business enterprise. It shall include all radio programs, publications, posters, and notices except items of office stationery and expense. It shall also include all legislative and lobbying expense and all attorney's fees directed toward the influencing of legislation.

(b) "Taxpayer" means and shall include any person, individual, trust, estate, corporation, or organization who files a return under the income-tax or excess-profits-tax laws of the United States.

(c) "Billboard" means and shall include all billboards, signs, posters, or posted advertisements fronting on and visible from a public highway. Each variation or change in subject matter shall constitute a different billing or billboard. "Billboard" within the meaning of this Act shall not include signs or posters which advertise a business conducted or a product sold on the premises and such signs or posters shall be exempt from the special license fee or tax imposed by section 4 of this Act.

(d) "License" means a suitable tag or label to be devised by the Commissioner and appended by the taxpayer to the lower left corner of each billboard to indicate payment of the tax.

(e) The "Secretary" means the Secretary of the Treasury of the United States.

(f) The "Commissioner" means the Commissioner of internal Revenue of the United States.

(g) The "United States", when used in a geographical sense, means and includes the several States, the District of Columbia, the Territories, and all possessions.

EXCISE, TAX, OR DUTY

Sec. 4. (a) There is hereby levied an excise, tax, or duty of $1 for each calendar year or part thereof on each billboard in the United States.

(b) Failure to pay the said excise, tax, or duty and affix a license to a billboard within ten days following the erection thereof shall subject both the advertiser and the erector to a fine of $100 for each such offense and the billboard shall be subject to destruction or sale at the discretion of the Commissioner.

(c) The revenue raised under this section shall be paid into the special fund established by title III of the Revenue Act of 1940 for the national defense.

DEDUCTIONS FOR ADVERTISING

Sec. 5. (a) All advertising expense of any taxpayer shall be taxed as net income under the income-tax and excess-profits-tax laws of the United States (titles I and II of the Revenue Acts of 1940). No deduction of advertising expense from gross income shall be allowed in computing taxable net income thereunder.

(b) A basic exemption of $100,000 a year shall be permitted each business. If two or more taxpayers constitute the ownership of a single business, they shall be entitled to only a single exemption to be shared between them. What constitutes a single business shall be governed by regulations to be issued by the Commissioner.

(c) The Secretary, the Commissioner and taxpayers shall have the same rights and duties hereunder as they have in regard to the income-tax law.

CONFLICTING LAWS

Sec. 6. All Federal Acts or parts of Acts in conflict with any of the terms of this Act are hereby expressly repealed to the extent of such conflict.

DATE

Sec. 7. This Act shall take effect upon its enactment.

Miscellaneous

NAB ASSOCIATE MEMBERSHIP

At its meeting last month, the Board of Directors approved a plan of Associate Membership submitted by the Board committee consisting of Messrs. John J. Gillin, Jr., Earl Gammons, and Eugene P. O'Fallon. The plan opens Associate Membership in NAB to Transcription Companies, Equipment Manufacturers, Station Representatives and News Services. Dues are based upon a classified schedule and have been worked out on a fair and equitable basis.

The new plan accords to Associate Members all rights of membership except voting and gives them official recognition at the NAB convention. Only those who are Associate Members in good standing will be permitted to conduct exhibits or establish their headquarters rooms in the hotel where the convention is being held. An official list of exhibitors will be published and the Association will stand a certain portion of the Associate Members' exhibiting expense. The members of NAB are asked to assist in securing associate memberships from those companies which are eligible. Before the next copy of the Reports reaches you, the number one mailing piece in the associate membership campaign will have been gotten out to all prospects. Any assistance which any of the members can render us in rounding up these associate memberships will be greatly appreciated.

50,100,000 RADIO SETS

MEMO TO STATION EXECUTIVES:

It is suggested that the information below be included in an appropriate news show over your station and be used additionally where it will do the most good.

ARTHUR STRINGER.

The number of radio sets in use in the United States is estimated by the National Association of Broadcasters to be 50,100,000 as of January 1, 1941. This is a net increase of 6,100,000 receivers in use over the year previous.

Included are consoles of all types, portable sets, new "personal" radios and auto radios.

The figures of set ownership in the United States indicate that the country is well along on a program of a set in every room and in every automobile. This increasing availability to the instrument of program reception points to far more radio listening than was considered possible two or three years ago.

"50,000,000 Radio Sets by Christmas", the radio industry's special promotion, during the past December, played an important part in lifting set ownership to the new high figure.

NEW YORK TAX

The NAB-New York Tax Committee, appointed last week by Neville Miller to resist the proposed assessment of station operating equipment by the City of New York, met in New York last Friday. Decision was reached to employ local tax counsel at once and to urge New York City stations to give the committee their support. The City of New York Tax Department proposes to tax as real estate under the state law all radio, television and facsimile equipment. The committee contends such equipment is personal property and not taxable as real estate. The next meeting will be held in New York on January 3.

Those in attendance were: Emanuel Dannett, WOR; Howard Hausmann, CBS; Henry Ladner, NBC; E. C. Sanger, WQXR; and Russell P. Place, NAB.

FEATURE SPORTS SHOW

Ellis Atteberry, manager of KCKN, Kansas City, had an outstanding feature sports show on Christmas Day. His effort was ably supported by a four column spread in the *Kansas City Kansan.*

Greetings from members of the Kansas City Blues baseball team, 1939 American Association pennant winners, received from all parts of the United States, were read over the air. The program also featured interviews with:

Roy Hamey, secretary of the pennant-winning blues, and Walt Lochman, winner of the Minor League's "most popular announcer" award; and included Christmas messages from the Mayor and City Manager, from five sports writers of Kansas City newspapers, from Ed Barrow, president of the Yankees, from Gabriel Paul of the World's Champions Cincinnati Reds; and from Frank Collety of the American Association.

Engineering

OHIO STATE CONFERENCE

The announcement of the full program for the Fourth Ohio State Broadcast Engineering Conference shows that an unusually interesting number of talks and lectures are to be given. Talks and lectures previously announced in the NAB Reports (p. 4819) are to be by E. K. Jett, Chief Engineer of the FCC; A. D. Ring, Assistant Chief Engineer of the FCC in charge of broadcasting; Harvey Fletcher, Bell Telephone Laboratories; Major Armstrong of Columbia University; W. R. G. Baker, Director of Engineering for the Radio Manufacturers Association and Peter Goldmark of the Columbia Broadcasting System.

Recent discussions on high fidelity in connection with FM have produced considerable interest in quality. Several sessions such as "Speech Input Systems" by C. M. Lewis and J. D. Colvin, "Studio Acoustics" by Paul J. Washburn, "Sound Reproduction from Recordings" by V. F. Hunt, "Loud Speakers" by H. F. Olson and "Hearing The Determining Factor For High Fidelity" by Harvey Fletcher will deal with the subject of faithful reproduction.

Kenneth A. Norton from the FCC, long noted for his scientific work on radio will deliver a lecture on transmission in the Ultra High Frequencies. Mr. Norton has done some outstanding work on UHF transmission and his talk should be of unusual interest. Andrew Alford, well known for his antenna work in connection with blind landing, has recently turned his attention to the application of some of his developments for other UHF services. His talk will be entitled "UHF Antennas and Transmission Lines." Raymond F. Guy of the National Broadcasting Company, one of the keenest students on FM will deliver a talk entitled "FM Field Tests". Mr. Guy's talk will deal with the evaluation of the merits of AM and FM with various deviations. The talk will be illustrated with a set of test records recorded to demonstrate the various effects encountered under different conditions.

There will be a Round Table on FM problems under the Chairmanship of Paul deMars of the Yankee Network with E. J. Content of WOR and Dan Gallerup of WTMJ at the table. Those who have particular questions on FM that they would like to hear discussed at the Round Table, are requested to send the questions to the Director of Engineering of NAB.

Lynne C. Smeby, Director of Engineering for NAB will be Chairman of the "General Discussion and Question Box", conducted by Andrew Ring of the FCC. Those who have questions on FCC engineering matters that they would like to have discussed during this session, are requested to send their questions to the Director.

Following is the complete schedule:

Speech Input Systems, C. M. Lewis, J. D. Colvin, RCA; Studio Acoustics, Paul J. Washburn, Johns-Manville; Polyphase Broadcasting, Paul Loyet, Central Broadcasting Company; Round Table on Receivers, J. Kelly Johnson, Hazeltine Corp., E. B. Passow, Zenith Radio Corp., W. L. Dunn, Belmont Radio Corp.; Sound Reproduction from Recordings, F. V. Hunt, Harvard University; General Discussion and Question Box, Andrew D. Ring, FCC, Lynne C. Smeby, NAB; Loud Speakers, H. F. Olson, Radio Corporation of America; Television Standards, W. R. G. Baker, General Electric Company; Color Television, Peter C. Goldmark, Columbia Broadcasting System; The Status of Television, Harry Sadenwater, Radio Corporation of America; Television Station Operation, Robert M. Morris, National Broadcasting Company; Television Field Pickups, Harold P. See, National Broadcasting Corp.; The Status of Frequency Modulation, Edwin M. Armstrong, Columbia University; FM Receivers, M. L. Levy, Stromberg-Carlson; FM Field Tests, Raymond F. Guy, National Broadcasting Company; Operating Problems in FM Transmitters, I. R. Weir, General Electric Company; FM Broadcast Transmitter Circuit Design, John F. Morrison, Bell Telephone Laboratories; FM Allocation and Coverage, Stuart Bailey, Jansky & Bailey; UHF Antennas and Transmission Lines, Andrew Alford, Mackay Radio and Telegraph Company; Round Table on FM Problems, E. J. Content, WOR, Paul deMars, Yankee Network, Dan Gallerup, WTMJ; Hearing the Determining Factor for High Fidelity, Harvey

Fletcher, Bell Telephone Laboratories; UHF Transmission, Kenneth A. Norton, Federal Communications Commission; UHF Tubes, E. D. McArthur, General Electric Company.

Special Features—E. K. Jett, "Communications in National Defense"; Dinner, Ft. Hayes Hotel; Basketball Game—Ohio State vs. Purdue; G. C. Southworth, "Wave Guides"; and Banquet, Ft. Hayes Hotel.

The Conference is to be held at Columbus, Ohio, between February 10 and 21. Full details may be obtained by addressing Dr. W. L. Everitt, Director of the Conference, Ohio State University, Columbus, Ohio.

Outlook for Radio

Remarks of Neville Miller, President, National Association of Broadcasters—America's Outlook for 1941, MBS, Sunday, December 29, 1940.

Available reports indicate that you, the American radio listeners, have purchased ten million additional radios in the past year, increasing the total number of sets in use to more than fifty million. It is safe to say that in 1941 there will be more listening to radio than in any previous year. What this means in terms of national unity; what it means in maintaining the morale of the nation will be well illustrated later in this evening when the President speaks to the nation. Through radio. his voice is within the hearing of every man, woman and child in the nation. If there be a threat to our home security our leaders now may sound the warning to all within the matter of seconds where before the days of broadcasting, hours, weeks and even months were required. It is of the greatest importance that this system of mass communication stand up in times of need.

In the past year the American system of privately operated, competitive radio was given its greatest test. Both a presidential campaign and a world war were upon us. Both combined to create problems of programming and operation without precedent in broadcasting experience. I believe that the record turned in is another tribute to American enterprise and to the sincerity of the American broadcaster in serving the public interest. Candidates of the contending parties were given equal opportunity before the microphone. Debates and challenges filled the air in typical American style. As we listened to the candidates we heard the issues explained. We made up our minds and went to the polls and voted as free men and women are privileged to do. And having made our choices we now forget our differences and rally behind our leaders in the common defense of our homes and of our liberties. This is the essence of democracy and American Radio is proud to be its voice.

In the year ahead, radio's responsibility to the home and to the nation will be greatly enlarged. The reporting of our national defenses, day by day, and hour by hour if needs be, is a prime responsibility. The cooperation of radio with government, with the Army and Navy is growing as new situations arise. The religious, the educational and the cultural contributions of radio must and will go on. And none the less important will be the programs of entertainment and amusement to bring us moments of diversion and relaxation in the trying days ahead. We will need, as well, the inspiration of great music, of great drama and of great artists. These radio will bring us. The service of radio to agriculture, to commerce and to the consumer will not be diminished. Also it is with confidence that we can look forward to further progress in the radio art, technical and otherwise. All in all radio enters 1941 proud of its past and come what may in this new year our microphones are ready and prepared for the task.

FEDERAL COMMUNICATIONS COMMISSION

FCC FINANCIAL QUESTIONNAIRE

Several points have arisen in connection with the filing of the Financial Report required by the FCC. FCC Rules and Regulations require this Report to be filed on or before March 1. It will be recalled that last year the Commission granted an extension of time, to April 15, to those stations which requested it and set forth justifiable reasons for the delay (NAB Reports January 12, 1940, p. 3951).

The matter has been again presented to the Commission and there is every hope the same procedure will be followed this year. It is suggested to those stations finding an extension necessary file application therefor with the Commission at a reasonable time before March 1.

In addition to this final report, it will be noted that the Commission also requests the submission by January 15 of an "Analysis of Station Broadcast Revenue". Such report is for the purpose of aiding the accounting department of FCC to determine the financial position of the industry in advance of the availability of final data. Broadcasters are requested, wherever possible, to cooperate. This request of the Commission is not a demand order, but merely asks for advance information from those stations which can supply such income information in advance. It should be further noted that the Commission requires all financial information on an accrual basis, which means that all business performed in the year 1940 would be included in the revenue schedule regardless of when the service is billed or finally paid for. Most stations will have such information readily available in the form of sales reports.

NAB feels that there is value in the advance filing of the revenue schedule and, therefore, urges those stations who can supply the information required by January 15th, to make every effort to do so. Those stations not finding it possible to complete the schedule should so advise the Commission and set forth the reasons for their failure to comply.

FCC ANNUAL REPORT

Following is the FCC's summary of its annual report to Congress, covering the year ended last June 30:

In an annual report which incorporates important developments since the close of the fiscal year, the FCC chronicles new milestones in the advancement of broadcasting, and cites augmented duties in supervising radio, telephone, telegraph, and cable in connection with the national defense program.

This streamlined report is almost half the size of the one last year. To summarize some of its highlights:

National Defense—The Commission's particular role in the preparedness program is to "police" radio communications. In consequence, it has added to its monitoring and other field facilities. Also, it must keep tab on the many persons who operate electrical apparatus capable of farflung and almost instantaneous communication. So it is requiring all radio operators (about 100,000 licensees—including commercial and amateur) to prove their citizenship. Common carriers are compiling similar data with respect to employees who engage in international communication. The Commission has banned amateur communication with foreign countries, and, further, prohibits the use of portable long-distance transmitters by amateurs. Such steps are precautionary rather than disciplinary. The Commission does not want to interfere with radio and wire communications any more than is necessary for the national protection. Individuals and industries concerned are collaborating in this common contribution toward the national security. The relationship of radio, wire, and cable facilities to the preparedness picture is being further coordinated in planning by the Defense Communications Board, created by Executive order in September.

Broadcasting (FM)—Last year, which marked the 20th anniversary of broadcasting, was notable because of Commission recognition of a new type of public service in frequency modulation, popularly known as "FM." The ensuing year will offer practical demonstration of FM's claimed clarity and staticless qualities. Also, by utilizing the high frequencies, FM promises to relieve the long congested standard broadcast band. Business will benefit by the new equipment, sets, and servicing which FM requires. And, by being generally limited to local coverage, this new service should have a stimulating effect on local programming. Distinctive call letters have been assigned. To date the Commission has authorized 25 FM stations to engage in full commercial operation.

Broadcasting (Standard)—This older type of broadcast (which uses amplitude modulation) should experience a marked improvement in service by reason of the North American Regional Broadcasting Agreement, effective March 29th next. Mutual interference problems are expected to be eliminated or minimized as a result of this compact between Canada, Cuba, Mexico, and the United States. To make agreement possible, the Commission is effecting an orderly shift of frequencies without disturbing the general broadcast structure. A total of 846 standard broadcast stations were operating or under construction during the fiscal year. There were 79 new authorizations and 10 deletions. Increased use of directional antennas is necessary in coping with the interference problem. During the calendar year 1939 a total of 705 standard broadcast stations (including networks) reported total time sales approaching $130,000,000, making a net income of nearly $24,000,000. They also listed a payroll of nearly $52,000,000 for nearly 25,000 employees. The report of the Commission's special committee on chain broadcasting was the subject of oral argument in December in connection with its consideration by the full Commission. Commission inquiry revealed some 200 domestic stations broadcasting in about 30 foreign languages. Commission action in five broadcast cases was upheld by the United States Supreme Court.

Bboadcast (International)—Broadcast service to Latin America was improved by reason of the Commission requiring power of at least 50 kilowatts for international program service. In this country 13 international broadcast stations were operative.

Television—Television is now making substantial progress with the cooperative assistance of that industry and the Commission. More than a score of stations geographically distributed throughout the nation have been licensed to experiment with various types of transmission with a view to reaching early accord on uniform standards which will enable television to move forward on a full commercial basis. Participating stations have budgeted a total of $8,000,000 for this practical experimental work. In conjunction with such effort, a National Television Systems Committee, jointly sponsored by the Radio Manufacturers Association and the Commission, has made a thorough study of the engineering phases of the situation which should be helpful in arriving at a general agreement. The continued rapid evolution of television is attested by developments in color reproduction, large-screen projection, and new service demonstrations.

Miscellaneous Radio Services—Increased use of radio for miscellaneous services is noted. Police stations have increased to 6,300, aviation stations to nearly 2,000, and more than 1,000 stations are employed for forest conservation work. The Commission clarified its rules with respect to more than 450 special emergency stations. This class of station has demonstrated its ability to establish radio communication in time of emergency. The Commission completed its final report on a special study of radio requirements for safety purposes on the Great Lakes and Inland Waters, and gathered information with respect to possible like need on the Mississippi River system. There are 56,300 amateur stations in operation. Some 40,000 commercial operator licenses were handled during the year. Inspection was made of radio installation on more than 14,000 ships and at some 8,600 land stations.

Telegraph—As a remedy for many ills in the highly competitive telegraph industry, the Commission recommended merger of the domestic telegraph companies, and, further, urged consolidation of international communication carriers domiciled in the United States in the interests of defense and other national needs.

Telephone—Savings to telephone users aggregating $10,000,000 annually are indicated by tariff revisions filed with the Commission since its previous annual report. New construction amounting to more than $9,000,000 was authorized.

Cable—Some cable, as well as radio, circuits were disrupted as a result of the war, and the Commission speeded authorizations for new or temporary replacements.

Accounting—More than 23,000 tariff schedules were filed by common carriers. The Commission adopted a revised uniform system of accounts for telegraph and cable carriers, to become operative in 1942. The new system, which conforms to Government accounting principles, will supplant one in use since 1914.

Recommendations to Congress—None, other than those contained in the Great Lakes and telegraph merger reports.

FCC APPROPRIATIONS

FCC officials will go before a subcommittee of the House Committee on Appropriations within the next few days asking for an appropriation of $2,315,229 for the 1942 fiscal year. The appropriation under which the Commission is now operating is for $2,176,340.

The breakdown of the money being asked by the Commission for the coming fiscal year includes: for the Legal Division, $281,952; Engineering Division, $840,000; Accounting, $379,227; Secretary's office, $534,767; and "other obligations", $271,296.

FCC DUTIES

FCC has announced that the work, business and functions of the Commission for the month of January have been assigned as follows:

Commissioner Case	Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.
Commissioner Thompson	Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

FROM THE FCC MAIL BAG

A Californian asked the Federal Communications Commission to do something about interference to his radio reception caused by a flasher used by a neighbor on his Christmas lights. The Commission advised that under the law it has no authority itself to interfere in such local matters, but suggested that a number of states and municipalities do have ordinances intended to curb radio interference of this type.

Another Californian, who complains of interference from Mexican stations, is told that the Commission has no jurisdiction over broadcast stations in other countries, but is reminded that reallocations of frequencies under the North American Regional Broadcasting Agreement, scheduled to go into effect March 29 next, promise a general improvement in radio reception.

Though the Commission cannot pass upon individual radio programs, it refers a Schenectady man direct to a station which he complains is using the national anthem as part of a commercial continuity. By the same token, it bids a Philadelphian write to networks which he feels are using programs that are "mob spirited" and "appeal to greed". However, the Commission can't oblige an Indianapolis music fan who would like to see a local station compelled to carry a certain concert program.

A Mount Vernon, N. Y., resident is informed that there is nothing in the Communications Act or regulations to prevent the solicitation of new bank accounts by radio. A Rhode Island woman is told that the Commission cannot undertake the collection of alleged over-due music royalties and that the matter is rather one of legal proceeding.

A North Carolinian, who is interested in recording programs as they come over the air for use in public schools, is advised that such practice is not contrary to Commission rules but may involve problems of copyright law.

The Commission is in receipt of a suggestion by a Californian that radio broadcast stations be equipped with sirens to warn listeners of air raids in event of war.

It is pointed out to a Philadelphia concern that broadcast is not a common carrier service like telephone and telegraph, hence the Commission has promulgated no accounting regulations for radio stations. However, it does require station licensees to file annual financial reports.

A Harvard law student who inquires about "res judicata" in Commission administrative proceedings is informed:

> The doctrine of "res judicata" does not play a major part in the Commission's action in granting or denying an application for a license to operate a radio station. If a person desires a license, he files an application which the Commission is under a duty to grant if public interest, convenience or necessity will be served thereby. The proceeding does not partake of a controversy between the applicant and existing licensees, but is an application to the licensing agency for the grant of a written instrument of authorization permitting the operation of radio-transmitting equipment. Existing licensees, who will be competitors of the applicant, or who will suffer electrical interference, frequently do oppose the granting of a license. The basis of such opposition is that public interest, convenience or necessity will not be served by a grant of the application. The Commission will consider such information from any source. Since there is no element of private controversy in the granting of a license, the Commission has not deemed it necessary or appropriate to apply the doctrine of "res judicata" to the granting of licenses.

"Can a wavelength in a radio wave be changed after it has been broadcast?" and "Can a wave be superimposed on long carrier wave?" are questions from a Washington State resident. The answer is of the "yes" and "no" variety depending upon the medium through which the wave or waves travel. In other words, radio waves may be modulated or imposed one upon the other within the path between transmitter and receiver, but only under abnormal conditions. The Commission explains:

> "The frequency or wavelength of an electromagnetic wave does not change when the wave travels through air, through a copper wire or through any medium which has linear transmission characteristics. The amplitude of the wave and the phase are altered but the wavelength remains constant. If a square law detector or a vacuum tube is included in a wire circuit, however, the output wave becomes a function of the square of the input wave and the frequency of the wave is doubled.
>
> "Two carrier waves of different frequency, each modulated and carrying different signals, may be transmitted on the same pair of wires and they will not interfere with each other in any way. At the output of the circuit both carrier frequencies and both signal frequencies will be the same as they were at the input and no additional waves or other frequencies which were not in the original waves will have appeared:
>
> "Again, if a device with non-linear transmission characteristics, such as a square law detector, is inserted in the circuit, the situation is altered. The output wave is now the square of the sum of the two input waves and many additional waves of different frequency are produced. Among them will be the harmonics of the carriers, the beat note between the carriers and a large number of the so-called modulation products of the signals—not only those which were present in the original signals but others which were not, such as the sums and differences of the modulation frequencies, etc. With this phenomenon you are undoubtedly familiar from your experience with broadcast reception and your knowledge of radio receivers. The same principles apply in the case of radio waves of different frequency radiated to a receiver from two broadcast stations at different locations. Each wave reaches the receiver unaffected by the other unless there is some region of space through which both signals have passed which has non-linear transmission characteristics. While the conditions for such are not normal ones they do sometimes occur. Two examples will be given. The signals of one broadcast station may modulate the signals of another when under certain conditions—which are again unusual—both pass through portions of the ionosphere having non-linear transmission characteristics. A certain type of cross-talk interference is observed in broadcast reception caused by rectification of broadcast signals in the house wiring system. This may occur when the wiring leads are loose or in some cases broken. The signals of other broadcast stations beyond the tuning range of the receiver when rectified in these leads may then have components within the tuning range of the receiver, thus capable of causing interference."

Federal Trade Commission

MARCH HEADS FTC

Colonel Charles H. March, a member of the Federal Trade Commission since 1919, has been elected by the Commission to serve as Chairman during the calendar year 1941, succeeding Judge Ewin L. Davis.

Col. William H. England has been appointed Chief Economist of the Federal Trade Commission, succeeding Dr. Francis Walker, who retires January 1, 1941.

FTC REPORTS TO CONGRESS ON ADVERTISING

Advertising matter as published in newspapers, magazines, catalogs, and almanacs and as broadcast over the radio is surveyed and scrutinized for false and misleading representations by the Federal Trade Commission through its radio and periodical examining staff on a continuing current basis, says the Commission in its annual report. This work includes duties devolving on the Commission with the enactment of the Wheeler-Lea amendment to the Federal Trade Commission Act. Discussing the radio and newspaper advertising work the Commission in its report to Congress says:

> The survey of magazine and newspaper advertising was inaugurated by the Commission in 1929, and the surveying of commercial advertising continuities broadcast by radio was started

in 1934. As expanded in 1939, this survey includes mail-order catalogs and domestic newspapers published in foreign languages.

Apparent and probable misrepresentations detected through this survey are carefully investigated, and where it appears from the facts developed that the advertising is false or misleading and circumstances warrant, the advertisers are extended the privilege of disposing of the matters through an informal procedure, more fully explained at page 123, which permits their executing stipulations in which they agree to cease and desist from the use of the acts and practices involved. A large majority of the cases are adjusted in this manner. In those cases where this informal procedure is not applicable or does not result in the elimination of the misleading claims, and the facts so warrant, formal procedure is instituted.

In cases of advertising involving food, drugs, devices, and cosmetics, the Commission has directed the negotiation of stipulations with the advertising agencies which have disseminated those advertisements as well as with the advertisers in whose behalf the agencies acted.

In its examination of advertising, the Commission's only purpose is to prevent false and misleading advertisements. It does not undertake to dictate what an advertiser shall say, but rather indicates what he may not say under the law.

The Commission believes that its work in this field contributes substantially to the improvement that has been evident in recent years in the character of all advertising.

Newspaper and magazine advertising.—In examining advertisements in current publications, it has been found advisable to call for some newspapers and magazines on a continuous basis, due to the persistently questionable character of the advertisements published. However, as to publications generally, of which there are some 20,000, it is physically impossible to survey continuously all advertisements of a doubtful nature; also, it has been found unnecessary to examine all the issues of publications of recognized high ethical standard whose publishers carefully censor all copy before acceptance.

Generally, copies of current magazines and newspapers are procured on a staggered monthly basis, at an average rate of three times yearly for each publication, the frequency of the calls for each publication depending upon its circulation and the character of its advertisements.

Through such systematic calls for magazines and newspapers during the fiscal year ended June 30, 1940, the Commission procured 1,631 editions of representative newspapers of established general circulation and 1,339 editions of magazines and farm journals of interstate distribution representing a combined circulation of 122,995,074. Among these periodicals were included representative foreign-language publications having a combined circulation of 1,417,587 copies.

The Commission examined 300,741 advertisements appearing in the aforementioned newspapers and magazines and noted 24,104 as containing representations that appeared to be false or misleading. The 24,104 questioned advertisements provided current specimens for check with existing advertising cases as to their compliance wtih orders of the Commission and stipulations accepted from advertisers, and also formed the bases of prospective cases not previously set aside for investigation.

Almanac advertising.—As an important supplement to its review of periodical advertising, the Commission examines almanacs of wide distribution which are used as advertising media for distributors of drugs, devices, and other commodities sold for the treatment of various ailments.

Mail-order advertising.—In January 1939, the Commission extended its examination of current published advertisements to include a continuous systematic survey of advertising matter appearing in mail-order catalogs and circulars. During the fiscal year ended June 30, 1940, the Commission procured mail-order catalogs and circulars containing an aggregate of 15,314 pages, being distributed periodically by mail-order companies. Of the 56 mail-order houses included in this survey, 5 represent combined annual net sales in excess of $996,000,000 worth of merchandise.

In the subsequent examination of 15,208 pages of the mail-order advertising, 441 pages have been marked by the preliminary reviewing staff as containing possibly false, misleading, and deceptive material, and have been set aside for investigation. A wide variety of commodities (including food, drugs, devices, and cosmetics) is included in this questioned advertising.

Radio advertising.—The Commission, in its systematic review of advertising copy broadcast over the radio, issues calls to individual radio stations, generally at the rate of four times yearly for each station. However, the frequency of calls to such individual broadcasters is varied from time to time, dependent principally upon transmittal power, the service radius or area of specific stations, and the advertising record of certain types of stations, as disclosed in analyses of previous advertising reviews.

National and regional networks respond on a continuous weekly basis, submitting copies of commercial continuities for all programs wherein linked hook-ups are used involving two or more affiliated or member stations.

Producers of electrical transcription recordings submit monthly returns of typed copies of the commercial portions of all recordings produced by them for radio broadcast. This material is supplemented by periodic reports from individual stations listing the programs of recorded commercial transcriptions and other essential data.

During the fiscal year ended June 30, 1940, the Commission received 759,595 copies of commercial radio broadcast continuities, amounting to 1,518,237 pages of typewritten script. These comprised 1,072,537 pages of individual station script and 445,700 pages of network script.

The staff read and marked 684,911 commercial radio broadcast continuities, amounting to 1,398,561 pages of typewritten script. These comprised 436,700 pages of network script and 961,861 pages of individual station script. An average of 4,570 pages of radio script were read each working day. From this material 22,556 commercial broadcasts were marked for further study as containing representations that might be false or misleading. The 22,556 questioned commercial continuities provided current specimens for check with existing advertising cases as to their compliance with orders of the Commission and stipulations accepted from advertisers, in addition to forming the bases for prospective cases which may not previously have been set aside for investigation.

Cooperation of radio and publishing industries.—In general, the Commission has received the helpful cooperation of nation-wide and regional networks and transcription producers, in addition to that of some 717 active commercial radio stations, 468 newspaper publishers, and 540 publishers of magazines and journals, and has observed an interested desire on the part of such broadcasters and publishers to aid in the elimination of false, misleading and deceptive advertising.

Source of radio and periodical cases.—Examination of current newspaper, magazine, radio, and direct mail-order house advertising, in the manner described, has provided the basis of 79 percent of the radio and periodical advertising cases handled by the Commission during the fiscal year ended June 30, 1940. Information received from other sources including information from other divisions of the Commission, and from other Government agencies, formed the basis of the remainder of this work.

Analysis of questioned advertising.—An analysis of the questioned advertising which was assembled by cases and given legal review discloses that it pertained to the following classification of 3,014 commodities in the proportions indicated:

Classification of Products

Commodity	*Percent*	
Food, drugs, devices, and cosmetics:		
Food	11.2	
Drugs	33.4	
Cosmetics	12.8	
Devices	2.3	
		59.7
Other products:		
Specialty and novelty goods	11.2	
Automobile, radio, refrigerator, and other equipment lines	4.9	
Home study courses	2.8	
Tobacco products	1.2	
Gasoline and lubricants	1.6	
Poultry and livestock supplies and equipment, including hatchery products, etc.	2.0	
Miscellaneous, including apparel, coal and oil fuels, house furnishings and kitchen supplies, specialty building materials, etc.	16.6	
		40.3
Total		100.0

In the item of drug preparations listed above, a substantial proportion of the related advertising contained positive misrepresentations or representations which encompassed possible injurious results to the public and for that reason were given preferred attention.

Number of cases handled.—During the fiscal year the Commission sent questionnaires to advertisers in 739 cases and to advertising agencies in 109 cases, and negotiated 190 stipulations, which were accepted and approved by the Commission.

A total of 532 cases were disposed of by the various methods of procedure. Of this number, 188 cases were considered settled upon receipt of reports showing compliance with previously negotiated stipulations. The remaining 344 cases were closed without prejudice to the right of the Commission to reopen if warranted by the facts: 333 of them for such reasons as no evidence of violation, lack of jurisdiction, and insufficient public interest; 2 because the Post Office Department had issued fraud orders against the advertisers, and 9 because the Post Office Department had accepted from the parties concerned affidavits of discontinuance of business.

In addition, the Commission, in 36 cases, ordered issuance of complaint: in 17 instances where advertisers failed to stipulate; in 1 case in which the advertiser was not given an opportunity to stipulate because of gross deception, and in 18 involving violation of the terms of existing stipulations previously accepted and approved. In 41 cases field investigations were ordered, including 13 wherein it appeared that application for injunction or criminal proceedings might be warranted. Also, 3 cases were referred to other governmental agencies as concerning matters more appropriately coming within their jurisdiction.

Seven hundred forty-three radio and periodical cases were pending on July 1, 1939, and 979 were pending on June 30, 1940.

Commission has access to scientific services.—Effective cooperation continued with other departments of the Government. The Commission has access to the laboratories, libraries, and other facilities of Federal Government agencies, including the National Bureau of Standards, United States Public Health Service, and the Food and Drug Administration, Bureau of Home Economics, and Bureau of Animal Industry of the Department of Agriculture, to any of which it may refer a matter for scientific opinion.

Since the passage of the Wheeler-Lea amendment to the Federal Trade Commission Act, the Commission has had the services of a medical staff under the supervision of an experienced and highly qualified physician assigned to it by the United States Public Health Service, so that the therapeutic claims of advertisers can be competently and carefully examined. (See Medical Advisory Service, p. 145.)

When necessary, the Commission obtains medical and other scientific information and opinions from nongovernmental hospitals, clinics, and laboratories. Such material and cooperation are often particularly helpful in enabling the Commission to reach sound and fair conclusions with respect to scientific and technical questions which come before it, and especially so in connection with much of the work of the Radio and Periodical Division.

Procedure in advertising cases.—If it appears that a published or broadcast advertisement coming to the Commission's attention may be misleading, a questionnaire is sent to the advertiser, and request is made for a sample of the product advertised, if this is practicable, and the quantitative formula, if the product is a compound. Copies of all advertisements published or commercial continuities broadcast during a specific period are also requested, together with copies of all booklets, folders, circulars, form letters, and other advertising literature used.

Upon receipt of these data, the claims, sample, and formula are referred to the Commission's Medical Advisory Division or to an appropriate technical agency of the Government for a scientific opinion. Upon receipt of the opinion, a list of such claims as then appear to be false or misleading is prepared and sent to the advertiser, along with pertinent portions of the opinion. The advertiser is extended the privilege of submitting such evidence as he may desire in support of his claims; he may answer by letter or, upon his request, may confer with the Commission's Radio and Periodical Division in person or through counsel.

If, after a consideration of all available evidence at hand including that furnished by the advertiser, the questioned claims appear to be true, the division reports the matter to the Commission with the recommendation that the case be closed.

If it appears from the weight of the evidence before it that the advertising is false or misleading, the division refers the matter to the Commission with recommendation either that complaint issue or the case be returned to the division for negotiation of a stipulation, provided it is one appropriate for stipulation procedure and the advertiser desires to dispose of it by such voluntary agreement to cease and desist from the use of the acts and practices involved.

If the Commission so authorizes, the division prepares a stipulation and forwards it to the advertiser for execution. Should he object to any of its provisions, he may discuss them by mail or in person. If and when he agrees upon the terms of the stipulation and signs and returns it, the matter is again reported to the Commission with recommendation that the stipulation be accepted and the case closed without projudice to the right of the Commission to reopen the matter at any time the facts so warrant. If the Commission accepts and approves the stipulation, the advertiser is required to submit within 60 days from the date of acceptance a report in writing showing the manner and form in which he has complied and is complying with the provisions of his agreement.

Stipulation provides simplified methods.—The object of all Commission procedure is to prevent unfair methods of competition and unfair and deceptive acts and practices in commerce, and experience has shown that this can be accomplished not only by cease and desist orders, but by the stipulation method, which is effective and speedy as well as inexpensive for both Government and advertiser.

RADIO LEGISLATION SLATE CLEAN AS CONGRESS ADJOURNS

The first session of the 77th Congress convenes Friday. The third session of the 76th Congress has just adjourned, the longest session in history outlasting the 345-day session in the war days of 1917-1918. The third session of the 76th Congress convened on January 3, 1940. A number of attempts were made to adjourn the last session but there were always enough members who insisted that Congress should stay in session during the present emergency.

Following is a complete list and status of bills of interest to the broadcasting industry when the last session adjourned. The slate is now clean as far as all pending bills and resolutions are concerned. All the old ones "die" when the session of Congress adjourns:

SENATE BILLS

S. 517 (Sen. Johnson, Colo.) LIQUOR ADVERTISING—Same as H. R. 251. Referred to Interstate Commerce Committee. Hearings held. Reported to Senate.

S. 517 (Sen. Johnson, Colo.) LIQUOR ADVERTISING—Same as H. R. 251. Amendment (in the nature of a substitute) to the committee amendment to the bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio. Ordered to lie on the table and to be printed. No action.

S. 517 (Sen. Johnson, Colo.) LIQUOR ADVERTISING—Same as H. R. 251. Amendment (in the nature of a substitute) to the committee amendment to the bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio. Ordered to lie on the table and to be printed. No action.

S. 547 (Sen. Lodge, Mass.) COPYRIGHT—To create renewal rights in author of articles in periodicals, encyclopedias, etc., when such articles are not separately copyrighted but were included in copyright of periodical or other composite work. Referred to Patents Committee. Passed by Senate. Reported to House.

S. 550 (Sen. Sheppard, Texas) COMMUNICATIONS ACT—To amend Section 303 by limiting the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate Commerce Committee. The bill as introduced refers to Section 303 (e), whereas the correct designation is 303 (1). A corrected bill will be introduced. No action.

S. 575 (Sen. Capper, Kans.) LIQUOR ADVERTISING—Same as H. R. 924. Referred to Interstate Commerce Committee. No action.

S. 594 (Sen. Reynolds, N. C.) GOVERNMENT RADIO STATIONS—To establish marine schools in each state and other purposes, including the construction and operation by each school of one or more stations on "a wave-length and power prescribed by the Maritime Commission." Referred to Commerce Committee. No action.

S. 635 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT—To strike Section 315 of the Communications Act and to require each station to set aside regular and definite periods of desirable day and evening time for uncensored discussion on "non-profit basis of public, social, political and economic problems, and for educational purposes." Qualified candidates for public office are not covered by the amendment. Referred to Interstate Commerce Committee. No action.

S. 636 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT—To add to Section 315 with respect to candidates for public office the requirement that the station shall keep complete records open to public inspection. Referred to Interstate Commerce Committee. No action.

S. 637 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT—To strike Section 326 and substitute in lieu thereof a similar provision with respect to censorship by the Commission with the proviso that it does not exempt stations from liability for defamatory, profane, indecent or obscene language or action broadcast by any officer, employee, agent or representative of the station. Referred to Interstate Commerce Committee. No action.

S. 1095 (Sen. Sheppard, Texas) COMMUNICATIONS ACT—To amend Section 303 (1). Corrected bill in substitution for S. 550. Limits the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Intersate Commerce Committee. No action.

S. 1268 (Sen. Wheeler, Mont.) COMMUNICATIONS ACT—To reorganize the Communications Commission by creating a new agency to be known as the Federal Communications and Radio Commission, consisting of an administrative board of three members. Referred to Interstate Commerce Committee. No action.

S. 1520 (Sen. White, Maine) COMMUNICATIONS ACT—To amend the Communications Act by creating an eleven-man commission and for other purposes. Referred to Committee on Interstate Commerce. No action.

S. 2058 (Sen. Nye, N. D.) PRIZE CONTESTS—Requires publication of prize winners and the prize winning entry in all promotion contests carried on through the use of the mails or any facilities of interstate or foreign commerce. Referred to Committee on Post Offices and Post Roads. No action.

S. 2251 (Sen. Chavez, N. M.) GOVERNMENT BROADCASTING STATION—Directs Secretary of Navy to construct, maintain and operate high frequency stations to broadcast programs to all nations in Western Hemisphere; to appropriate three million dollars for construction purposes and one hundred thousand dollars for operative expense during year ending June 30, 1940. To Committee on Foreign Relations. No action.

S. 2466 (Sen. Sheppard, Texas) COMMUNICATIONS ACT—Same as H. R. 5508. To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses in excess of fifty kilowatts to any station broadcasting network programs. Referred to Committee on Interstate Commerce. No action.

S. 2611 (Sen. Wheeler, Mont.) GOVERNMENT RADIO STATION—Authorizing the purchase of site and erection of building in Massachusetts for use as radio-monitoring station at cost not to exceed $30,000. To Committee on Interstate Commerce. Passed by Senate. Reported to House.

S. 2719 (Sen. O'Mahoney, Wyo.) ANTITRUST LAWS—Same as H. R. 7035. To Committee on Judiciary. No action.

S. 2846 (Sen. Wheeler, Mont.) COPYRIGHT—Provides that in network and transcription broadcasts originating station or transcription manufacturer is solely liable for infringement. To Committee on Patents. No action.

S. 3043 (Sen. Thomas, Idaho) COPYRIGHT—To amend and consolidate the Acts respecting copyright. Referred to Committee on Patents. No action.

S. 3512 (Sen. Pepper, Fla.) COMMUNICATIONS ACT—To provide for public hearings on applications for licenses under the Communications Act of 1934. Referred to Committee on Interstate Commerce. No action.

S. 3515 (Sen. Bailey, N. C.) TO AMEND THE COMMUNICATIONS ACT OF 1934 IN ORDER TO PRESERVE AND PROTECT LIBERTY OF EXPRESSION IN RADIO COMMUNICATION—Prohibits Federal Communications Commission's taking adverse action for alleged program offenses; establishes for broadcast stations minimum license period of 3 years and maximum of 10 years; requires hearing where the Commission's action would adversely affect the interest of any holder of a license or any applicant therefor; requires a hearing prior to any order of revocation of license; limits powers of the President in time of peace and war. Referred to Committee on Interstate Commerce. No action.

S. 3745 (Sen. Barbour, N. J.) COMMUNICATIONS ACT—To limit the powers of the Federal Communications Commission in certain cases. Referred to Committee on Interstate Commerce. No action.

SENATE RESOLUTIONS

S. Res. 94 (Sen. White, Maine) COMMUNICATIONS COMMISSION—To authorize investigation of the acts, rules, regulations, organization and policies of the FCC with respect to censorship of communications, ownership of broadcasting stations and other matters. To Interstate Commerce Committee. No action.

S. Res. 251 (Sen. Lundeen, Minn.)—Whereas the Federal Communications Commission on Feb. 29, 1940, issued an order permitting limited commercial sponsorship of television beginning Sept. 1, 1940; and

Whereas television interests immediately launched a manufacturing, advertising and sales promotion campaign; and

Whereas the Federal Communications Commission on Mar. 22, 1940, rescinded its order of Feb. 29, 1940, with resultant confusion in the minds of the public and causing abandonment of manufacturing, advertising, and sales programs which had, in effect, been authorized by the Commission's earlier ruling: Therefore be it

Resolved, That the Senate Committee on Interstate Commerce is hereby requested to investigate the action of the Federal Communications Commission in connection with the development of television and, in particular, to ascertain whether the Commission has exceeded its authority, and whether it has interfered with the freedom of public and private enterprise. Referred to the Committee on Interstate Commerce. No action.

S. Res. 300 (Sen. Tobey, N. H.)—Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation with respect to (1) the existence, extent, formation, legality, and effect upon the public or any individual or group, of any monopoly in radio broadcasting or any phase thereof or in the production, sale, or distribution of radio receiving or broadcasting apparatus; (2) the administration by the Federal Communications Commission of those provisions of the Communications Act of 1934, as amended, which relate in any manner to radio communication; (3) the manner of exercise by licensees of the Federal Communications Commission of the privileges conferred upon them by their licenses from the Federal Communications Commission; (4) the effect upon the public interest of any contract pertaining to radio to which any such licensee or any broadcasting network is a party; and (5) any attempts made by any such licensee, broadcasting network, or any person, company, or corporation, engaged in any business relating to radio, or by any attorney, agent, or representative of any such licensee, network, person, company, or corporation to unduly influence any public official in the exercise of his duties with respect to any matter pertaining to radio. The committee shall report to the Senate, at the earliest practicable date, the results of its investigation, together with its recommendations, if any, for necessary legislation. Referred to the Committee on Interstate Commerce. No action.

HOUSE BILLS

H. R. 94 (Mr. Maloney, La.) PAID TESTIMONIALS—To require announcement of paid "recommendations" (testimonials), if any at time of broadcast. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 251 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—To prohibit radio advertising of alcoholic beverages. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 252 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—Same as H. R. 251, except that it specifically defines "alcoholic beverage" as including "beer, ale, wine, gin, whiskey, or brandy." Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 253 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of intoxicating liquor advertising, either by mail or otherwise, including radio broadcasting. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 924 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—Same as H. R. 253, except that it pertains to "alcoholic beverages" and is not limited to "intoxicating liquor." Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 926 (Mr. Daly, Pa.) COPYRIGHTS—To amend and consolidate acts respecting copyright, including the creation of a copyright in recording artists for renditions reproduced on phonograph records, disks, sound tracks, or any other substances. Referred to Patents Committee. No action.

H. R. 1651 (Mr. Dickstein, N. Y.) IMMIGRATION OF PERFORMING ARTISTS—Denies admission to United States for professional engagement of actor, singer or dancer where country of origin does not grant, both in law and in fact, substantially similar privileges to citizens of the United States. Referred to Immigration and Naturalization Committee. No action.

H. R. 1964 (Mr. Lucy, Mass.) COPYRIGHTS—To create renewal rights in author of articles in periodicals, encyclopedias, etc., when such articles are not separately copyrighted. Same as S. 547. Referred to Patents Committee. No action.

H. R. 2721 (Mr. Celler, N. Y.) GOVERNMENT RADIO STATION—To construct and maintain Government radio broadcasting station in vicinity of Washington by Secretary of Navy, with programs under direction of the United States Commissioner of Education. Referred to Naval Affairs Committee. No action.

H. R. 2981 (Mr. Celler, N. Y.) LIBEL—SLANDER—Exempts station from liability for libel or slander when station proves the exercise of due care to prevent the utterance of such statements. Referred to Judiciary Committee. No action.

H. R. 3582 (Mr. Flannery, Pa.) ADVERTISING—Requires informative advertising of imported articles. Referred to Interstate and Foreign Commerce Committee. Superseded by H. R. 5985. No action.

H. R. 3752 (Mr. Lea, Calif.) COMMUNICATIONS ACT—To amend Section 303 (1). Limits the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4224 (Mr. Lea, Calif.) COMMUNICATIONS ACT—To reorganize Communications Commission. Same as S. 1268. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4433 (Mr. Lanham, Texas) COPYRIGHTS—To secure prompt deposit of copyrightable material and prompt registration of claims to copyright in the copyright office. Referred to Committee on Patents. Hearing held. Superseded by H. R. 5319. No action.

H. R. 4684 (Mr. McLeod, Mich) COMMUNICATIONS ACT—To amend Section 307, subdivisions (d) and (e), by requiring that broadcasting licenses be issued for a period not less than three years nor more than five years and to provide against denial of renewal application because of political views expounded over station. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4871 (Mr. Daly, Pa.) COPYRIGHT ACT—To amend the Copyright Act in various respects, including the creation of copyright in recording artists covering the rendition of their recordings when reproduced mechanically. Referred to Committee on Patents. No action.

H. R. 5319 (Mr. Lanham, Texas) COPYRIGHTS—To secure prompt deposits of copyrightable material with Register of Copyrights and prompt registration of claims to copyright. Referred to Committee on Patents. No action.

H. R. 5435 (Mrs. Norton, N. J.) WAGE AND HOUR ACT—To amend, to remove hours restrictions on employees making $200 or more a month, et al. Reported to House.

H. R. 5508 (Mr. Peterson, Fla.) COMMUNICATIONS ACT—To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses in excess of fifty kilowatts to any station broadcasting network programs. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 5791 (Mr. Schulte, Ind.) COMMUNICATIONS—To prohibit recording for profit or gain any program without consent in writing of the performers. To Interstate and Foreign Commerce Committee. No action.

H. R. 5985 (Mr. Flannery, Pa.) ADVERTISING—To require announcement of place origin of all imported articles or articles assembled in the United States from imported products, ingredients, parts or materials. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 6160 (Mr. McGranery, Pa.) COPYRIGHTS—To amend the Copyright Act of 1909 in many respects, including the creation of copyright in phonograph records, the extension of the duration of copyright to 56 years. Referred to Committee on Patents. No action.

H. R. 6219 (Mr. Doughton, N. C.) ALCOHOLIC BEVERAGES—To amend the Federal Alcohol Administration Act so as to prohibit, among other things, the advertising of alcoholic beverages by radio. Referred to Committee on Ways and Means. No action.

H. R. 6243 (Mr. Moser, Pa.) COPYRIGHTS—Regulating use of copyrighted works. Authorizes Federal Communications Commission to grant licenses and fix the fees for use of copyrighted works when an agreement with copyright owner cannot be secured. To Committee on Patents. No action.

H. R. 6695 (Mr. McGranery, Pa.) COMMUNICATIONS ACT—To prohibit recording for profit or gain any program without consent in writing of the performers. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 6973 (Mr. Lea, Calif.) GOVERNMENT RADIO STATIONS—Authorizing the purchase of site and erection of building in Massachusetts for use as radio monitoring station at cost not to exceed $30,000. Referred to Committee on Interstate and Foreign Commerce. Same as S. 2611. No action.

H. R. 7035 (Mr. Hobbs, Ala.)ANTITRUST LAWS—To amend Sec. 8 of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," and to provide additional civil remedies against violations. Referred to Judiciary Committee. No action.

H. R. 7188 (Mr. Cochran, Mo.) COMMUNICATIONS ACT—To abrogate FCC Rule 42.03(a), adopted by FCC May 23, 1939, requiring international broadcast stations to limit programs to those which reflect the culture of the United States and promote international goodwill, understanding and cooperation, and to prohibit FCC adopting any similar rule. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 7192 (Mr. Fay, N. Y.) PATENTS—To provide for the compulsory granting of licenses under patents which are brought by competitors within a single control in order to dominate an industry. Referred to Patents Committee. No action.

H. R. 7456 (Mr. Kennedy, N. Y.) COPYRIGHT—Provides that in network and transscription broadcasts originating station or transcription manufacturer is solely liable for infringement. Referred to Committee on Patents. No action.

H. R. 8263 (Mr. O'Brien, N. Y.) TO AMEND THE COPYRIGHT ACT—Provides that the damages for infringement of copyright of musical compositions played in hotels or restaurants when no entrance fee is charged, or cover or its equivalent charge made, shall not exceed $10 for each performance, unless greater damages are shown. Referred to the Committee on Patents.

H. R. 8509 (Mr. Ditter, Pa.) TO AMEND THE COMMUNICATIONS ACT OF 1934 IN ORDER TO PRESERVE AND PROTECT LIBERTY OF EXPRESSION IN RADIO COMMUNICATION—Prohibits Federal Communications Commission's taking adverse action for alleged program offenses; establishes for broadcast stations minimum license period of 3 years and maximum of 5 years; requires hearing where the Commission's action would adversely effect the interest of any holder or a license of any applicant therefor; requires a hearing prior to any order of revocation of license; limits powers of the President in time of peace and war. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 9665 (Mr. Clason, Mass.) COPYRIGHT—To reduce the amount of damages for infringement of copyright of musical compositions in certain hotels and other places. Referred to the Committee on Patents. No action.

H. R. 9703 (Mr. McGranery, Pa.) COPYRIGHT—To amend the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, as amended, and for other purposes. Referred to the Committee on Patents. No action.

H. R. 10205 (Mr. Bland, Va.) COMMUNICATIONS ACT—To amend section 4(f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission. Referred to the Committee on Merchant Marine and Fisheries. Reported to House.

H. R. 10720 (Mr. Voorhis, Calif.) ADVERTISING—To provide funds for the national defense; to prevent avoidance of taxes by unlimited investment in advertising; to control uneconomic advertising expense engaged in by the liquor, tobacco, and luxury trades; to discourage advertising on the public highways and to derive revenue therefrom; and for other purposes. Referred to the Committee on Ways and Means.

HOUSE RESOLUTIONS

H. Res. 70 (Mr. Connery, Mass.) FCC INVESTIGATION—Provides for exhaustive investigation of Federal Communications Commission. Referred to Rules Committee. No action.

H. Res. 72 (Mr. Wigglesworth, Mass.) BROADCASTING AND FCC INVESTIGATION—Provides for investigation of the broadcasting industry in the United States and of the acts, rules, regulations and policies of the Communications Commission. Referred to Rules Committee. No action.

H. Res. 234 (Mr. Larrabee, Ind.) FCC—To authorize the FCC to take steps to provide an adequate method to obtain data and and other factual information and material necessary to determine the effects of power in excess of fifty kilowatts, and to provide that the FCC shall not be restrained from licensing one or more than one station to operate on power of more than fifty kilowatts for such experimental operation as may be necessary. Referred to Committee on Interstate and Foreign Commerce. No action.

H. Res. 462 (Mr. Connery, Mass.) MONOPOLY INVESTIGATION—A resolution to investigate radio broadcasting monopoly. Referred to Committee on Rules. No action.

HOUSE JOINT RESOLUTIONS

H. J. Res. 149 (Mr. Sirovich, N. Y.) COPYRIGHT—To create a Bureau of Fine Arts in the Department of the Interior with authority in the Secretary of the Interior to undertake and carry on "such projects and activities as may be necessary or appropriate to foster, develop and encourage the use of copyrighted and copyrightable material." Referred to Patents Committee. No action.

H. J. Res. 585 (Mr. Dingell, Mich.) NATIONAL RADIO DAY—Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and directed to issue a proclamation designating August 26 of each year as National Radio Day, calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate ceremonies. Referred to the Committee on the Judiciary. No action.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings and oral arguments will be held before the Commission during the week beginning Monday, January 6. They are subject to change.

Wednesday, January 8

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., **1370 kc.**, 250 watts night, 250 watts day, unlimited.

Thursday, January 9

Oral Argument Before the Commission

Report No. B-115:

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.**, 100 watts night, 100 watts LS, unlimited time.

Friday, January 10

KRMC—Roberts Mac Nab Company (Assignor) (Arthur L. Roberts, R. B. Mac Nab and A. J. Breitbach, General Mgr.), and Jamestown Broadcasting Co., Inc. (Assignee), Jamestown, N. D.—Voluntary assignment of license, **1370 kc.**, 250 watts night, 250 watts day, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following dates for future broadcast hearings. They are subject to change.

February 4

To Be Held in the U. S. Court Building, San Juan, Puerto Rico

NEW—Puerto Rico Advertising Co., Inc., Arecibo, P. R.—C. P., **1200 kc.**, 250 watts, unlimited.

NEW—Puerto Rico Advertising Co., Inc., San Juan, P. R.—C. P., **1500 kc.**, 250 watts, unlimited.

NEW—Caribbean Broadcasting Association, Inc., San Juan, P. R.—C. P., **1500 kc.**, 250 watts, unlimited.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Renewal of license, **780 kc.**, 1 KW night, 2½ KW day, unlimited.

February 17

WGNY—WGNY Broadcasting Company, Inc., Newburgh, N. Y.—C. P., **1370 kc.**, 250 watts, unlimited.

NEW—Stephen R. Rintoul, Stamford, Conn.—C. P., **1370 kc.**, 250 watts, unlimited.

February 19

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—C. P., **600 kc.**, 500 watts night, 1 KW LS.

February 21

WMBG—Havens & Martin, Inc., Richmond, Va.—Modification of license, **1350 kc.**, 5 KW, unlimited, DA day and night. Present assignment: **1350 kc.**, 1 KW night, 5 KW day, unlimited, DA night and day.

February 24

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., **1500 kc.**, 250 watts, unlimited.

February 26

KFRO—Voice of Longview, Longview, Tex.—Modification of construction permit, **1340 kc.**, 5 KW, unlimited, DA night. Present assignment: **1340 kc.**, 1 KW, unlimited, DA night.

KGNO—The Dodge City Broadcasting Company, Inc., Dodge City, Kans.—Modification of license, **1340 kc.**, 500 watts night, 1 KW day, unlimited. Present assignment: **1340 kc.**, 250 watts night, 1 KW day, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Because of the holiday there was no meeting of the Commission this week. The next regular meeting of the Commission is scheduled for January 7.

MISCELLANEOUS

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to remain silent on December 25, 1940, and January 1, 1941, in order to observe the holidays.

WLBL—State of Wisconsin, Dept. of Agriculture, Stevens Point, Wis.—Granted special temporary authority to remain silent December 25, 1940, due to closing Federal Marketing Offices.

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Granted special temporary authority to operate from 1 a. m. to 2 a. m., EST, on December 25, 1940, in order to broadcast Midnight Mass only.

W1XK—Westinghouse Electric & Mfg. Co., Hull, Mass.—Granted special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at Hull, Mass., and described as: Westinghouse, Type HE, maximum rated carrier power 1000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate station W1XK on a commercial basis.

W1XSN—Westinghouse Electric & Mfg. Co., E. Springfield, Mass. —Granted special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at E. Springfield, Mass., and described as: Westinghouse, Type HE, maximum rated carrier power 1000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate station W1XSN on a commercial basis.

W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43700 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at Avon, Conn., and described as: Composite, maximum rated carrier power output 1000 watts, for period January 1, 1941, to not later than March 1, 1941.

W9XAO—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at Milwaukee, Wis., and described as: REL, Type 519, maximum rated carrier power output 1000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate station W9XAO subsequent to January 1, 1941, and until the new high frequency broadcast station now being constructed is ready for operation; denied authority to operate station W9XAO under the new call letters assigned new construction permit; denied authority to operate station W9XAO on frequency **45500 kc.**

William G. H. Finch, New York, N. Y.—Denied authority to operate Western Electric transmitter commercially, using 1000 watts, **45500 kc.**, at 1819 Broadway, New York City (File No. B1-PH-42).

W8XVB—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y. —Granted special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation with transmitter located at Rochester, N. Y., and described as: R.E.L. Type Cat. No. 519, maximum rated carrier power 2000 watts, for the period January 1, 1941, to not later than March 1, 1941.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted special temporary authority to operate a high frequency experimental broadcast station on **44800 kc.**, 50000 watts power, special emission for frequency modulation, with transmitter located at Paxton, Mass., and described as: Radio Engineering Laboratories, Type 521, maximum rated carrier power 50 KW, for period January 1, 1941, to not later than March 1, 1941.

W3XO—Jansky & Bailey, Washington, D. C.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at Georgetown, D. C., and described as: Composite, maximum rated carrier power 1000 watts, for period January 1, 1941, to not later than March 1, 1941.

W8XVH—WBNS, Inc., Columbus, Ohio.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43000 kc.**, 250 watts power, special emission for frequency modulation, with transmitter located at Columbus, Ohio, and described as: GE, Type 4GF1A1, maximum rated carrier power 250 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate station W8XVH on a commercial basis.

W8XAD—WHEC, Inc., Rochester, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts, special emission for frequency modulation, with transmitter located at Rochester, N. Y., and described as: R.E.L., Type 519, maximum rated carrier power output 1000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate station W8XAD on a commercial basis.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43900 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at 350 Fifth Ave., New York City, and described as: RCA Modified, Type 100 FA exciter with an MI-7151 RF amplifier, maximum rated carrier power output 1000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate Station W2XWG on **45100 kc.** with 1000 watts power for period of three months.

W1XPW—WDRC, Inc., Hartford, Conn.—Granted special temporary authority to operate a high frequency experimental broadcast station on **44100 kc.**, in order to continue experiment in rebroadcasting high frequency broadcast station W2XMN emissions which are to be rebroadcast by W1XOJ, 1000 watts power, special emission for frequency modulation, with transmitter located at Meriden, Conn., and described as: Composite, Type FM1, maximum rated carrier power 1000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority of Station W1XPW to operate on **46500** instead of **44100 kc.**

WBNS, Inc., Columbus, Ohio.—Denied authority to operate a 3 KW GE transmitter on frequency **44500 kc.** at 1035 Barnet Road, Columbus, Ohio, and a quarter-wave antenna on top of the present 382 foot WBNS antenna tower for the period December 26, 1940, to not later than January 24, 1941, in order to render FM broadcast service in the Columbus area pending completion of Station W45CM.

W9XZR—Zenith Radio Corp., Chicago, Ill.—Granted special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.**, 5000 watts, special emission for frequency modulation with transmitter located at 505 N. Michigan Ave., Chicago, and described as: Zenith & REL (using REL Modulation Unit), Type ZR-11 (494-B), maximum rated carrier power output 5000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate on **45100 kc.**, 5000 watts, at 135 S. LaSalle St., Chicago, with present transmitter; denied authority to operate for 90 days from December 20 with power of 5000 watts on **45100 kc.** at 505 N. Michigan Ave., Chicago.

W2XMN—Edwin H. Armstrong, N. of Alpine, N. J.—Granted special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.**, 4000 watts power, special emission for frequency modulation, with transmitter located at North of Alpine, N. J., and described as: Composite, Type RCA, maximum rated carrier power 40000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate Station W2XMN on a commercial basis.

W2XQR—John V. L. Hogan, Long Island City, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at Long Island City, N. Y., and described as: Composite, maximum rated carrier power output 1000 watts; facsimile modulation may be employed in connection with the program of research and experimentation (no authority is contained herein to conduct a facsimile broadcast service); authority granted for period January 1, 1941, to not later than March 1, 1941; denied authority to operate Station W2XQR on **48300 kc.**

WBCM—Bay Broadcasting Company, Inc., Bay City, Mich.—Granted petition for dismissal without prejudice of application for modification of license to increase nighttime power from 500 watts to 1 KW.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted petition for dismissal without prejudice of application for modification of license to increase nighttime power from 500 watts to 1 KW.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Granted motion to dismiss without prejudice application for construction permit to install new equipment, increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day.

WTNJ—WOAX, Inc., Camden, N. J.—Dismissed petition to intervene in the hearing on the application for renewal of license for WCAM.

WTNJ—WOAX, Inc., Camden, N. J.—Same except in re application of WCAP.

WTNJ—WOAX, Inc., Camden, N. J.—Dismissed petition to intervene in the hearing in re application of Trent Broadcast Corp., for a new station in Trenton, N. J., to operate on **1230 kc.**, 1 KW, unlimited time, DA, and on its own motion the Commission consolidated the hearings on Trent Broadcast Corp., application and renewal for WTNJ.

The Gazette Co., Cedar Rapids, Iowa.—Granted motion for leave to amend application for new station so as to request frequency **1550** instead of **1420 kc.**, and 5 KW power instead of 100 watts, unlimited time.

WCBA—Lehigh Valley Broadcasting Co., Allentown, Pa.—Granted motion to accept amendments to application to increase power from 500 watts to 5 KW, to include engineering affidavit which proposes a new directional antenna (which protects station CKGB, Timmons, Ontario).

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Granted motion to accept amendments to application to increase power from 500 watts to 5 KW, to include engineering affidavit which proposes a new directional antenna (which protects station CKGB, Timmons, Ontario).

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from 5:15 p. m. to 5:45 p. m., CST, December 25, 1940, in order to broadcast NBC nation-wide salute to affiliation of WEAU with NBC network, only.

T. B. Gillespie, Palatka, Fla.—Denied as in case of default application for construction permit for new broadcast station to operate on **1310 kc.**, 250 watts, unlimited time. (B3-P-2941)

WSOC—Radio Station WSOC, Inc., Charlotte, N. C.—Granted modification of construction permit (B3-P-2893), which authorized increase in power, move of transmitter and studio, etc., for new transmitter and extension of commencement and completion dates to one day after grant and 150 days thereafter respectively.

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Granted license to cover construction permit (B5-P-1339), which authorized a new station to operate on **1420 kc.**, 100 watts, 250 watts LS, unlimited time. Also granted authority to determine operating power by direct measurement of antenna power.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted license to cover construction permit (B2-P-3013), which authorized installation of new transmitter.

KTHS—Hot Springs Chamber of Commerce, Hot Springs Nat'l Park, Ark.—Granted special temporary authority to operate from 12 midnight, December 31, to 3 a. m. CST, January 1, in order to broadcast New Years Celebration only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 4:30 to 8 p. m. CST, December 27, and from 4:30 to 11 p. m. CST, December 28, in order to broadcast sectional basketball tournament games only.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from sign-off (January, 5:30 p. m. CST), to completion of Rose Bowl football game on January 1st, in order to broadcast said game only.

WNYE—Board of Education, City of New York, New York, N. Y. —Granted special temporary authority to continue to operate noncommercial educational broadcast station WNYE after January 1, 1941, on **41100 kc.**, for a period of 30 days pending action on application to change frequency **42100 kc.**

WNAD—Univ. of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 3 p. m. CST, January 7, 8, 9, 14, 15, 16, 21 and 22, and from 2 to 3:15 p. m. CST, on January 6, 13, 20 and 27, in order to broadcast educational programs; and to remain silent from 8:15 to 9:15 p. m. CST, on January 1 and 29, and from 7:15 to 9:15 p. m. CST, on January 2, 23, 28 and 30, during Christmas vacation and semester examinations.

KGGF—Hugh J. Powell, Coffeyville, Kans.—To remain silent from 2 to 3 p. m. CST, on January 7, 8, 9, 14, 15, 16, 21 and 22, and from 2 to 3:15 p. m., CST, on January 6, 13, 20 and 27, in order to permit WNAD to broadcast educational programs; to operate from 8:15 to 9:15 p. m. CST, on January 1 and 29, and from 7:15 to 9:15 p. m. CST, on January 2, 23, 28 and 30, in order to fill WNAD's time during Christmas vacation and semester exams.

WRUL—World Wide Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate International Broadcast Station on frequencies **11730** and **6040 kc.**, with power of 50 KW on Sunday, December 29, in order to broadcast speech of the President.

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Denied special temporary authority to operate simultaneously with WSAJ from 5 to 5:30 p. m. EST, on January 5, 12, 19 and 26, in order to broadcast Mutual Broadcasting System program entitled "Wheeling Steel Makers".

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 8:30 p. m., CST, to conclusion of President's speech on December 29th, for purpose of broadcasting said speech only.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 6:30 p. m. to 10:30 p. m., January 16, 7 to 10 p. m., January 17, 4 to 5 p. m., and 7:30 to 9:30 p. m. CST, January 18, 1941, in order to broadcast basketball games only.

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Granted license to cover construction permit (B2-P-2871) which authorized a new station to operate on **1200 kc.**, 250 watts, unlimited time; also granted authority to determine operating power by direct measurement of antenna input.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of construction permit (B5-P-2783) which authorized changes in equipment and increase in power, for extension of completion date from January 7 to March 8, 1941.

WNAL—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-P-2475) authorizing installation of new transmitter, increase in power, etc., for extension of completion date from 1-27-41 to 3-27-41.

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted license to cover construction permit (B1-P-2980) which authorized move of old Composite transmitter from Flushing, L. I., to site of new main transmitter, Bellesville Turnpike, N. J., use power of 1 KW, emergency use only, employing directional antenna day and night.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted authority to determine operating power by direct measurement of antenna input.

WIBM—WIBM, Inc., Jackson, Mich.—Granted authority to determine operating power by direct measurement of antenna input.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted modification of construction permit (B4-PVB-50) which authorized a new television station, for approval of antenna system and transmitter location at 190 No. State St., Chicago, Ill.

W9XYN—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43000 kc.**, 1 KW power, special emission for FM, with transmitter at 39th St. and Tower Ave., Superior, for period January 1 to March 1, 1941.

W3XMC—McNary & Chambers, Washington, D. C.—Granted special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 100 watts, special emission for FM, with transmitter at 2701 14th St., N. W., for the period January 1 to March 1, 1941.

WRCA-WNBI—National Broadcasting Co., Inc., New York City. —Suspended the effective date of modification of license B1-MLIB-45 and special temporary authority granted under B1-MLIB-44 until January 31, in order to permit the simultaneous utilization of **9670** and **17780 kc.** while changes in equipment are being made in accordance with outstanding construction permits.

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from local sunset (Dec. 4:45 p. m., PST), December 31, 1940, to January 1, at 1 a. m., 1941, in order to broadcast New Year's Eve celebrations, and from local sunset (Kan. 5:15 p. m., PST) to 9 p. m., PST, January 1, in order to broadcast football program from Hawaiian Islands.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate simultaneously with KFAB from 6 a. m., CST, to local sunrise (Dec. 7:45 a. m.; Jan. 7:45 a. m., CST), for the period December 30 and ending January 28, pending action on formal application for such authority.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—To operate as above except simultaneously with WBBM.

WJOB—O. E. Richardson and Fred L. Adair (a partnership), Hammond, Ind.—Granted special temporary authority to operate simultaneously with WFAM from 7:30 to 8 p. m., CST, on December 28, in order to broadcast basketball game tournament only, in addition to authority granted Dec. 16.

WSPA—Spartanburg Advertising Co., Inc., Spartanburg, S. C.—Granted special temporary authority to operate from 9:30 p. m., EST, to conclusion of President's speech on December 29, in order to broadcast the speech only.

The Commission has granted further extension of relay broadcast stations, upon a temporary basis only, pending receipt and determination of renewal applications, for the period January 1 to February 1, 1941:

KAOU, Tucson, Ariz.; WEGZ, New Haven; WEIC, Schenectady; KEIM, Phoenix, Ariz.; KEIN, Walla Walla, Wash.; KEGN, San Francisco; KFAS, Fairbanks, Alaska; WEOM, Aurora, Ill.; WEOC, Charleston, S. C.; WEKW, Hartford, Conn., and WENK, Erie, Pa.

W2XOR—Bamberger Broadcasting Service Corp., New York, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43500 kc.**, with 1000 watts power, special emission for frequency modulation, with transmitter located at 444 Madison Ave., New York City, and described as Western Electric, Type D-151182, maximum rated carrier power output 1000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate station W2XOR on the frequency of **47100 kc.** (which frequency was granted for new high frequency broadcast construction permit).

KFJZ—Tarrant Broadcasting Co., Fort Worth, Tex.—Granted modification of construction permit (B3-P-2497) which authorized new transmitter, increase in power, etc., for move of transmitter from northeast of Fort Worth to ½ mile northwest of Birdville, Tex.; extend commencement and completion dates from 11-17-40 and 5-17-41 to date of grant and 120 days thereafter.

APPLICATIONS FILED AT FCC

560 Kilocycles

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Authority to transfer 50 per cent of interest in corporation from Strawbridge & Clothier to Lit Brothers, 7100 shares common stock.

600 Kilocycles

WCAO—Monumental Radio Co., Baltimore, Md.—Construction permit to change power from 500 watts night, 1 KW day, to 5 KW day and night, install new transmitter, install directional antenna for day and night use, and move transmitter. Amended to make changes in directional antenna for day and night use.

930 Kilocycles

WDBJ—Times-World Corporation, Roanoke, Va.—Modification of construction permit (B2-P-2522) for installation of directional antenna for night use, increase in power, requesting approval of transmitter location at present licensed site and approval of directional antenna as specified under construction permit (B2-P-2522).

1050 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Modification of construction permit (B4-P-2886) for change of hours of operation, power, move of transmitter, and installation of directional antenna day and night, requesting installation of new transmitter, increase power from 1 KW to 1 KW night, 5 KW day, using directional antenna night only, and extend commencement and completion dates. Amended to make changes in directional antenna for night use and move transmitter.

1200 Kilocycles

KFXD—Frank E. Hurt, Nampa, Idaho.—Authority to determine operating power by direct measurement of antenna power.

1210 Kilocycles

WGRM—P. K. Ewing, Greenwood, Miss.—License to cover construction permit (B3-P-3009) for new transmitter.

1220 Kilocycles

KPAC—Port Arthur College, Port Arthur, Tex.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW day. Amended to request 1 KW day and night (using directional antenna night).

1280 Kilocycles

WORC—Alfred Frank Kleindienst, Worcester, Mass.—License to cover construction permit (B1-P-2563) for changes in equipment and increase in power.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Authority to determine operating power by direct measurement of antenna power.

1310 Kilocycles

KRJF—Star Printing Co., Miles City, Mont.—Modification of construction permit (B5-P-2533) for a new station, requesting approval of studio and transmitter sites at U. S. Highway No. 212, south near intersection of road to Miles City Country Club, Miles City, Mont., approval of antenna and change type of requested transmitting equipment.

WINX—Lawrence J. Heller, Washington, D. C.—License to cover construction permit (B1-P-2546) as modified for a new 50-watt amplifier.

1350 Kilocycles

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Modification of construction permit (B4-ML-386) to change power and install directional antenna for day and night use, requesting approval of directional antenna for day and night use.

1370 Kilocycles

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Construction permit to change frequency from **1370** to **1020 kc.** (**1060 kc.** under North American Regional Broadcasting Agreement), increase power from 250 watts to 10 KW, install a new transmitter, install directional antenna for day and night use, and move transmitter. Amended: To change type of requested transmitting equipment.

1500 Kilocycles

KROD—Dorrance D. Roderick, El Paso, Texas.—Modification of construction permit (B3-P-2725) to install new transmitter, change frequency, and increase power, further requesting authority to change type of transmitter, and extend commencement and completion dates.

FM APPLICATIONS

NEW—Stromberg-Carlson Telephone Manufacturing Co., Rochester, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **45100 kc.**, coverage, 2240 square miles; population, 543,000.

NEW—FM Radio Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **48300 kc.**, coverage, 8600 square miles; population, 9,800,000.

NEW—Columbia Broadcasting System, Inc., Boston, Mass.—Construction permit for a new high frequency broadcast station to be operated on **44100 kc.**, coverage, 16230 square miles; population, 5,972,246.

NEW—Gordon Gray, Winston-Salem, N. C.—Construction permit for a new high frequency broadcast station to be operated on **44100 kc.**, coverage, 69400 square miles; population, 4,125,000.

NEW—The Gazette Company, Cedar Rapids, Iowa.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.**, coverage, 7400 square miles; population, 282,000.

MISCELLANEOUS

KLX—Tribune Building Co., Oakland, Calif.—Authority to determine operating power by direct measurement of antenna power. (Not signed or verified by an officer.)

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Copinol Company—Robert E. Overell, trading under the firm name of Copinol Company, 7th and Main Sts., Los Angeles, engaged in the distribution of a medicinal preparation designated "Copinol" and sometimes "Copinol Nasal Medicine," is charged in a complaint with false advertising.

The complaint charges that in advertisements distributed through the United States mails and other means in commerce, the respondent has represented among other things: "Secret Formula for Nose Catarrh Revealed at Last!" "Special ingredient retains medication longer in nose—speeds relief in catarrh-choked nasal congestion, shrinks swollen membranes," and " * * * New laws require that Copinol reveal its treasured formula and now the whole world knows that LANOLIN, blended with six other scientific ingredients, is the amazingly effective medication that insures such lasting relief from stuffy head colds, catarrh-choked nose and throat, nasal catarrh, and sinus congestions. * * *"

These representations, the complaint continues, are false and misleading; the preparation has no therapeutic value in the treatment of head colds, nasal catarrh, or sinus congestion in excess of furnishing temporary relief to congested nasal mucous membranes, and is nothing more than a mild antiseptic emollient and constrictor of the arterioles.

The complaint charges further that respondent's preparation contains ephedrine, and the preparation may be harmful to those suffering from heart trouble, high blood pressure, diabetes or thyroid trouble, and that use of the preparation over a long period of time is likely to produce such prolonged nasal constriction as to cause tissue damage from anoxemia with secondary inflammatory reaction.

The advertisements disseminated by the respondent, the complaint continues, contain no cautionary statements to the effect that this preparation should not be used by persons having heart trouble, high blood pressure, diabetes or thyroid trouble, and constitute false advertising in that they fail to reveal that use of the preparation under the conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in injury to health. (4431)

Ethel Bellamy, Inc., 30 Elm St., Nutley, N. J., engaged in the sale and distribution of a cosmetic and drug preparation designated "Ethel Bellamy Eyelash Luxuriant," is charged, in a complaint with misrepresentation of the product.

In advertisements circulated in commerce, the complaint charges, the respondent has represented that the product is of substantial therapeutic value in the treatment of granulated eyelids; that its use promotes the growth of eyelashes, and that it supplies pigment to eyelashes and darkens eyelashes permanently.

These representations, the complaint continues, are exaggerated, misleading and untrue. (4424)

Food Service Equipment Industry, Inc.—Charging various members of the food service equipment industry with combinations and agreements to unlawfully restrict competition in the sale of their products and create monopolies, a complaint has been issued against Food Service Equipment Industry, Inc., Chicago. Its officers, directors, and member companies who are representative of the some 75 or 80 of the country's leading dealers in food service equipment; corporations manufacturing such equipment, who are representative of concerns holding "Honor Roll Certificates" from the industry association; Illinois Brass Mfg. Co., Chicago; Columbia Stamping and Enameling Company, Long Island City, N. Y.; American Vitrified China Manufacturers' Association, New Castle, Pa., two of its officers, and its member manufacturing companies.

The complaint alleges that each of the various respondents, in cooperation with one or more other respondents, either directly, or through Food Service Equipment Industry, Inc., or its officers or directors, or American Vitrified China Manufacturers' Association, or its officers, or by other means, entered into agreements, combinations, policies and practices which had the effect, among other things, of monopolizing in the respondent food service equipment dealers the resale and distribution of food service equipment to hotels, clubs, restaurants and other users, and in monopolizing in the respondent manufacturers the manufacture of such equipment.

The complaint alleges that by means of agreements and understandings; (1) the distributors comprising the industry association membership, through the association required all manufacturers of food service equipment to sell their products through the industry association members and not directly to ultimate users, and pursued a general policy of reducing competition throughout the United States which tended to maintain a monopoly in the respondent dealers and manufacturers, such policies and practices having been accomplished through national and local association meetings, special committees, publications and by other means; (2) the industry association issued to respondent manufacturers "Honor Roll Certificates" signifying that they had agreed, and abided by their agreement, not to sell through any but "recognized" dealers and to discontinue selling directly to hotels, restaurants, chain stores and similar users, the tendency and effect being to set up the respondent manufacturers Honor Roll Certificate recipients, as a "White List" of manufacturers to receive exclusively the industry members' business; and (3) the industry association members entered into and carried out agreements with manufacturers of stainless steel and enamel cooking equipment, the china manufacturers' association member and three of the largest commercial gas range manufacturers, all respondents in the proceeding, to monopolize in the respondent industry association members the resale, and in the respondent manufacturers all purchases of these manufacturers' products by industry members.

The complaint alleges that Illinois Brass Mfg. Co. and Columbia Stamping and Enameling Co., although not recipients of Honor Roll Certificates, cooperated as manufacturers with the other respondents in effectuating the industry corporation members' policies and practices.

The respondents officers of Food Service Equipment Industry, Inc. are: I. S. Anoff, Chicago, chairman; M. P. Duke, St. Louis, vice-chairman; Miss L. E. Iwert, Chicago, secretary, and S. R. Spearans, New York, treasurer; directors: A. H. Beadle, St. Paul, Minn.; S. J. Carson, Denver, Colo.; H. C. Davis, Baltimore; W. F. Dougherty, Philadelphia; B. Dohrmann, San Francisco; P. L. Ezekiel, Richmond, Va.; A. W. Forbriger, Cincinnati; W. Friedman, New York; C. A. Winchester, Boston; and C. Winkler, Seattle.

The respondent member companies, named as being representative of some 75 or 80 corporations, firms or individuals engaged in the purchase and resale of food service equipment, are: A. L. Cahn & Sons, New York; Duke Manufacturing Co., St. Louis; Ezekiel & Weilman Co., Inc., Richmond, Va.; Alex Janows & Company, Chicago; Albert Pick Co., Inc., Chicago; The Stearnes Company, Chicago; and Straus-Duparquet, Inc., New York.

The respondent manufacturers, named as being representative of some 40 or 45 manufacturers, all recipients of Honor Roll Certificates, are: American Stove Co., St. Louis; Josiah Anstice & Co., Inc., Rochester, N. Y.; G. S. Blakeslee & Co., Cicero, Ill.; G. S. Blodgett Co., Inc., Burlington, Vt.; Carrollton Metal Products Co., Carrollton, Ohio; Colt's Patent Fire Arms Manufacturing Co., Hartford, Conn.; Detroit-Michigan Stove Co., Detroit; Hobart Manufacturing Co., Troy, Ohio; Lalance-Grosjean Manufacturing Co., Woodhaven, Long Island, N. Y.; McGraw Electric Co., Chicago; Polar Ware Co., Sheboygan, Wis.; Standard Gas Equipment Corporation, New York; United States Stamping Co., Moundsville, W. Va.; and Vollrath Co., Sheboygan, Wis.

Active officers of the respondent American Vitrified China Manufacturer Association named respondents are: Albert M. Walker, Bedford, Ohio, president, and James K. Love, New Castle, Pa., secretary-treasurer. Respondent members of the china association are: Bailey-Walker China Co., Bedford, Ohio; Buffalo Pottery Co., Inc., Buffalo, N. Y.; Carr China Company, Grafton, W. Va.; Iroquois China Co., Syracuse, N. Y.; Jackson Vitrified China Co., Falls Creek, Penna.; D. E. McNichol Co. of W. Va., Clarksburg, W. Va.; Mayer China Company, Beaver Falls, Penna.; Onondaga Pottery Co., Syracuse, N. Y.; Scammell China Company, Trenton, N. J.; Shenango Pottery Co., New Castle, Penna.; Sterling China Company, Welleville, Ohio; and Wellsville China Co., Wellsville, Ohio. The respondents Buffalo Pottery Co., Inc., and D. E. McNichol Co. of W. Va., according to the complaint, received Honor Roll Certificates. (4433)

National Distillers Products Corporation, 120 Broadway, New York, which conducts a distillery and factory in Cincinnati in which it prepares and from which it ships into various States a poultry feed supplement variously designated as "Produlac Brand Semi-Solid Distillers Grains Mash", "Semi-Solid Produlac" and "Produlac", is charged, in a complaint with misrepresentation of its product.

The complaint charges that the respondent corporation, in letters and circulars transmitted by mail and otherwise through the various States of the United States (except into and in certain States where the respondent has been compelled by requirement of statutes relating to poultry feeds to modify its representations), has represented and implied that poultry rations generally are inadequate and must be supplemented by the vitamins and nutritional factors represented and implied as being contained in sufficient quantities or percentages in its product. The complaint also alleges that the respondent also represents and implies that the addition of its product as a supplement to a diet or ration already containing the necessary food elements and vitamins results in substantially increased egg production, better health, hatchability of eggs, decreased mortality and other advantages set forth in its representations.

The complaint alleges that these representations are unwarranted, grossly exaggerated and misleading, and that the respondent's product is merely one of a class of dried grain after-distillation remnants and does not have the qualities and efficacy claimed for it. (4425).

Powerine Company, Denver, Colo., engaged in the sale and distribution of petroleum products to retail dealers and jobbers, is charged, in a complaint with the use of lottery methods in the sale of its products, designated "Powerine" and "Powerlube".

The complaint charges that in connection with the sale of these products the respondent has distributed to dealers a so-called "Right in the Palm of Your Hand" device for use in the sale and distribution of the products to the consuming public in a manner involving the operation of a game of chance, gift enterprise or lottery scheme. The devise consists of a booklet, the complaint continues, together with a number of sales receipts or coupons. The petroleum products, services or cash awards to be awarded purchasers vary in value in accordance with each individual booklet, the complaint alleges, and are effectively concealed from purchasers until certain seals are broken and removed from the booklets, thus the prizes or awards are distributed to the purchasing public wholly by lot or chance.

The aforesaid acts and practices of the respondent, the complaint alleges, constitute unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce within the meaning of the Federal Trade Commission Act. (4423).

Rosse Products Company—Edward C. Rose, trading under the firm name of Rosse Products Company, 2708 West Farwell Ave., Chicago, engaged in the advertising, sale and distribution of a medicinal preparation designated as "Rosse Rheuma Tabs", is charged, in a complaint with misrepresentation.

By the dissemination of advertisements concerning his preparation circulated by United States mails and other means in commerce, the complaint charges, the respondent has represented that his product is a cure or remedy for rheumatism, rheumatic pains, and sensitive joints, and constitutes a competent and effective treatment therefor, and that it will relieve the pain attendant upon which such conditions for a longer period of time than any other preparation.

The complaint charges that the product is nothing more than a laxative and diuretic having mild analgesic properties; has no curative action on the underlying factors that cause rheumatic pains; and has no therapeutic value in the treatment of rheumatism, rheumatic pains or sensitive joints, in excess of furnishing temporary relief from the symptoms of pain. (4428).

Ruth Gowns, Inc., 498 Seventh Ave., New York, engaged in manufacturing, selling and distributing various grades and types of dresses and other wearing apparel for women, is charged, in a complaint with falsely representing the constituent fiber or material of which its products are made. Such representations, according to the complaint, are made by means of tags, labels, price lists and invoices, as well as in various advertising material circulated in commerce, through statements made to purchasers, and by the respondent's failure to disclose the rayon content of certain of its products.

The complaint alleges that an example of the respondent's representations is its placing on price lists and invoices and in various advertising circulars of the term "Tie Silk Taffeta Dress", or other terms indicative of silk, thus representing that the fabrics so described are composed of silk, when in fact they consist in whole or in part of rayon.

In a large portion of the respondent's sales, the complaint alleges, no indication of the fabric content of its products is made by tag, label or invoice, in advertising, or by any other means, and a large portion of the respondent's products which have the appearance and feel of silk but are composed entirely of rayon, are therefore sold through wholesalers, jobbers and retail dealers to the purchasing public without any disclosure being made of their rayon content. (4426).

Siegel & Alenikoff—Joseph Henschel, Jacob Siegel and Philip Alenikoff, copartners trading as Siegel & Alenikoff, 520 Eighth Ave., New York; H. M. Thorman and Alfred Schuster, trading under the name H. M. Thorman, 2101 Superior Ave., Cleveland; Joseph Bloomfield, trading as Bloomfield Company, 75 Kneeland St., Boston; Lou Littman, 153 East Grand River Ave., Detroit, and Sugar, Feinberg & Frankel, 318 West Adams St., Chicago, are charged in a complaint with unfair and deceptive acts and practices in commerce.

Respondents Joseph Henschel, Jacob Siegel and Philip Alenikoff, trading as Siegel & Alenikoff, have been engaged in the manufacture and sale of women's textile fabric coats and other garments, some made of fabrics composed of wool and cotton, and some of rayon, wool and cotton. The other respondents are engaged in selling and distributing women's textile fabric coats and other garments manufactured for and shipped to them by Henschel, Siegel and Alenikoff.

The complaint charges that the respondents, in connection with the offering for sale and sale of their textile fabric garments, refer to and designate such textile garments through use of the word "Persian" and by the trade names "Galykurl" and "BABELAMM," and advertise the garments by means of trade journals, window display cards and other advertising matter which describe and refer to the garments as "Persian," "Genuine BABELAMM," and "Persian Fur Fabrics," together with the word "Imported," and other words of like import and meaning, accompanied by pictorial designs of sheep or lambs, and showing a woman wearing a coat having the appearance of fur.

The respondents also, the complaint continues, attach to the textile fabric garments certain tags and labels, some of which bear upon their faces pictorial designs of sheep or lambs and the trade names "Galykurl" and "BABELAMM." These garments, the complaint continues, are constructed so as to have the appearance of silky, tightly-curled and highly prized fur of the young of the Karakul breed of sheep, and convey the impression and induce the belief from their appearance that they are in fact made of the peltries of "Persian" lambs, the young of such Karakul sheep, or are made from silky hair or wool of peltries coming from such lambs.

The respondents also, the complaint charges, by use of labels and tags and other advertising matter, have created the impression in the minds of purchasers and prospective purchasers that the garments are made in whole or in part from the peltries of the young of the Karakul breed of sheep or from the wool taken from such sheep, and that the materials of which they are made are imported from Persia.

In truth, the complaint alleges, the garments are made in the United States of fabrics composed of wool and cotton, or of rayon, wool and cotton. The labels, tags and other advertising material employed by the respondents, the complaint continues, to describe, designate or refer to their products, do not disclose or indicate the presence of rayon or cotton in the garments, and the respondents, by furnishing such deceptive and misleading labels and tags and other advertising material to customers, and causing such labels and tags to be placed upon the garments for resale to the purchasing public, have placed in the hands of retail dealers a means and instrumentality whereby they might deceive or mislead members of the purchasing public. (4427).

Snap-On-Tools Corporation, Kenosha, Wis., engaged in the manufacture and distribution of tools, is charged, in a complaint with the use of lottery methods in the sale and distribution of its products.

In the conduct of its business, the complaint charges, the respondent has sold its merchandise to members of the public in accordance with a sales plan involving a game of chance, gift enterprise or lottery scheme, and has supplied the managers of its branch offices with sales posters and circular letters outlining the sales plans or methods by which its merchandise was to be and has been sold and distributed to the purchasing public. (4429).

Worthmore Sales Promotion Service, Inc., 221 East 20th St., Chicago, engaged in the manufacture and sale of a device called "Rap-A-Pak," a novelty holder for cigarette packages, is charged, in a complaint with misrepresentation.

In magazines and periodicals having an interstate circulation, the complaint alleges, and to potential representatives, the respondent has represented that "A man should make $75 to $100 commission weekly," and Earn $75 to $100 commission weekly." Through use of the foregoing statements and others of similar import, the complaint continues, the respondent represented that agents and salesmen selling the respondent's device customarily earn from $75 to $100 per week in the usual and normal course of business.

The complaint alleges that these representations are grossly exaggerated, false and misleading, and that it is impossible for agents and salesmen selling the device to earn, in the usual and normal course of business, $75 to $100 per week or any amount approximating either of such figures. (4430).

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Allred Brothers Candy Company—Two North Carolina candy distributors have been served with orders directing them to cease and desist from the use of lottery methods in the sale of candy. The respondents are Jesse W. and Robert A. Allred, trading as Allred Brothers Candy Co., Charlotte, N. C., and J. T. Tarlton, trading as J. T. Tarlton Candy Co., Marshville, N. C.

The orders prohibit the respondents from selling or distributing any merchandise so packed and assembled that its sale to the public may be made by means of a lottery; from supplying others with assortments of merchandise, together with push or pull cards, punch boards or other lottery devices, or separately, which devices may be used in selling or distributing such merchandise to the public by means of a game of chance; and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4244-4256).

Augusta Knitting Corporation, manufacturer and distributor of knitted garments, with its place of business in Utica, N. Y., and sales office at 180 Madison Ave., New York, has been ordered to cease and desist from certain misrepresentations concerning its products.

The Commission finds that the respondent has falsely represented the constituent fiber or material of which the various products sold and distributed are made, by means of false representations on labels attached to its products. Typical of such acts and practices, the Commission finds, is that the respondent represents that certain ladies' knitted undergarments manufactured and distributed by it are composed of a mixture of silk and wool, by means of labels, tags and markers attached to the garments which designate and describe the products. One of such labels reads:

"50%
SILK AND WOOL"

Another label reads:

"50%
SILK AND WOOL
27% 27%"

The word "and" on the above labels is printed in minute type and in such a manner as to be illegible to all practical intents and purposes. On the second label the notation "27%" appearing underneath the words "silk and wool" is in much smaller type than the "50%" appearing above the words "silk and wool." By means of the above labels, the Commission finds, the purchasing public are misled into believing that the undergarments so labeled are composed entirely of silk and wool in the proportion of 50 per cent silk and 50 per cent wool. The use on certain labels of "27%" in fine print is according to findings, contradictory to the label itself and would not be noticeable to the purchasing public or understood by them.

In fact, the Commission findings continue, the knitted undergarments so labeled are not composed entirely of silk and wool, but contain a cotton content ranging from 45 per cent to 57 per cent.

In addition, the Commission finds, the respondent fails to disclose by appropriate labels all the fiber constituents from which its garments are made, and fails to disclose the existence of cotton as a substantial constituent of the garments.

The respondent is ordered to cease and desist from representing, in any manner or by any means, that its products are composed of fibers or materials other than those of which such products are actually composed; from using the term "silk" or the term "wool" or any other terms indicative of either silk or wool to describe or designate any fabric or product which is not composed entirely of silk or entirely of wool, provided that in the case of a fabric or product composed in part of silk or wool and in part of materials other than silk or wool, such terms or similar terms may be used as descriptive of the silk or wool content, as the case may be, when immediately accompanied by a word or words accurately describing and designating each constituent fiber or material thereof in letters of equal size or conspicuousness in the order of its predominance by weight, beginning with the largest single constituent.

The order further directs the respondent to cease representing in any manner or by any means that the fabrics or products offered for sale or sold by the respondent contain wool or silk in greater quantity or percentage than is actually the case and to discontinue representing that the respondent's products have longer wearing qualities than garments of equivalent price and quality ordinarily and customarily sold in the usual course of business; or that the quality, grade, material or character of the respondent's products are superior to or different from the actual quality, grade, material or character of such products. (4162)

Minetree Brokerage Company—T. A. Ward, Carr Ward and Wilma Ward, trading as Minetree Brokerage Company, Poplar Bluff, Mo., have been ordered to cease and desist from violation of the brokerage provision of the Robinson-Patman Act in the sale of merchandise, particularly foodstuffs.

Commission findings are that the Poplar Bluff Wholesale Grocery Company, Poplar Bluff, Mo., in which the respondents, T. A. and Wilma Ward own 88 per cent of the outstanding capital stock and of which they are officers, places orders for a substantial portion of its merchandise requirements, particularly foodstuffs, with sellers through the respondent brokerage firm of T. A. Ward, Wilma Ward and Carr Ward, trading as Minetree Brokerage Company.

Sellers delivering the goods ordered by Poplar Bluff Wholesale Grocery Company, the findings continue, transmit and pay to the respondent brokerage firm substantial brokerage fees or commissions amounting to a certain percentage, usually from 2½ to 5 per cent, of the sales price of the grocery company's purchases. In all of these transactions, the findings continue, the respondents have acted for and on behalf of the Poplar Bluff Wholesale Grocery Company.

The Commission order directs the respondents, individually and trading under the firm name of Minetree Brokerage Company, to cease and desist from accepting or receiving from sellers, directly or indirectly, in connection with the purchase of commodities in interstate commerce by the Poplar Bluff Wholesale Grocery Company, under the facts and circumstances as found, any brokerage fees or commissions, or any allowance or discount in lieu of brokerage, in whatever manner or form they may be offered, allowed, granted, paid or transmitted.

The order also directs the respondents to cease and desist from accepting or receiving, directly or indirectly, any brokerage fees or commissions, or any allowance or discount in lieu of brokerage, in whatever manner or form they may be offered, allowed, granted, paid or transmitted by sellers on purchases of commodities in interstate commerce, by any person, partnership, firm or corporation where all or any of the respondents are subject to the direct or indirect control of such buyer or act for or in behalf of such buyer. (4285)

Patent Specialties Company—George W. Brenner and John M. Kurtz, trading as Patent Specialties Company, 4020 Tenth Ave., New York, engaged in the manufacture and sale of two devices, the "Magic Wand Welder" and "Super Magic Wand Welder," intended for use in welding different kinds of metals, using electric current as the heating agency, have been ordered to cease and desist from certain misrepresentations of their products.

The Commission finds that in advertisements in trade publications and other media, the respondents represented that the Magic Wand welding device is a "genuine" heavy-duty device which, when connected with an ordinary automobile storage battery, will weld all base metals in any form, and that it is practical for such use in home tinkering and shop production, and that the respondents give each purchaser of the device a full kit of welding supplies "free" and as a gratuity.

The Commission further finds that the respondents represented and implied that the "Super Magic Wand" device is a tool built for use and is useful for heavy-duty in welding base metals of all kinds, and more particularly cylinder blocks and heavy parts of mechanical and farm machinery; that it will heat such metals to the extent that they will run so that a proper weld can be effected; that its construction is sturdy enough to withstand such hard use and the electric current necessary for such welding; that it is safe to operate on an ordinary AC or DC branch electric household circuit; that its operation will injure neither the operator nor the branch electric current to which it is attached, and that it is a safe and efficient device to use in obtaining a "sun tan" on the skin.

The respondents are ordered to cease and desist from representing, directly or by implication, that the "Magic Wand" welder is a heavy-duty welder which is of practical use in shop welding; that it will generate sufficient heat, when connected with an automobile storage battery, to prepare materials for welding; that the "Super Magic Wand" welder conforms to the standard method of design or construction for electrical devices, either as to the suitability of materials used or as to the proper guarding and spacing of "live" electric parts; that it is a heavy-duty welder, or that it is useful in welding heavy mechanical and farm machinery, such as cylinder blocks; that the "Super Magic Wand" welder may be used on ordinary alternating or direct branch electrical household circuits without injury either to the operator of the welder or to the household circuit to which it is attached; that the "Super Magic Wand" welder may be used with safety and efficiency in "sun tanning" the skin, or that welding supplies offered regularly as part of a combination offer are free or a gift or gratuity. (4336)

Primrose House, Inc., 111 Eighth Ave., New York, and Delv, Limited, 76 Ninth Ave., New York, engaged in the sale and distribution of various cosmetics, have been ordered to cease and desist from certain misrepresentations of their product.

Primrose House Sales Company, Inc., a wholly-owned subsidiary of the respondent Primrose House, Inc., with identical officers and directors, was engaged in the sale and distribution of a skin cream, "Delv," from January, 1934 until May, 1935, at which time it was dissolved and its assets taken over by the parent company. During the time mentioned above, the Commission finds, Primrose House Sales Company, Inc., in promoting the sale of the skin cream by various advertising media such as radio broadcasts and printed matter circulated in the various States, represented, among other things, that "Delv is based upon a new cosmetic principle for it contains a precious new beauty ingredient. This ingredient, called 'Triactin' has the same action on the skin as the skin's own gland fluids that keep it young and vital."

In May, 1935, Primrose House Sales Company, Inc., entered into a stipulation with the Federal Trade Commission by which it agreed to abandon the use of certain allegedly false representations in connection with the sale of the product. Notwithstanding the aforesaid agreement to cease and desist, the findings continue, the respondents have, since May, 1935, in promoting the sale of Delv through radio broadcasts and by printed matter circulated in various States, represented that Delv contains an ingredient which acts on the skin as the natural fluids of the skin, and that it serves the same purpose as such fluids; that it will rid the skin of wrinkles, large and unsightly pores and other imperfections; that it will nourish and rejuvenate the skin and will create a new skin texture and keep the face young and the complexion beautiful. The Commission finds that these representations are false and misleading.

The respondents are ordered to cease and desist from representing that the preparation acts on the skin as the natural fluids of the skin, or that it serves the same purpose as the natural fluids of the skin; that it will cause wrinkles, large or unsightly pores or other imperfections to disappear from the skin; that it will nourish or rejuvenate the skin or create a new skin texture, or that the preparation will keep the face young and the complexion beautiful. (3314)

STIPULATIONS

During the week the Commission has entered into the following stipulations:

American Mattress Mfg. Company—Harry Malneck, trading as American Mattress Manufacturing Company, 1305 Larimer St., Denver, engaged in the manufacture and distribution of mattresses, has agreed to cease and desist from failing to clearly and unequivocally disclose that his products, which are made, either in whole or in part, of used or second-hand materials, are in fact made of or actually do contain materials which have been used or are second-hand, and from representing that the products are made in compliance with Colorado bedding laws, or the laws of any other State, or that they have been thoroughly cleaned and renovated, that is, restored to a state of freshness by cleaning, when in fact the products are not made so as to conform to such laws and have not been thoroughly cleaned and renovated as represented. (3007)

Arcady Farms Milling Company, 223 West Jackson Boulevard, Chicago, engaged in manufacturing various feed mixes for poultry, including a product known as "Wonder Live Milk Pellets," has stipulated to discontinue certain representations in the sale of its products.

The respondent agrees to cease use of the term "Live Milk" as a trade name or designation for its products, and use of the words "Live Milk" or "Milk" in any way so as to imply that the products are composed of milk, that is, the fresh, clean, lacteal secretion such as is obtained in the pure or native state from a milk-producing animal.

Under its stipulation, the respondent also agrees to desist from use of any statement or representation which implies that there are quantities of beneficial bacteria present in the respondent's products sufficient to have any therapeutic effect, or that there is scientific basis for the representation that putrefactive bacteria will cause all the dire consequences recited in certain advertising issued by the corporation, or that the presence of so-called beneficial bacteria will alleviate such conditions.

The respondent, according to the stipulation, advertised, among other things, that the presence of lactic acid and lactic acid producing bacteria in its products "prevent the development of putrefactive types of bacteria, which retards digestion, produces waste, develops poisonous putrefactive gases in the system, and retards all bodily functions * * *." (3008)

Cenol Company, Inc., 4250-56 North Crawford Ave., Chicago, engaged in selling two rat killing preparations designated "Cenol Squill Powder" and "Cenol Rat Destroyer," has stipulated to cease representing that "Cenol Squill Powder" will kill any species of mice except house mice, or that it is the leading "raticide" in the United States and is superior to or more effective than similar preparations containing the same amount and toxic quality of red squill powder.

The respondent also agrees to desist from representing that "Cenol Rat Destroyer" will destroy any species of mice except house mice, or that the effect of the barium carbonate content contained in "Cenol Rat Destroyer" will drive poisoned rats out of doors to die in the open. (02692)

Colorado Mattress Mfg. Company—Morris Stein and Morris Nierenberg, trading under the name Colorado Mattress Manufacturing Company, 2363 Larimer St., Denver, in connection with the labeling, tagging or other advertising of their products, agree to discontinue designating, describing or representing their products, which are made either in whole or in part of used or second-hand material, to be products made of or containing all new material; failing to clearly and unequivocally disclose that such products are composed, either in whole or in part, as the case may be, of used or second-hand material, and representing that the products are made in compliance with the laws of the State of Colorado, or of any other State, or that they or the materials used as filler therefor have been subjected to a cleansing process so as to be free from dirt or other extraneous matter, when in fact the products are not so made as to conform to such laws and have not been cleaned as represented. (3006)

Crown Silver Company, Inc., 62 Harvard St., Brookline, Mass., manufacturer of copies of reproductions of Sheffield silverware, has entered into a stipulation to cease and desist from certain representations in the sale of its products.

The stipulation points out that in England there exists an outgrowth of the Guild System which requires that articles made of silver be submitted to Goldsmith Hall for assaying, and that articles found to be of the standard prescribed are stamped with hall-marks indicating the place and year of manufacture. The practice of using hall-marks in England dates back several centuries. These well-known and understood hall-marks, when impressed upon the silver, inform purchasers that the silverware is Old English and of ancient origin. Old English Silverware and Sheffield Plate that have been manufactured and imprinted with the genuine English hall-mark have for many years enjoyed widespread demand in the United States.

Crown Silver Company, Inc., in connection with the sale and distribution of silverware in commerce, agrees to cease and desist

(1) from representing its product as "Hall-Marked" or using or causing to be used or aiding or abetting others to use upon or in connection with such silverware, an English hall-mark or any hall-mark, stamp, brand, label or other mark or device which simulates or imitates an English hall-mark, unless such silverware has been manufactured in England and has been submitted to Goldsmith's Hall of England and has met the standards prescribed thereby for use of the English hall-mark;

(2) from in any way using or causing to be used, or aiding or abetting others to use or cause to be used, upon or in connection with such silverware any mark, stamp, brand or other device which represents or indicates directly or by implication that such silverware has been manufactured in England or has been submitted to Goldsmith's Hall of England, or has met the tests or requirements prescribed by Goldsmith's Hall of England, or is silverware of a certain hall-mark, grade, quality, standard, design or manufacture, when such is not true in fact. (3005)

Fram Corporation, East Providence, R. I., engaged in selling a filter for the lubricating oil of internal combustion engines, designated "Fram Oil and Motor Cleaner," has stipulated to discontinue representing that by the use of the "Fram Oil and Motor Cleaner," motorists are freed from all oil and mechanical motor trouble; that the product will double the possible length of service of an internal combustion engine, or that the possible length of service of such engine can be extended beyond any period not in accord with the facts, and that installation of a "Fram Oil and Motor Cleaner" will effect savings sufficient to equal its cost in instances where a motor is consuming excessive oil because of a need for mechanical repairs. (02684)

Gillespie Furniture Company, 3011 East Pico Boulevard, Los Angeles, a corporation engaged in the manufacture and sale of furniture, including mirrors, has stipulated that in connection with the advertisement, sale or distribution of its mirror products, it will cease using the words "copper plating on the back" as descriptive of the mirrors, and will cease using any other words of similar import, the effect of which tends to convey the impression that the mirrors are backed with genuine metallic copper applied by the electrolytic process, when in fact they are not so backed. (3004)

Lester Meyers, 112 East 17th St., New York, engaged in conducting an advertising agency which disseminated advertisements for a preparation designated "Activanad" on behalf of Charles J. Ashbahs, trading as Neo-Products Company of America, New York, has stipulated that he will cease and desist from representing, directly or indirectly, in future advertising, that the preparation is praised or recommended by eminent physicians and psychiatrists; that it strengthens the body; is beneficial for persons afflicted with fear, anxiety, irritability, worry or fatigue; benefits failing physical processes and prevents chronic disorders. The respondent also agrees to cease otherwise representing that the preparation has any therapeutic value in the prevention of any ailment or disease; prevents fatigue; builds up the body; promotes formation of new blood, or is of any therapeutic value in the treatment thereof; strengthens the muscles, or promotes sleep; increases capacity for mental concentration; provides new reserves of power, new funds of energy, better poise or self-confidence; provides energy for the body and strengthens the nerves; is an effective aphrodisiac; produces a striking or prompt effect, or is beneficial following childbirth or physical collapse. (02687)

Charles H. Lilly Co., Seattle, Wash., engaged in selling "Lilly's Dog Food," has entered into a stipulation in which it agrees to cease and desist from representing that its dog food is better than uncooked dog food; that it owns, operates or controls a laboratory; that its product prevents any skin disorder, aids in assimilating mineral matter, stimulates the glands, tones the digestive tract, or aids the luster or sleekness of the hair coat. (02690)

Newmark's Advertising Agency, Inc., 217 Seventh Ave., New York, which disseminated advertisements for a cosmetic product designated "Lucone Herb Tonic" on behalf of Lucone, Inc., New York, has agreed to cease and desist from disseminating any advertisements which represent, directly or by implication, that the product is an herb tonic, or from otherwise representing or implying that it is composed wholly of herbs, or from making any other untrue statement regarding its composition; that the product contains no greasy substances; that it will promote, provide or cause or assure a healthy or robust hair growth, or from otherwise representing or implying that it will cause hair to grow; that the product will prevent baldness, hair loss or dandruff, or will save hair or end falling or thinning hair or dandruff. (02693)

Rexbell Huntington Station—W. F. Hagel, doing business under the trade name Rexbell, Huntington Station, New York City, engaged in selling a preparation designated "French Love Drops," has stipulated to cease and desist from representing, by use of the word "French" as a part of the name of the product, that the product was manufactured or compounded in France, or by use of the word "exotic," as descriptive of the product, that the product was introduced from a foreign country. (02691)

Sears, Roebuck and Company, Chicago, in connection with the sale of electric fence controllers designated "Sears Thrifty," "Defiance," "4 Star" and "Cross Country," has entered into a stipulation in which it agrees to discontinue representing that any electric fence controller offered for sale or sold by it has been approved by the Underwriters' Laboratories or any other laboratory, commission or authority, when such is not the fact; that any such controller has a value in excess of the current market price or has had a value in excess of the recent market price at which such controller was regularly sold; that an electric fence served by the respondent's controllers is "absolutely" safe; that purchasers can save more than half the cost of their electric fence controllers or any other sum in excess of the average difference in the current market prices of controllers of equal quality, efficiency and durability; that one or two wires will stop both large and small animals, including sheep and goats, or that an electric wire fence will assure protection of fields or crops. (02689)

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Reports

1626 K STREET, N. W.   WASHINGTON, D. C.   Vol. 9, No. 2, January 10, 1941

THE WEEK IN WASHINGTON

A C. E. Hooper, Inc., survey showed that the radio listening audience increased after the ASCAP music went off the air. Neville Miller said that the industry was "delighted with the way the radio stations all over the United States had been able to continue their excellent entertainment without ASCAP music." (p. 27)

The NAB-AAAA Conference Committee approved a new station facilities contract for the NAB to recommend to stations. Copies are included with this issue. (p. 28)

Another series of District meetings starts Monday, January 13, with a Sixth District meeting at Nashville. The NAB's Associate Membership campaign will get under way next week. Ed Kirby, NAB Public Relations Director, was appointed this week to the Army's General Staff where he will organize and administer a radio broadcasting division. Samuel J. Henry, Jr., resigned as Director of the Bureau of Radio Advertising. (pp. 29-30)

January 15 was the closing date for entries in the George Foster Peabody Radio Awards contest. Radio has placed 200,000 workers in National Defense jobs. (p. 31)

Senator Tobey has introduced a resolution to investigate the broadcasting industry and the FCC. (p. 31)

The Supreme Court held that an employer must reduce to the form of a written contract any agreement he reaches with a labor union at the union's request. (p. 33)

Neville Miller was elected chairman of the Domestic Broadcasting Committee of the Defense Communications Board. The FCC Budget Bureau estimates it will need $1,930,000 for national defense work during the next fiscal year. (p. 33)

BMI Developments

A special survey by C. E. Hooper, Inc., showed that the total audience listening to 21 programs was nearly five per cent greater on January 2, 3 and 4 than during the corresponding period in December. This was the answer to ASCAP's claim that the radio audience had decreased considerably since December 31.

A joint meeting of the NAB Executive Committee, the Board of Directors of Broadcast Music, Inc., and the Executive Committee of Independent Radio Net Work Affiliates was held in Washington, D. C., on January 7. At the close of the meeting Neville Miller issued the following statement:

> "We had a general discussion of all phases of the music situation. Of course all of us were delighted with the way that radio stations all over the United States have been able to continue their excellent public entertainment without ASCAP music. In our opinion this means that radio has won its fight to break ASCAP's strangle-hold on American music and creative talent."

BMI FEATURE TUNES
January 13-20

1. HIGH ON A WINDY HILL
2. IT ALL COMES BACK TO ME NOW
3. HERE'S MY HEART
4. YOU WALK BY
5. I CAN'T REMEMBER TO FORGET
6. BECAUSE OF YOU
7. ACCIDENT'LY ON PURPOSE
8. LET'S DREAM THIS ONE OUT
9. WALKIN' BY THE RIVER
10. THE WISE OLD OWL

Four out of the top fifteen sheet music best sellers throughout the nation for last week were BMI songs: *There I Go, I Hear A Rhapsody, So You're The One,* and *I Give You My Word.* In addition to these songs which are BMI's own publications, the number one song both among the sheet music best sellers in the nation and among the best selling records is *Frenesi* which is covered by the BMI license.

Stations, most of which have previously been pledged to BMI, have continued to swell the ranks of the BMI member stations. If any of the following have already been announced, we are still glad to welcome them twice. Here are the latest additions to BMI's family:

WDSM—Superior, Wis.
KVOL—Lafayette, La.
WMSL—Decatur, Ala.
WAGF—Dothan, Ala.
WSAM—Saginaw, Mich.
KYSM—Mankato, Minn.

(Continued on page 28)

NAB Reports
The National Association of Broadcasters
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

BMI DEVELOPMENTS

(Continued from page 27)

WSLI—Jackson, Miss.
KFJZ—Fort Worth, Tex.
KABC—San Antonio, Tex.
WACO—Waco, Tex.
KGKL—San Angelo, Tex.
KRRV—Sherman, Tex.
KFVS—Cape Girardeau, Mo.
WKBH—LaCrosse, Wis.
WDSU—New Orleans, La.
WGBB—Freeport, N. Y.
WLOL—Minneapolis, Minn.
WRR—Dallas, Tex.
KTRB—Modesto, Calif.
KCMC—Texarkana, Tex.-Ark.
KNOW—Austin, Tex.
KBST—Big Springs, Tex.
KRBC—Abilene, Tex.
KFOX—Long Beach, Calif.
KYCA—Prescott, Ariz.

The Curtis Publishing Company, which maintains a large distributing organization to deal with news-stands, book-stores, and so forth, is about to launch a new make of phonograph records which will be sold on the news-stands. Known as Viking Records and manufactured by the Nu-Phonic Corporation, the new platters will be advertised under the slogan, "Two Hits—Two Bits." Most, if not all, of the numbers recorded will probably be BMI tunes. The first two records to be offered for general sale will be played by Jack Teagarden's orchestra. One will have *Frenesi,* as an instrumental, backed by Norman Weiser's song, *Here's My Heart,* with the vocal chorus by David Allen. The other record will have Ernest Gold's *Accident'ly On Purpose,* with vocal chorus by Lynne Clark, backed by a new number from the Whitney-Kramer-Zaret combination—*It All Comes Back To Me Now,* with vocal chorus by David Allen.

It is expected that the first two records will be on the news-stands about February 5 and it is planned to release one record a week thereafter.

BMI is not only publishing house and licensing agency—it also does much of the work of a school. Otto Cesana, well-known teacher of theory and composition, one of whose pupils is Ernest Gold, has written BMI "as one teacher to another." Mr. Cesana said: "I know that your method of paying your composers is what makes it possible for Ernest not only to support himself but to continue his studies as well. From working with him I know also that he profits greatly from his contact with your editors and from their comments and criticism . . . BMI's attitude of taking a personal interest in the development of composers plus its plan of compensating them for the use of their material will do a great deal toward fostering the development of American composers who will some day produce the important, serious American music."

Milton Rettenberg, chief of the editorial staff, hesitated to give publicity to this aspect of BMI's work. He said, "If you tell what we're doing in the way of working with young writers, you'll have ten thousand swooping down on us and wanting interviews on their songs. Of course we can do it with only a few—the most promising one in a hundred maybe. But it's worth while. There are so many of these kids with real talent who have never had a chance to study or if they have studied there's still a flavor of the classroom and the exercise book in what they write. All they lack is a sort of professional polish and it is certainly true that we can help them in that way."

Mr. Rettenberg, who might be said to head the BMI "faculty," has a record of more than 3,500 radio performances as a pianist, has written the music for many radio shows, first became nationally famous when he took the late George Gershwin's place as solo pianist with Paul Whiteman. The BMI board includes also Graham Harris, who has appeared as conductor with the New York Philharmonic, London Symphony, and other orchestras, and Arthur Gutman, whose compositions have been played by leading orchestras.

Sales

NAB RECOMMENDS NEW STATION FACILITIES CONTRACT

After meeting in New York last Monday, and jointly with the AAAA on Tuesday, the NAB-AAAA Conference Committee met again Tuesday evening and reported out unanimously a new station facilities contract for the NAB to recommend to stations. The committee's action was taken pursuant to a resolution of the Executive Committee adopted December 5, 1940.

Although unable, after numerous conferences with the AAAA Committee, to reach agreement on several points, the NAB Committee reports that in its opinion the recommended contract is fair and equitable both to stations and to agencies and to advertisers. Both our Conference Committee and the Executive Committee have deemed it important that these recommendations be laid before stations at this time for their consideration. As directed by the Executive Committee, the NAB will upon request of member stations supply, free of charge, mats for the printing of the back of the contract.

The new contract, two copies of which are enclosed as a supplement to this issue of NAB Reports, is recommended to stations for use on new business. The committee has sought to recommend a contract that it believes is representative of the practices of the great majority of stations. It recognizes, however, that some of the recommended provisions may not be in accordance with the policy of some stations. Individual stations will, of course, make any changes necessary to adapt the contract to conform with their particular policies. It should be noted that the contract is so drawn as to be capable of use in selling time to a local advertiser as well as a recognized agency.

For convenience to all concerned it is suggested that all stations use size 8½″ x 11″ paper, and that the three copies be (1) white, (2) canary yellow, and (3) salmon pink.

Contracts submitted by agencies may be different from the NAB recommended contract. Stations should examine such contracts carefully to ascertain whether they conform to the recommended form, if station decides to adopt it.

Upon being advised of the committee's action by Chairman Wilder, Neville Miller, in behalf of the membership, expressed his deep appreciation of the untiring efforts of the committee, the members of which have devoted an enormous amount of their time and energies to a difficult and tedious task.

Present at the joint meeting on the contract were: Ned Midgley, Batten, Barton, Durstine and Osborne, Chairman; C. T. Ayres, Ruthrauff and Ryan, Inc.; Carlos Franco, Young and Rubicam; William Fricke, AAAA; Fred Gamble, AAAA; John Hymes, Lord and Thomas; William Maillefert, Compton Adon, Inc.; and R. T. Turnbull, AAAA, of the AAAA Committee, and, Harry C. Wilder, WSYR, Chairman; R. L. Harlow, Yankee Network; Richard H. Mason, WPTF; Edward Petry, Edward Petry and Co., Inc.; Frank A. Seitz, WFAS; Dale Taylor, WENY; Lee B. Wailes, Westinghouse; and Paul F. Peter and Russell P. Place, NAB, of the NAB-AAAA Conference Committee.

The full NAB Committee was also in attendance at the Monday meeting and the Tuesday evening meeting.

The committee is still considering an invoice form. Considerable progress was made at the Tuesday meeting and definite recommendations will probably be reported by the end of this month.

Present at the joint meeting on the invoice were the members of the NAB Committee above-named and the following members of the AAAA Fiscal Committee: Mr. Bell, Ruthrauff and Ryan, Inc.; Mr. Beurmann, Campbell-Ewald; Mr. W. A. Fricke, AAAA; Mr. Fred Gamble, AAAA; Mr. R. T. Turnbull, AAAA; Mr. Van Utt, Erwin-Wasey; and, Mr. Vasoll, Kenyon and Eckhardt.

HIGHLIGHTS OF RECOMMENDED CONTRACT

Face of Contract:

The instrument is a contract and not an order. It should be signed in duplicate by both parties and doubtless a third copy will be found useful. If the contract is made with an advertiser, all references in the contract to agency apply to advertiser.

Back of Contract:

The "Conditions of Contract" on the back are part of the contract. The following highlights should be noted:

2. TERMINATION. Twenty-eight days of broadcasting is contracted for before termination can become operative; after fourteen days broadcasting, termination may be effected on fourteen days written notice.

3. INABILITY TO BROADCAST. Station is liable only for pro rata reduction in time charges irrespective of whether commercials are omitted or interrupted.

5. RATES. This is the portion of the contract that some stations may find not adapted to their use under their rate policies; it should be carefully studied. It is believed by the committee to represent the policies of the great majority of stations, and to be self-explanatory.

7. INDEMNITY. Station indemnifies for station material. Station material consists of (1) all material used in programs furnished by station except material furnished by agency in connection with such programs, and (2) copyrighted musical compositions performed under the BMI license. (This applies to such BMI material whether in live talent programs or on transcriptions. Station is in turn indemnified by BMI and has the benefit of the insurance policy taken out by BMI. The BMI license itself also runs in favor of agencies and advertisers.) Everything else is "agency material" as to which agency indemnifies station.

SALES PROMOTION CALENDAR

The sales promotion calendar issued annually by the National Retail Dry Goods Association can be obtained through the NAB Bureau of Radio Advertising at $2.50 a copy. The calendar lists all the important anniversaries, "weeks," etc., useful for both programming and selling.

NAB

DISTRICT MEETINGS SCHEDULED

A continuation of the series of District meetings which took place prior to the first of the year will get under way next Monday, January 13, with a meeting of the broadcasters of Tennessee, Arkansas, Louisiana and Mississippi. Director Edwin W. Craig, WSM, of the Sixth NAB District, has invited all broadcasters, regardless of membership in NAB or BMI, to be on hand to review the music situation and to be brought up to date on other industry matters.

Ed Kirby, Public Relations Director of NAB, will discuss general industry problems and Association activities, while Carl Haverlin, Stations Relations Manager of BMI, will deal with the music situation.

The next meeting in point of time is that of the Sixteenth District to be held at the Ambassador Hotel in Los Angeles at 10:00 a.m., Friday, January 17. Director Harrison Holliway, KFI-KECA, has also invited all Southern California, Arizona and New Mexico broadcasters, regardless of membership in NAB or BMI, to participate. This meeting will be covered for NAB by C. E. Arney, Jr., Assistant to the President, and by Carl Haverlin of BMI.

These two then proceed to San Francisco for a meeting on Saturday, January 18, where Director Howard Lane, KFBK, has invited the Northern California, Nevada, and Hawaii broadcasters to meet at the St. Francis Hotel at noon. A District Director's election will be held in connection with this meeting.

The next stop on the tour is at Portland, Oregon, where on Wednesday, January 22, C. W. Myers, KOIN-KALE, Seventeenth District Director, has summoned the broadcasters of Oregon, Washington, and Alaska. A District Director's election will be held in connection with this meeting.

Following the Portland meeting, Haverlin and Arney proceed to Omaha, Nebraska, to assist Director John J. Gillin, Jr., of WOW in bringing to the broadcasters of Iowa, Missouri, and Nebraska, information with relation to developments in the music situation and other industry matters, on January 25.

Gene O'Fallon, KFEL, District 14 Director, has called a meeting for January 27 at Denver. Messrs. Arney and Haverlin will attend.

This concludes the present setup for District meetings. When this tour is completed all but two of the NAB Districts will have been covered since the Board's meeting in New York on December 6. Directors in these two remaining Districts are expected to call meetings early in February.

ASSOCIATE MEMBERSHIP CAMPAIGN

On next Wednesday, the first release to prospective Associate Members, under the new plan adopted by the Board, will be sent out from headquarters. Those to whom an invitation to become Associate members will be sent are: station representatives, broadcasting equipment companies, market research organizations, transcription companies, news services, and telephone companies and telegraph companies.

NAB members can materially assist in making this campaign a success by supplementing the invitation from headquarters with a personal invitation to those with whom they directly transact business.

If every member would write to his station representative and urge him to take out Associate Membership in NAB, we have no doubt but that it would do some good. Do the same thing to transcription companies, to those from whom you buy your equipment, to the news service which you are using, and the market research organizations.

Let us also remind you so you can pass the word along, that only Associate Members are going to be permitted to exhibit or maintain reception headquarters in the hotel where the NAB convention is held. Theirs will be official exhibits. The cooperation of members is urged.

KIRBY TO WAR DEPARTMENT

With the approval of the President, Secretary of War Henry L. Stimson last Tuesday appointed Ed Kirby, NAB Director of Public Relations, to a post on the General Staff of the Army where he will organize and administer a radio broadcasting division. Kirby will act as industry liaison between the industry and the War Department. He will serve as a "dollar a year man," having been given an indefinite leave of absence by the NAB Board at the request of the War Department. It is expected that he will assume his new duties in about two weeks.

HENRY RESIGNS

Samuel J. Henry, Jr., has resigned as director of the NAB Bureau of Radio Advertising. Following are his letter of resignation and Neville Miller's reply:

January 2, 1941.

Mr. Neville Miller
National Association of Broadcasters
Washington, D. C.

Dear Mr. Miller:

Please accept my resignation as director of the NAB Bureau of Radio Advertising, to become effective February 1, 1941.

It is with genuine regret that I leave the staff of the National Association of Broadcasters, with whom I have been privileged to work for some time. The associations which I have enjoyed here in Washington have been most pleasant, and it is my sincere hope that my future radio and advertising work will provide frequent opportunity to keep those associations alive.

While I have made no definite decision relative to connections, I have several matters in mind and I should like to feel free to conduct negotiations that may involve an earlier leave-taking.

Please convey to the entire staff of NAB my warmest personal regards and appreciation of their many courtesies. With best wishes to you and yours for the New Year.

Sincerely,

Samuel J. Henry, Jr.

Mr. Samuel J. Henry, Jr.
National Association of Broadcasters
Washington, D. C.

January 2, 1941.

My dear Sam:

This is an acknowledgment of your letter of January 2, submitting your resignation as Director of the NAB Bureau of Radio Advertising, effective February 1.

I want to express to you my sincere appreciation for the energy and ability which you have devoted to the Bureau's work during the year and one-half in which you have nursed it from its infancy to its present respectable standing.

I sincerely hope that some of the prospects about which you told me develop satisfactorily and that you make a connection which befits your capabilities. In this connection I want to assure you that if in order to avail yourself of such connection it is necessary for you to leave before the first of February, we shall be very pleased to cooperate with you in that regard.

I know that I voice the sentiment of the entire staff when I extend you every good wish for a successful future.

My kindest personal regards,

Sincerely,

Neville Miller.

Promotion

PEABODY AWARDS

January 15 is the closing date for entries in the George Foster Peabody Radio Awards contest, sponsored by The University of Georgia in cooperation with the National Association of Broadcasters.

The procedure as set forth in a recent University bulletin, is as follows:

"Nominations of candidates for these awards shall be made in writing to the Dean of the Henry W. Grady School of Journalism, The University of Georgia, Athens, Georgia. Each nomination must be accompanied by complete and self-evident data setting forth clearly the claim to consideration of one of these awards. Program subjects, program outlines, program transcripts, recordings, letters and other pertinent data should be so presented as to comprise an exhibit which will be a faithful record of the station's particular contribution to public service offered for consideration in this connection.

"Competition for one of these awards will be limited to work done during the calendar year ending December 31 next preceding. The first award will be made in 1941, based on public service programs of 1940."

There are to be separate awards for small, medium-sized, and large stations, and for chain broadcasts.

Awards will be made at a date and place to be announced later, upon the recommendations of the Advisory Board, membership of which consists of:

Dr. S. V. Sanford, Chancellor, University System of Georgia, ex-officio.

Bruce Barton, President, Batten, Barton, Durstine, and Osborne, Advertising, New York City.

John H. Benson, President, American Association of Advertising Agencies, New York City.

Virginius Dabney, Editor, Richmond (Va.) Times-Dispatch.

Norman H. Davis, Chairman, American Red Cross, formerly Acting Secretary of State, etc., Washington, D. C.

Jonathan Daniels, Editor, Raleigh (N. C.) News and Observer.

Mark F. Ethridge, Vice President and General Manager, Louisville (Ky.) Courier-Journal and Times.

Waldemar Kaempffert, Science Editor, The New York Times.

Alfred A. Knopf, Publisher, New York City.

Dr. John W. Studebaker, United States Commissioner of Education and Chairman, Federal Radio Education Committee, Washington, D. C.

Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody and President of "Yaddo", Saratoga Springs, New York.

Edward Weeks, Editor, The Atlantic Monthly, Boston, Massachusetts.

Miss Grace Moore, Metropolitan Opera Singer, New York City.

RADIO FILLS 200,000 JOBS

Up to January 1, 1941, through the help of radio, over 200,000 workers have been placed in National Defense jobs in the War Department and in the Navy Department.

"It's almost fantastic," an official declared, "to think that the broadcasting stations have been able to locate so many tens of thousands of qualified workers in less than six months time when, previously, they could not be found."

When broadcasters started to recruit workers, on July 24, 1940 doubt was expressed in some quarters that radio would prove equal to the job. But the skeptics were neither broadcasters nor Civil Service people.

Station executives from one end of this country to the other got behind the industry's own National Defense promotion from the word go. And so far they have been able to keep up with requirements.

Believing that broadcasters would be interested in learning exactly what these 200,000 workers are producing, Civil Service was queried. This is a partial list: naval guns—all sizes; small arms; torpedoes; other munitions of all kinds; armor plate; engines; tools; optical instruments; tanks; fighting ships; other defense ships; airplanes; airplane engines, and airplane instruments.

Monitoring officers and radio operators have also been secured. Inspectors of every kind have been put to work as have engineers for the procurement of materials.

WOW CLAIMS REMOTE RECORD

WOW, Omaha, is latest claimant for single station, long distance, remote control pick-up. Claim submitted by Bill Wiseman, publicity manager, is based on station's recent series of pick-ups from the Pacific Coast. Says Mr. Wiseman:

> "I note in NAB Reports of December 13 some claims for honors for long-distance remote control broadcasts. WOW has both of these claims put to shame!
>
> "On January 6 a four-man WOW special events crew returned from a 5,000-mile automobile trip, on which it broadcast from Phoenix, Hollywood, Pasadena, Los Angeles, San Francisco, and several in-between points.
>
> "The expedition was sent out in connection with the University of Nebraska football team's appearance in the Rose Bowl. Included in the group were Foster May, news and special events editor, and Tom Dailey, sports editor."

Legislation

TOBEY ASKS INVESTIGATION

Senator Tobey (R—N H) has introduced a sweeping resolution (S.R. 20) to investigate both the broadcasting industry and the FCC. We print it in full below. Representative Wigglesworth (R—Mass) has introduced a resolution for an investigation similar to the one introduced by him in the last Congress; a printed copy is not available as we go to press.

77th CONGRESS, 1st Session

S. RES. 20

IN THE SENATE OF THE UNITED STATES

January 6, 1941

Mr. Tobey submitted the following resolution; which was referred to the Committee on Interstate Commerce

RESOLUTION

Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation with respect to (1) the existence, extent, formation, legality, and effect upon the public or any individual or group, of any monopoly in radio broadcasting or any phase thereof or in the production, sale, or distribution of radio-receiving or broadcasting apparatus; (2) the administration by the Federal Communications Commission of those provisions of the Communications Act of 1934, as amended, which relate in any manner to radio communication; (3) the manner of exercise by licensees of the Federal Communications Commission of the privileges conferred upon them by their licenses from the Federal Communications Commission; (4) the effect upon the public interest of any contract pertaining to radio to which any such licensee or any broadcasting network is a party; and (5) any attempts made by any such licensee, broadcasting network, or any person, company, or corporation, engaged in any business relating to radio, or by any attorney, agent, or representative of any such licensee, network, person, company, or corporation to unduly influence any public official in the exercise of his duties with respect to any matter pertaining to radio. The committee shall report to the Senate, at the earliest practicable date, the results of its investigation, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-seventh and succeeding Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

COLORADO "ANTI-ASCAP" BILL

A so-called "anti-ASCAP" bill, similar to those previously introduced in other states, has just been introduced in the Colorado Legislature. The NAB Board of Directors went on record last December as opposed to the encouragement or support of legislation of this character.

FEDERAL LEGISLATION

HOUSE

H. R. 123 (Culkin, R., N. Y.) LIQUOR ADVERTISING—To amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio. Referred to Committee on Interstate and Foreign Commerce.

H. R. 125 (Culkin, R., N. Y.) LIQUOR ADVERTISING—To prohibit the advertising of alcoholic beverages by radio, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

H. R. 126 (Culkin, R., N. Y.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of advertisements of intoxicating liquors, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

H. R. 132 (Culkin, R., N. Y.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of advertisements of alcoholic beverages, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

H. R. 533 (Bland, D., Va.) COMMUNICATIONS ACT—To amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission. Referred to Committee on Merchant Marine and Fisheries.

H. R. 999 (Peterson, D., Fla.) COMMUNICATIONS ACT—To amend the Communications Act of 1934 so as to prevent monopolies and to prohibit excessive duplication of broadcast programs in any area. Referred to Committee on Interstate and Foreign Commerce.

H. R. 1082 (Ditter, R., Penna.) COMMUNICATIONS ACT—To amend the Communications Act of 1934 in order to preserve and protect liberty of expression in radio communication. Referred to Committee on Interstate and Foreign Commerce.

HOUSE JOINT RESOLUTION

H. J. Res. 32 (Ditter, R., Penna.) COPYRIGHT—To define the principle of international reciprocity in the protection of American patents, trade-marks, secret formulas and processes, and copyrights by providing a method for assuring the payments of amounts due to persons in the United States from users thereof in countries restricting international payments from their territories. Referred to Committee on Patents.

SENATE

S. 157 (Capper, R., Kansas) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of advertisements of alcoholic beverages, and for other purposes. Referred to Committee on Interstate Commerce.

SENATE RESOLUTION

S. Res. 20 (Tobey, R., N. H.) MONOPOLIES—Authorizing the Committee on Interstate Commerce to investigate possible monopolies in radio broadcasting, equipment, and communication. Referred to Committee on Interstate Commerce.

STATE LEGISLATION

Colorado:

H. 17 (Crowley, et al.) COPYRIGHT REGULATIONS—To remove monopolistic abuses wrongfully practiced under copyrights in the state by price-fixing combinations, monopolies and pools, and to encourage production of copyrighted works of citizens of Colorado. Repealing certain acts, creating state anti-monopoly board. Referred to Committee on Judiciary.

Massachusetts:

H. 189 (Soc. Against Copyright Abuses) COPYRIGHTED MUSICAL COMPOSITIONS—Relative to public performing rights in copyrighted musical compositions and dramatic-musical compositions, providing for licensing of the same, and levying a tax on the gross receipts from licensing of such rights. Referred to Committee on Constitutional Law.

H. 193 (Sullivan) RADIO NEWS GATHERER—Making it a crime to interfere with any news photographer reporter, or radio news gatherer or commentator or reporter, in the exercise of his calling. Referred to Committee on Constitutional Law.

H. 194 (Sullivan) JOURNALISM, RADIO AND TELEVISION—To create and protect the right of confidence in the profession of journalism, radio and television. Referred to Committee on Constitutional Law.

H. 307 (Rep. Cameron) PUBLISHED LIBELLOUS STATEMENTS—Making writers of published libellous statements civilly and criminally liable therefor. Referred to Committee on Constitutional Law.

H. 324 (Richard J. Hatchfield) COPYRIGHT—In aid of federal copyright laws. Referred to Committee on Constitutional Law.

STATE LEGISLATION REPRESENTATIVES

The persons whose names are listed below have been designated by the Directors of their respective Districts to keep NAB informed of the introduction in state legislatures of any legislation affecting broadcasting. They will serve as a clearing-house for information obtained from broadcasters in their states and any other sources. The legislatures of 44 states will be in session this year.

DISTRICT 1

Connecticut: Paul W. Morency, WTIC, Hartford
Maine:
Massachusetts:
New Hampshire: Charles G. H. Evans, WFEA, Manchester
Rhode Island: John Boyle, WJAR, Providence
Vermont: Charles P. Hasbrook, WCAX, Burlington

DISTRICT 2

New York:

DISTRICT 3

Delaware: J. Gorman Walsh, WDEL, Wilmington
New Jersey: Theodore C. Streibert, WOR, Newark
Pennsylvania: C. G. Moss, WKBO, Harrisburg

DISTRICT 4

Maryland: George Roeder, WCBM, Baltimore
North Carolina: Richard H. Mason, WPTF, Raleigh
South Carolina: G. Richard Shafto, WIS, Columbia
Virginia: C. T. Lucey, WRVA, Richmond
West Virginia: Howard Chernoff, WCHS, Charleston

DISTRICT 5

Alabama: J. C. Bell, WBRC, Birmingham
Florida: Gilbert Freeman, WTAL, Talahassee
Georgia:

DISTRICT 6

Arkansas: G. E. Zimmerman, KARK, Little Rock
Louisiana: Harold Wheelahan, WSMB, New Orleans
Mississippi: Wiley P. Harris, WJDX, Jackson
Tennessee: Edwin W. Craig, WSM, Nashville

DISTRICT 7

Kentucky: George Norton, Jr., WAVE, Louisville
Ohio: J. H. Ryan, WSPD, Toledo

DISTRICT 8

Indiana: Gene Pulliam, WIRE, Indianapolis
Michigan: Owen Uridge, WJR, Detroit

DISTRICT 9

Illinois: Harold L. Dewing, WCBS, Springfield
Wisconsin: W. J. Damm, WTMJ, Milwaukee

DISTRICT 10

Iowa: Luther Hill, KSO, Des Moines
Missouri:
Nebraska: Glenn Foe, Lincoln

DISTRICT 11

Minnesota: Earl H. Gammons, WCCO, Minneapolis
North Dakota: P. J. Meyer, KFYR, Bismarck
South Dakota: A. A. Fahy, KABR, Aberdeen

DISTRICT 12

Kansas: Ben Ludy, WIBW, Topeka
Oklahoma: Neil Barrett, KOMA, Oklahoma City

DISTRICT 13

Texas: Ted Taylor, KGNC, Amarillo

DISTRICT 14

Colorado: Eugene P. O'Fallon, KFEL, Denver
Idaho: Frank Hurt, KFXD, Nampa
Utah: Earl J. Glade, KSL, Salt Lake City
Wyoming: D. L. Hathaway, KDFN, Casper
Montana: K. O. MacPherson, KPFA, Helena

DISTRICT 15

California: Howard Lane, KFBK, Sacramento
Nevada: Wallie D. Warren, KOH, Reno
Hawaii: J. Howard Worrall, KGMB, Honolulu

DISTRICT 16

Arizona: Fred A. Palmer, KOY, Phoenix
New Mexico:

DISTRICT 17

Oregon: W. Carey Jennings, KEX, Portland
Washington: Donald G. Graham, KOMO-KJR, Seattle

Labor

WRITTEN CONTRACTS

The Supreme Court held this week that an employer must reduce to the form of a written contract any agreement he reaches with a labor union, at the union's request.

"A business man who entered into negotiations with another (business man) for an agreement having numerous provisions, with the reservation that he would not reduce it to writing or sign it, could hardly be thought to have bargained in good faith," Mr. Justice Stone wrote.

However, the court pointed out that the Wagner Act "while requiring the employer to bargain collectively, does not compel him to enter into an agreement." (H. J. Heinz Company v. N.L.R.B.)

FEDERAL COMMUNICATIONS COMMISSION

MILLER ELECTED CHAIRMAN OF DEFENSE COMMITTEE

Neville Miller, was elected chairman of the domestic broadcasting committee of the Defense Communications Board at an organization meeting on Monday. Andrew D. Ring of the FCC was elected secretary.

Complete list of officers elected by the various committees at Monday's meeting are as follows:

Industry Advisory Committee:
Mr. Walter S. Gifford, Chairman
(American Telephone and Telegraph Co.)
Dr. C. B. Jolliffe, Secretary
(Radio Corporation of America)

Labor Advisory Committee:
Mr. Robert J. Watt, Chairman
(American Federation of Labor)
Mr. Paul E. Griffith, Secretary
(National Federation of Telephone Workers)

I. Amateur Radio Committee:
Mr. George W. Bailey, Chairman
(American Radio Relay League)
Mr. E. M. Webster, Secretary
(Federal Communications Commission)

II. Aviation Communications Committee:
Mr. Paul Goldsborough, Chairman
(Aeronautical Radio, Inc.)
Mr. Ford Studebaker, Secretary
(American Export Airlines, Inc.)

III. Cable Committee:
Mr. C. Mills, Chairman
(Mexican Telegraph Co.)
Mr. J. A. Kennedy, Secretary
(Federal Communications Commission)

IV. Domestic Broadcasting Committee:
Mr. Neville Miller, Chairman
(National Association of Broadcasters)
Mr. A. D. Ring, Secretary
(Federal Communications Commission)

V. Interdepartment Radio Advisory Committee:
Mr. E. K. Jett, Chairman
(Federal Communications Commission)
Dr. J. H. Dellinger, Vice Chairman
(Department of Commerce, c/o Bureau of Standards)
Mr. Gerald C. Gross, Secretary
(Federal Communications Commission)
Mr. P. F. Siling, Assistant Secretary
(Federal Communications Commission)
Note: IRAC did not meet on January 6. The names are those of the regular officers.

VI. International Broadcasting Committee:
Mr. Walter Evans, Chairman
(Westinghouse Electric & Mfg. Co.)
Mr. P. F. Siling, Secretary
(Federal Communications Commission)

VII. Radiocommunications Committee:
Mr. E. M. Webster, Chairman
(Federal Communications Commission)
Mr. F. M. Ryan, Secretary
(American Telephone & Telegraph Co.)

VIII. State and Municipal Facilities Committee:
Capt. Donald S. Leonard, Chairman
(International Association of Chiefs of Police)
Mr. E. L. White, Secretary
(Federal Communications Commission)

IX. Telegraph Committee:
Mr. E. R. Shute, Chairman
(Western Union Telegraph Company)
Mr. W. J. Norfleet, Secretary
(Federal Communications Commission)

X. Telephone Committee:
Mr. Z. Z. Hugus, Chairman
(American Telephone & Telegraph Co.)
Mr. Clyde S. Bailey, Secretary
(U. S. Independent Telephone Assn.)

XI. United States Government Facilities Committee:
Mr. A. G. Simson, Chairman
(Department of Agriculture)
Mr. T. L. Bartlett, Secretary
(Federal Communications Commission)

FCC DEFENSE FUND

FCC Budget Bureau estimates for 1942 provide a lump-sum appropriation to carry out the national defense program, which was begun the latter part of the year with $1,600,000 allocated by the President from the emergency fund given him. The bureau approved an appropriation of $1,930,000, an increase of $320,000, to carry on this work during the next fiscal year.

The fund is to be used to purchase land and equipment to establish monitoring stations in all parts of the country to guard the air waves from being used for subversive activities. The fund also is to be used for the employment of additional personnel, including radio inspectors and an attorney investigator, as well as the necessary clerical and administrative assistance.

The estimates also call for the use of 80 vehicles as mobile monitoring stations to be used in ferreting out unlicensed radio stations and stations alleged to be used in subversive activities. The cost of the operation of these vehicles is estimated at $7,000.

882 STATIONS

During the month of December, 1940, the Federal Communications Commission issued operating licenses to six stations and granted construction permits to six stations. A comparative table by months follows:

	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1
Operating	765	769	771	775	779	783	791	799	806	810	816	825	831
Construction	49	48	51	48	47	53	56	58	57	54	52	51	51
	814	817	822	823	826	836	847	857	863	864	868	876	882

WMCA DECISION

FCC has dismissed a petition filed December 23, requesting it to reconsider its action of December 17, giving consent to a transfer of control of the Knickerbocker Broadcasting Company, Inc., licensee of Station WMCA, New York City, from Donald J. Flamm, to Edward J. Noble.

The decision and order of the Commission on petition to reconsider, with Commissioner Craven not participating:

This is a petition filed December 23, 1940, by Donald J. Flamm, New York City. It requests the Commission to reconsider its action of December 17, 1940, giving consent to a transfer of control of Knickerbocker Broadcasting Company, Inc., licensee of Radio Station WMCA, New York City, from Donald J. Flamm to Edward J. Noble, upon application filed December 2, 1940, by Donald J. Flamm, transferor, and Edward J. Noble, transferee (B1-TC-252), and upon such reconsideration, to dismiss the application.

In support of the petition it is alleged that the application for consent to transfer control of the Knickerbocker Broadcasting Company, Inc. (WMCA), through the transfer of all the stock from Donald J. Flamm to Edward J. Noble was filed December 2, 1940; that on December 14, 1940, petitioner's counsel received a letter from the Commission requesting further information, and stating that before action would be taken on the application it would be necessary to supply the Commission with such information; that on December 17, 1940, petitioner had prepared a petition to dismiss the application under Rule 1.73, "which was ready to be filed" when notice of the Commission's action of December 17, 1940, was received.

On December 30, 1940, Edward J. Noble, transferee, filed his answer to the petition filed by Donald J. Flamm, transferor.

Upon examination of the application filed December 2, 1940, by Donald J. Flamm, transferor, and Edward J. Noble, transferee, for consent to transfer control of the Knickerbocker Broadcasting Company, Inc. (WMCA), it was found that full information was lacking, particularly as to the financial arrangements between the parties, the financial showing of the transferee, and the nature of an asset item in the licensee's balance sheet entitled "franchise". On December 13, 1940, a request for additional information in regard to these matters was made jointly of transferor and transferee. On December 14, 1940, the Commission received a response from the transferee to its inquiry of December 13, 1940.

Thereupon the application became available for action by the Commission, and, upon consideration of the application and data submitted therewith by the transferor and transferee, the Commission, on December 17, 1940, found that the transferee was legally, technically, financially and otherwise qualified, and that the transfer requested was in the public interest. It, therefore, gave its consent to the transfer.

In so far as the instant petition requests a reconsideration of the action of the Commission granting consent, as applied for, to transfer of control of a licensee corporation, neither the Communications Act of 1934, as amended, nor any rule or regulation promulgated by the Commission pursuant to the Act either expressly or by implication makes provision for the filing by an applicant of a petition for reconsideration or rehearing following a grant of his own application as filed. Section 405 of the Communications Act of 1934 and Paragraph 1.271 of the Commission's Rules of Practice and Procedure provide for the filing of a petition for rehearing which may request reconsideration, hearing, or rehearing by any "person aggrieved or whose interests are adversely affected" by any decision, order, or requirement of the Commission. Petitioner has failed to make any showing that he is aggrieved or adversely affected by the action of the Commission taken pursuant to his request.

In so far as the petition requests a dismissal of the above-entitled application, petitioner's sole complaint appears to be that the Commission acted upon the merits of his application without awaiting a response from him as well as from the transferee to its communication of December 13, 1940, and while he was preparing to file a request for dismissal of the instant application. Petitioner does not claim that the information furnished by the transferee was in any way inadequate, improper or incorrect, nor does he allege that he had intended to furnish any additional information. On the contrary, it appears from his petition that his intentions were to ignore the Commission's request for information, and to petition the Commission to dismiss the application without giving any consideration whatever to its merits.

Petitioner's application was pending from December 2 to December 17, 1940, during which time he had ample opportunity to request a dismissal thereof pursuant to Paragraph 1.73 of the Commission's Rules. If petitioner found himself unable to have the necessary papers prepared formally requesting a dismissal of his application, he might have informally communicated his intentions to the Commission, and requested additional time within which formally to do so. In the absence of any contrary expression of intention by an applicant, the Commission necessarily presumes that the request contained in his application is a continuing one until final action is taken thereon. Since the applicant in this case did not make his intentions known to the Commission prior to final action thereon, Rule 1.73 is no longer applicable.

In view of the foregoing, we are of the opinion that the "Petition to Reconsider Action Approving Transfer of Control and to Dismiss Application in Accordance with Rule 1.73 of the Commission's Rules and Regulations" should be dismissed.

However, in accordance with our usual practice, we have examined the instant petition with particularity in order to determine whether it presents any matters upon which we should, on our own motion, take action. As hereinbefore indicated, after securing full information we found on December 17, 1940, that the transfer was legally, technically, financially, and otherwise qualified; that the transfer requested would serve the public interest, and gave our consent to the transfer. The petition for reconsideration does not allege the contrary. No facts are stated in the petition which contradict in whole or in part the Commission's conclusion that the transferee is qualified to serve the public interest. In the absence of any showing that our action giving consent to the transfer of control of the Knickerbocker Broadcasting Company, Inc. (WMCA), is contrary to the public interest or that the action is in any respect unjust, unwarranted, or erroneous, no basis exists for reconsidering on our own motion our action of December 17, 1940, giving consent to said transfer of control.

In this connection, it should be noted that our action taken at the request of the parties is not a mandatory order, but is a permissive consent to the proposal contained in the application. The petitioner, as transferor, was himself an applicant seeking our consent to that proposal. Our consent has been given, and the matter is now one of private contractual arrangements between the parties.

Accordingly, It Is Ordered, this 7th day of January, 1941, that the petition filed by Donald J. Flamm, transferor, "to reconsider action approving transfer of control and to dismiss application in accordance with Rule 1.73 of the Commission's Rules and Regulations" Be, and It Is Hereby, Dismissed.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled before the Commission during the week beginning, Monday, January 13. They are subject to change.

Wednesday, January 15

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of license, **1080 kc.**, 5 KW, limited to WBT and KFAB. Present assignment: **1080 kc.**, 5 KW, limited to WBT, share WCBD.

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, **1140 kc.**, 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.

Friday, January 17

WWL—Loyola University, New Orleans, La.—Renewal of license, **850 kc.**, 50 KW night, 50 KW LS, specified hours.

NEW—William H. Amesbury, Minneapolis, Minn.—C. P., **630 kc.**, 1 KW night, 1 KW day, unlimited, DA night and day.

FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

February 10

KRMC—Roberts Mac Nab Company (Assignor) (Arthur L. Roberts, R. B. Mac Nab, and A. J. Breitbach, Gen'l Mgr.), and Jamestown Broadcasting Co., Inc. (Assignee). Jamestown, N. Dak.—Voluntary assignment of license, **1370 kc.**, 250 watts, unlimited time.

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **890 kc.**, 1 KW night, 5 KW LS, unlimited.

February 13

Oral Argument Before the Commission

Report No. B-115:

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.**, 100 watts night, 100 watts LS, unlimited time.

February 28

NEW—Park Cities Broadcasting Corp., Dallas, Tex.—C. P., **940 kc.**, 500 watts, unlimited.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—C. P., **940 kc.**, 1 KW, unlimited, DA night and day.

TELEVISION BROADCAST

March 3

NEW—R. B. Eaton, Des Moines, Iowa.—C. P., **66000-72000 kc.**, 46 watts night; 46 watts day—visual; 100 watts day—aural; unlimited.

March 10

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., **1370 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Grenco, Inc., Greenwood, S. C.—Granted application for construction permit for new standard broadcast station to operate on **1420 kc.**, 250 watts power, unlimited time (B3-P-2930).

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted construction permit to install directional antenna for night use and increase night power from 1 KW to 5 KW; **550 kc.**, 5 KW LS, unlimited (B4-P-2576).

WJMC—Walter H. McGenty, Rice Lake, Wisc.—Granted modification of license to change hours of operation from daytime only to unlimited, using 250 watts power day and night; frequency **1210 kc.** (B4-ML-1025).

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah. —Granted construction permit to install directional antenna for both day and night use and increase night power from 1 KW to 5 KW; 5 KW LS; frequency **1290 kc.**, unlimited time (B5-P-2721).

KDTH—Telegraph Herald, Dubuque, Iowa.—Granted modification of construction permit for new station (B4-P-960) for approval of transmitter site and directional antenna for night use; **1340 kc.**, 1 KW day and night, using directional antenna at night (B4-MP-1096).

WKBH—WKBH, Inc., La Crosse, Wisc.—Granted construction permit to increase power from 1 KW to 5 KW, move transmitter site from R. F. D. No. 1, LaCrosse, Wisc., to on Highway No. 33, Shelby Township, Wisc., install new transmitter and directional antenna for night use; **1380 kc.**, unlimited (B4-P-2733).

Columbia Broadcasting System, Inc., New York City.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **48700 kc.**, 8,500 square miles, 12,000,000 population (B1-PH-55).

DESIGNATED FOR HEARING

W1XG—General Television Corp., Boston, Mass.—Construction permit for television station to install aural transmitter and add 500 watts aural power and A3 emission to present authorization (B1-PVB-69).

W1XG—General Television Corp., Boston, Mass.—Construction permit to change frequencies of television station to **50000-56000 kc.** (B1-MLVB-14).

KMA—May Broadcasting Co., Shenandoah, Iowa.—Application for renewal of license; **930 kc.**, 1 KW night, 5 KW local sunset, unlimited time; designated for hearing because of alleged failure to file full information in connection with an application.

West Publishers, Inc., Houston, Tex.—Application for construction permit for new station to operate on **610 kc.**, 1 KW, directional antenna at night, unlimited (B3-P-2864).

MISCELLANEOUS

KAWN—A. W. Mills, Gallup, N. Mex.—Granted special temporary authority to remain silent for the period December 31, 1940, to January 29, 1941, during repairs necessitated by fire.

KMMJ—KMMJ, Inc., Grand Island, Neb.—Granted special temporary authority to operate until conclusion of Rose Bowl football game on January 1, in order to broadcast game in its entirety.

KGNF—Great Plains Broadcasting Co., North Platte, Neb.—Granted special temporary authority to operate from local sunset (January, 5:45 p. m., CST), to conclusion of Rose Bowl football game January 1st, in order to broadcast said game only.

KSMA—Sam Houston Broadcasting Assn., Huntsville, Texas.—Granted extension of special temporary authority to remain silent for the period January 2 to February 1, 1941, pending Commission action on revocation order.

WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate the equipment of International Broadcast Station WLWO with power input to final stage of 100 KW, for a period not to exceed 30 days from January 1, 1941, in order to obtain data requested in connection with application for modification of license.

W2XBS—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate television broadcast station W2XBS with special emission in addition to A3 emission on Channel No. 1, in order to conduct experimental tests for National Television Standards Committee and NBC for the period January 1 to January 30, 1941.

WJJD—WJJD, Inc., Chicago, Ill.—Denied special temporary authority to operate from 8 to approximately 9:30 p. m., CST, December 31st and January 4, 18, 25, in order to broadcast basketball games.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate station W2XWG on **45100 kc.**, 1000 watts power, A4 and special emission, for the period January 1, 1941, to not later than March 1, 1941, pending final authorization and completion of construction of applicant's new high frequency broadcast station.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition for 30 days continuance of oral argument now set for January 9, 1941, in re application for renewal of license of Station WBAX (B2-R-378).

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted motion for additional time of 60 days within which to submit proposed findings and conclusions in re application for renewal of license (B3-R-869).

William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn. —Granted petition for order to take depositions in re hearing on application for construction permit for new station to operate on **1370 kc.**, 250 watts power, unlimited time (B3-P-2983).

Edward J. Doyle, Rochester, N. Y.—Granted petition for order to take depositions in re hearing on application for construction permit for new station to operate on **1340 kc.**, 1 KW, unlimited, directional antenna day and night (B1-P-2031).

Jamestown Broadcasting Co., Inc., Jamestown, N. D.—Granted motion for continuance of 30 days of hearing now set for January 10, 1941, in re voluntary assignment of license of Station KRMC from Roberts Mac Nab Co. to Jamestown Broadcasting Co., Inc. (B4-AL-276).

KGIR—KGIR, Inc., West of Butte, Mont.—Granted petition to intervene in re hearing on application of The Dodge City Broadcasting Co., Inc., Dodge City, Kans. (KGNO), for modification of license to increase night power from 250 watts to 500 watts (B4-ML-998).

WCAM—City of Camden, N. J.—Granted motion to take depositions in re hearing on application for renewal of license of Station WCAM (B1-R-168).

WARM—Union Broadcasting Co., Scranton, Pa.—Granted motion to postpone to March 10, 1941, the hearing now set for January 8, 1941, in re application for license to cover construction permit to operate Station WARM on **1370 kc.**, 250 watts, unlimited (B2-L-1176).

WCHW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to operate with power of 250 watts from 9 p. m. to 10 p. m. EST, January 6, 1941, in order to rebroadcast President Roosevelt's speech to greater area only.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with Station WOSU from 2 p. m. to 3 p. m. EST, January 6, 1941, in order to broadcast President Roosevelt's address to opening session of Congress only.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Denied special temporary authority to operate on **1040 kc.**, simultaneously with Stations WTIC and KRLD from 7:15 to 9 p. m. PST, January 7, 8, 17, 21, 22, 24, and 31, 1941, and from 7:45 to 9 p. m., PST, January 10, 11, and 25, 1941, in order to broadcast series of intercollegiate basketball games, make announcements of games, and play sustaining music to start of games only.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate January 3, 1941, from 8 p. m., PST, to conclusion of event—Modesto Junior College vs. Auburn Junior College basketball game; January 4, 1941, from 8 p. m., PST, to conclusion of event—Modesto

Junior College vs. Visalia Junior College basketball game; January 18 from 7:30 p. m., PST, to conclusion of event—Modesto Junior College vs. University of California basketball game; January 24 from 7:30 p. m. to conclusion of event—Modesto Junior College vs. Marin Junior College basketball game; January 25 from 7:30 p. m., PST, to conclusion of event—Modesto Junior College vs. Santa Rosa Junior College basketball game; January 19 from 7:30 p. m., PST, to conclusion of event—Modesto Junior College Orchestra and A Capella Choir Recital, subject to condition that such programs are on sustaining basis only.

WAAB-WEAN-WICC-WNAC—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to pick up and rebroadcast certain programs received from high frequency broadcast station W1XOJ from January 8, 1941, to not later than February 6, 1941.

WICA—WICA, Inc., Ashtabula, Ohio.—Granted special temporary authority to operate from local sunset (January 5:15 p. m., EST) to 6 p. m., EST, January 12, 19, and 26, 1941, in order to broadcast Father Justyn's Rosary Hour only.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7:50 p. m. to 9:50 p. m., CST, on January 6, 11, 13 and 18, 1941, in order to broadcast games on the South Dakota State College basketball schedule.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from local sunset (January 4:30 p. m., EST) to 4:45 p. m., EST, on January 4, 11, 18 and 25, 1941, in order to broadcast programs on behalf of the Professional Women's Club of Boston. Also granted special temporary authority to operate from 4:45 p. m. to 5:15 p. m., EST, January 5, 12, and 19, 1941, in order to broadcast a religious program by the Passionist Order of the Catholic Church of Boston only.

W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Granted special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.,** 40,000 watts power, special emission, in order to broadcast programs of station W1XPW, for a period ending not later than 3 a. m., EST, March 1, 1941.

W2XOY—General Electric Co., Albany, N. Y.—Granted extension of special temporary authority to relay through high frequency broadcast station W2XOY the frequency modulated programs of high frequency broadcast station W2XMN, for the period January 6, 1941, to not later than February 4, 1941.

WPIT—Westinghouse Electric & Mfg. Co., Hull, Mass.—Granted special temporary authority to operate the equipment of international broadcast station WPIT, authorized in construction permit (File No. B1-PIB-23), with power of 50 KW, using WL 893R tubes in final amplifier stage in lieu of Federal 124R tubes, for the period January 4, 1941, to not later than February 2, 1941.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9 to 10 p. m., EST, on Sundays, January 5, 12, and 19, 1941, in order to broadcast the Rosary Hour program.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 5 p. m. to 6 p. m., EST, on Sundays, January 5, 12, 19 and 26, 1941, in order to broadcast the Rosary Hour.

WAPI—Alabama Polytechnic Institute, Birmingham, Ala.—Dismissed petition for rehearing directed against the action of the Commission October 29, 1940, granting without hearing the application of Indianapolis Broadcasting Corp. (WIBC), Indianapolis, Ind., for construction permit.

WWL—Loyola University, New Orleans, La.—Granted petition for reconsideration and grant of renewal of license for station WWL, cancelled hearing, and granted renewal of license to operate on **850 kc.,** 50 KW power, S.H. (KWKH).

Seaboard Broadcasting Corp., Tampa, Fla.—Denied petition for rehearing directed against the action of the Commission November 19, 1940, granting without hearing the application of Herald Publishing Co., Inc. (WALB), Albany, Ga., for modification of construction permit.

Earle C. Anthony, et al.—Denied petition by 14 clear-channel broadcast stations to intervene in the hearing before the Commission in re the application of Matheson Radio Company, Inc. (WHDH), Boston, Mass., for construction permit to increase power and hours of operation on the **830 kc.** frequency.

KOA—National Broadcasting Co., Denver, Colo.—Denied petiton to intervene in the hearing in re application of WHDH, and denied appeal of applicant, Matheson Radio Co., Inc., from the action of December 21, 1940, of Commissioner Craven presiding at the Motions Docket, extending the time for filing exceptions and requesting oral argument, and affirmed the Order of the Commission. The Commission will receive briefs *amici curiae* from petitioners and others similarly situated within 20 days.

WMCA—Donald J. Flamm, New York City.—Dismissed petition filed on December 23, 1940, requesting the Commission to reconsider its action of December 17, 1940, giving consent to a transfer of control of Knickerbocker Broadcasting Company, Inc., licensee of station WMCA, New York City, from Donald J. Flamm to Edward J. Noble.

* * *

At the request of the Radio Committee of the Committee for the Celebration of the President's Birthday, the Commission suspended for the period 11 o'clock p. m. to 12 o'clock midnight, EST, January 25, 1941, the requirements of Section 3.92 of the Commission's Rules and Regulations with respect to station identification announcements applicable to all radiobroadcast stations carrying the "March of Dimes" program during said period.

APPLICATIONS FILED AT FCC

620 Kilocycles

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—License to cover construction permit (B5-P-2632) for a new transmitter, directional antenna day and night, increase in power, and move of transmitter.

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Authority to determine operating power by direct measurement of antenna power.

740 Kilocycles

KMMJ—KMMJ, Inc., Grand Island, Nebr.—Authority to install automatic frequency control equipment.

880 Kilocycles

KLX—Tribune Building Co., Oakland, Calif.—Authority to determine operating power by direct measurement of antenna power.

890 Kilocycles

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—License to cover construction permit (B3-P-2570) for increase in night power.

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Authority to determine operating power by direct measurement of antenna power.

920 Kilocycles

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Modification of construction permit (B3-P-2901) to install directional antenna for night use; change hours of operation from daytime to unlimited time, using power of 1 KW day and night; move transmitter, further requesting authority to install new transmitter, increase power from 1 KW to 1 KW, 5 KW local sunset, and move transmitter location from east side of Greenville Road and New Highway, 2.5 miles northwest center of Spartanburg, Saxon Mills, S. C., to west side of County Home Farm Road, south of U. S. Route 176, near Lowe, S. C. Extend commencement date thirty days after grant and completion date 180 days thereafter. Amended to change type of requested transmitter.

940 Kilocycles

WDAY—WDAY, Inc., Fargo, N. Dak.—Authority to determine operating power by direct measurement of antenna power.

WDAY—WDAY, Inc., Fargo, N. Dak.—License to cover construction permit (B4-P-2530) for increase in night power and installation of directional antenna for night use.

950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified for extension of completion date from 1-5-41 to 3-5-41.

NAB LIBRARY

1080 Kilocycles

NEW—Mid-America Broadcasting Corp., Louisville, Ky.—Construction permit for new station, **1040 kc.,*** 1 KW, 5 KW LS, unlimited, directional antenna day and night. * Request **1080 kc.** when Havanna Treaty becomes effective. Amended re directional antenna.

1200 Kilocycles

WJNO—WJNO, Inc., West Palm Beach, Fla.—Construction permit to use formerly licensed 250-watt composite transmitter and install vertical antenna at 511 Datura Street, West Palm Beach, Fla., as an auxiliary unit, with emergency studio at the same location.

1210 Kilocycles

NEW—Texas Star Broadcasting Co., Houston, Tex.—Construction permit for a new station on **1210 kc.,** 250 watts, unlimited time, Class IV. Studio and transmitter to be determined, Houston, Tex.—Amended to give location of transmitter as Freund and Ennis Streets, Houston, Tex., and make changes in antenna.

1230 Kilocycles

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Modification of construction permit (B4-P-2510) for new transmitter, increase in power, and changes in directional antenna for night use, requesting changes in equipment.

1280 Kilocycles

KLS—S. W. Warner and E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—Modification of construction permit (B5-P-2826) for increase in power, new transmitter, and changes in antenna, requesting authority to install new transmitter.

1310 Kilocycles

KOCY—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Authority to install automatic frequency control unit.

WFIG—J. Samuel Brody, Sumter, S. C.—Authority to determine operating power by direct measurement of antenna power.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Authority to determine operating power by direct measurement of antenna power.

WPER—Tropical Broadcasting Co., DeLand, Fla.—Modification of construction permit (B3-P-2991) for a new station to install a new transmitter, for approval of antenna and approval of transmitter and studio sites at South Alabama and Winnemissett Avenues, DeLand, Fla.

1370 Kilocycles

NEW—Natchez Radio Corporation, Natchez, Miss.—Construction permit for a new station on **1370 kc.** (Class IV), 250 watts, unlimited time.

1380 Kilocycles

WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of construction permit (B1-P-2723) for changes in equipment and increase in power (using DA day and night), requesting authority to install a new transmitter and extend commencement and completion dates from 12-29-40 and 6-29-41 to 60 days after grant and 180 days thereafter, respectively.

1420 Kilocycles

NEW—The Gazette Company, Cedar Rapids, Iowa.—Construction permit for new station, **1420 kc.,** 100 watts, unlimited time. Amended to change frequency from **1420 kc.** to **1550 kc.** (**1630 kc.** under North American Regional Broadcasting Agreement), change power from 100 watts to 5 KW, change type of requested transmitter, install directional antenna for night use and make changes in corporate structure, and change in transmitter site.

WKNE—Twin State Broadcasting Corp., Keene, N. H.—License to cover construction permit (B1-P-2415 as modified) for move of transmitter and studio, new transmitter, increase in power and directional antenna for day and night use.

WKNE—Twin State Broadcasting Corp., Keene, N. H.—Authority to determine operating power by direct measurement of antenna power.

1440 Kilocycles

WCBA—Lehigh Valley Broadcasting Company, Allentown, Pa.—Construction permit to install new transmitter, install directional antenna for day and night use, increase power from 500 watts to 5 KW. Amended to make changes in directional antenna.

WSAN—Lehigh Valley Broadcasting Company, Allentown, Pa.—Construction permit for new transmitter, directional antenna for day and night use, and increase in power from 500 watts to 5 KW. Amended to make changes in directional antenna.

1500 Kilocycles

WDBC—Delta Broadcasting Co., Escanaba, Mich.—Modification of construction permit (B2-P-2854) for a new station requesting approval of vertical antenna, approval of studio site at corner Ludington and First Streets, Escanaba, Michigan, and transmitter site at Sand Point, east of corner of Ludington and First Street, Escanaba, Michigan, and install a new transmitter.

WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Authority to determine operating power by direct measurement of antenna power.

KEYS—Earl C. Dunn and Charles W. Rossi, d/b as Neuces Broadcasting Co., Corpus Christi, Texas.—Modification of construction permit (B3-P-2931) for a new station, requesting approval of transmitter site and antenna at Shell Road, near Corpus Christi, Texas, and equipment changes.

KRNR—News-Review Co., Roseburg, Ore.—Authority to determine operating power by direct measurement of antenna power.

1530 Kilocycles

WBRY—American-Republican, Inc., Waterbury, Conn.—Modification of construction permit (B1-P-2756) for new transmitter, changes in directional antenna for day and night use and increase in power, requesting extension of commencement date from 12-22-40 to 1-22-41.

1550 Kilocycles

NEW—Orange Broadcasting Corp., Orange, Texas.—Construction permit new station on **1550 kc.,** 1 KW, unlimited time. Class III. Amended: To give corrected geographic location and exact specifications for vertical antenna.

FM APPLICATIONS

NEW—Mercer Broadcasting Co., Ewing Township, N. J.—Construction permit for new high frequency broadcast station, frequency, **44700 kc.;** coverage, 3,700 square miles; population, 910,000. Amended: To change coverage from 3,700 to 3,200 square miles; population from 910,000 to 544,000 and install directional antenna.

NEW—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Consent to assignment of C. P. (B1-PH-10) to Wylie B. Jones, Advertising Agency.

NEW—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Modification of construction permit (B1-PH-10) for approval of transmitter and antenna, change coverage from 6,500 to 6,660 square miles, and population from 1,836,300 to 516,380.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of construction permit (B4-PH-6) for a new high frequency broadcast station, requesting change in type of transmitter, and antenna changes.

NEW—Muzak Corp., New York, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **44.5 mc.;** coverage, central part of New York City. Amended: Re: to give frequency as **44500 kc.** and coverage as 4,490 square miles. Population: 10,546,481.

NEW—WOKO, Inc., Albany, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **45,100 kc.;** coverage, 7,164 square miles; population, 922,163.

NEW—WBNS, Inc., Columbus, Ohio.—Modification of construction permit (B2-PH-8) for a new high frequency broadcast station, requesting change in type of transmitter.

NEW—WBNX Broadcasting Co., Inc., New York, N. Y.—Construction permit for new frequency broadcast station. Frequency, **47500 kc.;** coverage, 8,730 square miles.

NEW—The Evening News Assn., Detroit, Mich.—Modification of construction permit (B2-PH-21) for approval of transmitter, antenna changes, and change population from 5,641,981 to 2,498,000.

NEW—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Construction permit for new high frequency broadcast station. Frequency, **48300 kc.**; coverage, 9,600 square miles; population, 2,900,000.

MISCELLANEOUS

NEW—Lehigh Valley Broadcasting Co., Allentown, Pa.—Construction permit for new relay broadcast station. Frequencies, **1622, 2058, 2150, 2790 kc.**; power, 3 watts; emission, A3.

WGNB—WGN, Inc., Chicago, Ill.—License to cover construction permit (B4-PRE-347), as modified for a new relay broadcast station.

KAQW—Central States Broadcasting Co., area of Omaha, Nebr.—Modification of construction permit (B4-PRY-209), which authorized a new relay station requesting extension of completion date from December 18, 1940, to January 18, 1941.

KAQX—Central States Broadcasting Co., area of Omaha, Nebr.—Modification of construction permit (B4-PRY-210), which authorized a new relay broadcast station requesting extention of completion date from December 18, 1940, to January 18, 1941.

NEW—WOKO, Inc., Albany, N. Y.—Construction permit for new relay station. Frequencies, **156750, 158400, 159300, 161100 kc.**; power, 50 watts; emission, special for frequency modulation.

WAWT—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI), area of Birmingham, Ala.—License to cover construction permit (B3-PRY-211), which authorized a new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Consolidated Book Publishers, Inc., Terminal Building, Chicago, engaged in publishing and selling an encyclopedia known as "Standard American Encyclopedia", and a dictionary called "Universal Dictionary of the English Language", is charged in a complaint with misrepresentation.

The complaint charges that in circulars and other advertisements distributed throughout the various States the respondent has represented, concerning the encyclopedia:

> "YOURS—ALMOST A GIFT
>
> Through the American Home Library Foundation
> We Are Able to Offer
>
> THE STANDARD AMERICAN
> ENCYCLOPEDIA
>
> Giant 15-Volume Home Reference Library . . ."
>
> * * * * * * * * * * *
>
> "15 HUGE BOOKS"
>
> * * * * * * * * * * *
>
> "* * * EDITION LIMITED! * * *"
>
> * * * * * * * * * * *
>
> "A MILLION DOLLAR INVESTMENT
>
> Was Required to Produce This Great New Home Reference Work."
>
> * * * * * * * * * * *
>
> "WHY WE MAKE THIS OFFER
>
> How can we afford to make this offer? How can we give you the Standard American Encyclopedia, almost as a gift?
>
> The answer is simple. The American Home Library Foundation is dedicated by its sponsors to the glorious task of placing within reach of every home in America good books that for all too long have been the privilege of only the wealthy. . . ."

In connection with the dictionary, the respondent is alleged to have represented:

> "EDITED AT OXFORD UNIVERSITY
>
> by Henry Cecil Wyld
>
> * * * * *
>
> The UNIVERSAL DICTIONARY is thoroughly new throughout, NOT a revised, reprinted edition of an older publication. It contains all the newest additions to the English language. It is printed from new plates, in modern, easy-to-read form. It brings you the definitions or nearly 200,000 modern English words and phrases, with every definition newly written. . . ."

The complaint alleges that these representations are false and misleading; that the price of the encyclopedia is not lower than it would be but for the activities of the "American Home Library Foundation"; that the "American Home Library Foundation" is not an organization dedicated to placing within the reach of every home the said encyclopedia, but is a trade name used by the respondent in conducting its business of selling the encyclopedia for a profit; that the volumes composing the encyclopedia are not huge, but of ordinary size; that the cost of reproduction was not a million dollars, and that the supply of the encyclopedia is not "limited", and copies are available for all potential purchasers, and that the dictionary is not new, but is an identical reprint of a 1932 edition by another publisher, except for a one and one-half page preface, a nine-page appendix, and other minor changes.

The complaint charges that neither Oxford University nor any such educational institution sponsored or contributed in any way to the publication of the dictionary. (4440)

De Forest's Training, Inc., 2533 North Ashland Ave., Chicago, conducting a vocational school in television, radio and motion picture sound equipment maintenance and manufacture, is charged in a complaint with misrepresentation.

The complaint charges that in the conduct of its business and for the purpose of promoting the sale of its course of instruction, the respondent secures prospective students and purchasers of its course by means of circulars and sales literature distributed in commerce. In advertising matter supplied by the respondent and distributed by its agents, there appear, among others, the complaint charges, the following statements:

> "Sound, television, radio present world-wide opportunities. Television, a new branch of the Electronic field, is developing rapidly, * * *. After a man is trained the De Forest way, he is ready to enter the Electronic Industry and really go places. Our employment service is available to every enrollee no matter where he lives. Through this service we have helped scores of men obtain employment. Because we train our men well, manufacturers, dealers, and distributors are glad to consider our advanced students and graduates. What we have done for others we can do for you when you are properly trained. Start your preparation now so you can soon take advantage of our employment service."

The complaint charges that the respondent's representations are exaggerated, false and deceptive, and that the demand at the present time for men trained in the television field is not large enough to warrant the respondent's representations that graduates of the respondent's school may be readily placed in positions in the field. Moreover, the complaint continues, graduates of the respondent's school do not possess sufficient practical experience to qualify as skilled employees or craftsmen in the radio and television industry. (4441)

Gly-Cas Medicine Company—Medora Whinrey, individually and trading as Gly-Cas Medicine Company, and Robert B. Whinrey, an individual, Muncie, Ind., engaged in the sale and distribution of a medicinal preparation designated "Gly-Cas," are charged in a complaint with misrepresentation of their product.

The complaint charges that in advertisements disseminated in commerce the respondents have represented that the preparation is a cure or remedy for constipation, indigestion, gas bloated and sour stomach, rheumatic, and neuritis pains, sore and aching muscles, headaches, and other ailments therein named; that the disorders and conditions mentioned are typical symptoms of constipation or faulty elimination; that the existence of one or more of such symptoms indicates that constipation is the basic cause of such disorders and conditions; that use of the preparation will completely cleanse the system, remove toxic impurities and prevent invasion of intestional glands by bacteria, and that the product is a body conditioner and purifier which will restore one to normal health.

The complaint alleges that the respondents' preparation will not accomplish the results claimed; that the preparation has no therapeutic value in the treatment of constipation in excess of temporary relief afforded by causing a partial evacuation of the intestinal tract; that the disorders and conditions mentioned in advertisements disseminated by the respondents as typical symptoms of constipation or faulty elimination are not typical symptoms of constipation or faulty elimination, but are often caused by other systemic disorders, and when so caused the use of the respondents' preparation will have no therapeutic effect. (4432)

Gordon Foods, Inc.—Alleging use of lottery methods in the sale of food products complaints have been issued against Gordon Foods, Inc., and H. W. Lay & Company, Inc., both of Atlanta.

The respondents, according to the complaint, sell to jobbers and retail dealers certain assortments of nuts so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes, when sold to the consuming public.

Charging that the respondents' practices have been of a sort which are contrary to Federal Government public policy and in violation of the criminal laws and the Federal Trade Commission Act, the complaints grant the respondents 20 days for filing answer. (4438-4439)

Haskelite Manufacturing Corporation, 208 West Washington St., Chicago, which operates a factory in Grand Rapids, Mich., where it manufactures, among other products, wooden serving and lap trays, together with products designated as "Hasko De Luxe Buffet Trays" is charged in a complaint with misrepresentation.

The complaint charges that the respondent, in offering its trays for sale through advertisements in newspapers and other media, has represented, among other things, that the "Hasko De Luxe Buffet Trays" are "Hardwood with stimulated Walnut grained surface", "Made of attractive simulated Walnut grained hardwood", and "Selected wood construction . . . available in Walnut or Mexican Copomo grains."

Through these representations, the complaint charges, the respondent has represented that the trays are manufactured of hardwood, and are of selected wood construction, and that the surface of the trays is composed of hardwood material finished to simulate walnut or Mexican copomo grains. These representations, the complaint continues, are false and misleading, as the trays are composed of a core of poplar soft wood material covered with a surface of paper which has been processed and printed to resemble walnut or Mexican copomo wood grains in appearance. (4442)

Hastings Manufacturing Company—A complaint has been issued charging the Hastings Manufacturing Company, Hastings, Mich., with violation of the Federal Trade Commission and Robinson-Patman Acts in the sale of piston rings and other replacement parts for use in motor vehicles.

The Commission at the same time dismissed without prejudice a proceeding resulting from a complaint issued in February, 1940, alleging violation of the Federal Trade Commission Act. (4030)

The new complaint also charges the respondent with violation of the Federal Trade Commission Act through practices having a tendency to create monopoly and unreasonably restrain manufacturers of competitive products in disposing of their merchandise to jobbers and wholesale distributors of automotive parts and equipment.

It is alleged that the respondent company, in attempting to sell its products, either directly or on consignment, to jobber customers, as an inducement to prospective jobber customers to discontinue handling and stocking products of the respondent's competitors and to sell the respondent's products instead, engaged in various methods and practices including arrangements for taking over and buying up the stocks of competitive products in the hands of jobbers, making loans to jobber customers upon their terminating business relations with competitive manufacturers and taking over the respondent's line of products, and making misleading representations concerning the efficacy of its "Steel Vent" piston rings as compared with competitive products.

The new complaint alleges that in violation of the Robinson-Patman Act the respondent discriminates in price between purchasers buying its commodities of like grade and quality in interstate commerce, through granting to some of them concessions and monetary considerations which are not granted to other of its purchasers.

The complaint alleges that in consideration of their taking on the respondent's line, some of the respondent's customers, who have not previously purchased its products, are given cash gifts often ranging above $1,000, such donations not being granted to other of the respondent's customers.

In consideration of some customers taking on the respondent's line for the first time, the complaint continues, the respondent pays them for the products of the respondent's competitors then owned by such customers, the payments being substantially in excess of the value of the products. Other customers do not receive such payments, according to the complaint. (4437)

G. Krueger Brewing Company, Newark, N. J., engaged in brewing and distributing beer under the brand name "Ambassador Beer", is charged, in a complaint, with misrepresentation.

In advertisements disseminated in commerce, the complaint charges, the respondent has represented: "A custom brewed beer for cultured taste, Ambassador is designed to meet the present day demand for a lighter, milder, more delicately flavored beer. Only the choicest barley malt and hops are used in brewing this distinctly different product."

Through use of these representations, the complaint continues, the respondent has represented that its product is composed wholly of barley malt and hops. In fact, the complaint continues, Ambassador Beer is not wholly composed of barley malt and hops, but includes corn and other grains or cereals. (4434)

Wire Rope & Strand Manufacturers Association, Inc., Washington, D. C., three of its officers, and 16 member companies manufacturing about 95 per cent of the country's production of wire rope, have been charged with unlawful agreement, combination and conspiracy to eliminate competition, in a complaint. Wire rope varies in size from airplane control wires to suspension bridge cables. It is used in the operation of elevators, power shovels and other heavy pulling and lifting equipment.

Respondent officers of the association are: Harry J. Leschen, St. Louis, president; George S. Whyte, Kenosha, Wis., chairman of the board; and George P. Lamb, Washington, executive secretary.

Respondent manufacturer members of the association are: American Chain and Cable Company, Inc., New York; The American Steel and Wire Company, Cleveland; The Bethlehem Steel Company, Bethlehem, Pa.; Broderick & Bascom Rope Co., St. Louis; Columbia Steel Company, San Francisco; E. H. Edwards Company, San Francisco; A. Leschen & Sons Rope Company, St. Louis; MacWhyte Company, Kenosha, Wis.; Pacific Wire Rope Co., Los Angeles; Rochester Ropes, Inc., Jamaica, Long Island, N. Y.; John A. Roebling's Sons Co., Trenton, N. J.; Union Wire Rope Corp., Kansas City, Mo.; Upson-Walton Company, Cleveland; Wickwire Spencer Steel Company, New York; Wire Rope Corporation of America, Inc., New Haven, Conn.; and Wire Rope Manufacturing & Equipment Company, Seattle.

Organized to meet the requirements of the National Industrial Recovery Act, the respondent association, according to the complaint, continued to function after that act was declared unconstitutional and is still in operation, the respondents Leschen, Whyte and Lamb controlling and directing its policies and activities. The complaint alleges that to the extent that the respondent association members act collusively and collectively in the pricing and distribution of wire rope in the United States, they are in a position to dominate and control the prices at which this product must be purchased by distributors, dealers and users, including federal, State and municipal agencies.

Pursuant to their agreement, combination and conspiracy, the complaint alleges, the respondent association members, acting between and among themselves, or through the association or its three respondent officers, have fixed and maintained uniform delivered prices, terms and conditions for the sale of wire rope in the United States; continued, in effect, by agreement and concerted action a uniform, delivered price-fixing formula adopted at the time of their N.I.R.A. code, and have maintained a uniform method of computing net delivered prices for wire rope sold by them throughout the country.

The complaint further charges that pursuant to their agreement the respondent manufacturers have maintained a system of delivered prices which prevent the differences in the cost of freight delivery between their respective places of business and those of intended purchasers from creating any advantage or disadvantage to such purchasers in delivery costs. This system of identical delivered prices is based on so-called basing points whereby all delivered prices are calculated as though shipments within a given area were made from a single point or points to a common freight destination, according to the complaint.

Pursuant to their combination and agreement, the respondents, according to the complaint, divided the United States into basing point areas so that purchasers in each area get the same delivered price regardless of their distance from the manufacturer; required distributors of their products to resell them according to the respondents' price formula; adopted a uniform basic and chain discount system; defined what constitutes a recognized distributor and filed with the association the names of their distributors, and included in a uniform contract entered into by all the respondent members with their respective distributors, a provision forbidding such distributors from selling any wire rope other than that made by the particular respondent member with whom the distributor had a distributing contract.

In order to carry out the agreements and the acts and practices performed thereunder, the respondents, according to the complaint, held meetings, supervised and investigated the fulfillment and enforcement of the agreements, and coercively required recalcitrant manufacturers, distributors and dealers to conform to the agreements. (4443)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

Colorado Bedding Company—Four Denver, Colo., mattress and bedding manufacturers have entered into stipulations to cease and desist from certain representations in the sale of their products.

The respondents are: Colorado Bedding Company; Sam Moskin, trading as Mountain States Mattress Manufacturing Company; Kindel Bedding Company; and Abe D. Penn, trading as National Bedding Company.

Each respondent agrees to cease designating, describing, or representing its products which are made, either in whole or in part, of used or second-hand material, to be products made of or containing all new material, and each agrees to cease and desist from failing to clearly and unequivocally disclose that its products are composed, either in whole or in part, as the case may be, of used or second-hand material.

The Colorado Bedding Company also stipulates that it will cease representing that its products are made in compliance with the laws of Colorado or any other State, when in fact the products do not conform to such laws, and the Kindel Bedding Company agrees to cease representing that its products are made in compliance with Colorado or other State laws or that the products are sterilized, when in fact they are not made so as to conform to such laws and have not been subjected to a sterilization process.

Sam Moskin, trading as Mountain States Mattress Manufacturing Company, and Abe D. Penn, trading as National Bedding Company, agree to discontinue the use on or in connection with their products of any false, fictitious or misleading price representation which purports to be the retail sales price of the products but which, in fact, is in excess of the price for which such articles are customarily sold. (3009-3010-3011-3012)

Kindell Bedding Company—See Colorado Bedding Company.

Kramer-Brandeis, Inc., 159 Madison Ave., New York, engaged in the manufacture and sale of neckties and other men's wear, has entered into a stipulation in which it agrees to cease and desist from use of the word "llama", or the picturization of a llama, either alone or in connection with any other word or words, so as to imply to purchasers that its merchandise is composed either in whole or in substantial part of llama wool or hair. (3013)

Mountain States Mattress Mfg. Company—See Colorado Bedding Company.

Na-Pa Chemical Company—D. R. Sterett and Margaret H. Sterett, trading under the firm name of Na-Pa Chemical Company, 1108 South Broadway, Leavenworth, Kans., selling a drug product designated "Na-Pa Balm", have entered into a stipulation in which they agree to cease representing that the product is a competent treatment or an effective remedy for colds; that it will break up colds, or that it provides protection or insurance against colds, will aid in their prevention, or do more than afford temporary relief from the symptoms and discomforts associated therewith. The respondents also agree to cease representing that the product is a competent treatment or effective remedy for, or that it will provide protection or insurance against, or aid in the prevention of, muscular aches and minor ailments, or do more than afford temporary relief from the pains associated therewith; that the product penetrates; that it acts as a barrier to keep out cold germs, or that it is a competent treatment or an effective remedy for throat infections or sinus irritations, or will aid in preventing those conditions.

The respondents also agree that in making comparisons of the absorbing power of goose grease or any other ingredient contained in the product, they will state the ingredient with which comparison is made, and that no such comparison will be made unless the statements are actually a fact. (02695)

National Bedding Company—See Colorado Bedding Company.

Sur-Rid Products Company—Chas. Denny, trading as Sur-Rid Products Company, 455 Paul Brown Building, St. Louis, engaged in selling a rat killing preparation designated "Sur-Rid Rat Killer", has stipulated to discontinue representing that he tests every lot of the product, or that he guarantees the killing power of the product, and further agrees to cease and desist from using the term "Sur-Rid" or any other similar term or words as a part of the brand name of the product, or from otherwise representing or implying that it is sure in action or that its use will rid premises of rats. (02694)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

American Crayon Company, Sandusky, Ohio, and Binney and Smith Company, 41 East 42nd St., New York, manufacturers of crayons, chalk, paint sets, educational supplies and allied products, have been ordered to cease and desist from violations of the Robinson-Patman Act.

Commission findings are that the respondents sell their products of like grade and quality to all customers at one list price from which they allow a 50 per cent trade discount to customers buying solely in case lots, and that they grant to some customers further varying discounts in addition to this trade discount.

The American Crayon Company, according to findings, grants in addition to the regular trade discount, discounts ranging from 5 to 10 per cent to some customers, and varying discounts ranging from 15 per cent to 10 plus 10 per cent on certain sizes of "Prang" tempera only.

Binney and Smith Company, according to findings, had allowed additional 5 and to some customers 10 per cent discounts over and above the regular trade discount, but, since issuance of the Commission complaint in this proceeding, had discontinued the 5 per cent discount and allows to all its "competitive distributors" a 10 per cent discount over and above the regular trade discount.

Commission findings are further that as compensation for merchandising, promotional and other selling services, percentage discounts or allowances have been granted by The American Crayon Company to some of its "special or promotional distributors", and by the Binney and Smith Company to some of its "special or promotional representatives".

In some instances, the findings continue, this special compensation has been granted without making it available on proportionally equal terms to other customers competing with these special classes of customers in the sale and distribution of the respondents' products of like grade and quality.

To some of their "special or promotional" customers, the respondents, according to findings, had granted a 10 per cent discount as compensation for carrying warehouse stocks and furnishing promotional and selling services and facilities, and a 5 per cent discount to others of this class furnishing the same type but less extensive services and facilities. However, the Binney and Smith Company, since issuance of the Commission complaint, has discontinued the 5 per cent discount and grants a 10 per cent discount to all "special or promotional representatives" for carrying warehouse stocks and furnishing selling services and facilities.

The findings point out that other customers not receiving any compensation are able and willing to and in some instances do furnish the respondents the same services and facilities as do the "special or promotional" customers; that some of them have requested that they receive the special compensation, but that the respondents have refused to grant it on proportionally equal terms.

The Commission orders direct that the respondents cease and desist from selling their commodities of like grade and quality to competing purchasers at uniform prices and granting varying discounts therefrom in the manner and under the circumstances found, and that they cease granting or allowing compensation to any customers of an amount equal to 10 per cent or 5 per cent, respectively, of either respondent's net billing prices of the products sold by such customer, or any compensation to any customer, for services or facilities furnished by or through such customer in connection with the handling, sale or offering for sale of the respondent's products, unless such payments are made available on proportionally equal terms to all buyers from the respondent who are competitors of such customer. (4142-4143)

Hall & Ruckel, Inc., 241 37th St., Brooklyn, N. Y., engaged in the distribution of a depilatory designated "X-Bazin," has been ordered to cease and desist from misrepresentation of its product.

The Commission finds the respondent has represented in advertisements, among other things, that "The special formula of X-Bazin actually retards the growth of hair. When the regrowth does come, it is much softer and less conspicuous than before. The skin is left smooth, soft and white. * * * Don't Be an Airedale. In the merciless slang of Hollywood, a girl with hair on arms or legs is 'an Airedale.' That's why film stars take hair off and keep it off with X-Bazin, the safe, efficient, and reliable hair remover. * * * No other process of removing unwanted hair so successfully combines ease and thoroughness with perfect safety."

The Commission finds that the representations made by the respondent with respect to the properties, nature and effect of its product when used are exaggerated, false and misleading, and that the product is a common depilatory and does not differ in its properties and effects from other chemical depilatories. In fact, the findings continue, X-Bazin does not discourage the growth of hair or delay its appearance for any material length of time, and the hair is not appreciably slower in returning or regrowing than it is following the use of other methods of hair removal.

The respondent is ordered to cease and desist from representing that the product is not caustic or is in all cases entirely safe or harmless; that the product discourages the growth of hair or delays the appearance of hair for any substantial period of time, or that the hair is appreciably slower in regrowing after use of the respondent's product than when the hair is shaved or otherwise removed; that the hair regrowing, after use of the respondent's product, is softer or less coarse than the hair regrowing after shaving; that the results obtained from the use of the product differ essentially from the results obtained from the use of other methods of hair removal; that the product permanently eradicates hair; or that it has been endorsed or recommended by scientists or physicians. (3389)

Kongo Chemical Company, Inc., 66 East 131st St., New York, engaged in the manufacture and distribution of a cosmetic preparation known as "Kongolene", intended for use on the hair, has been ordered to cease and desist from certain misrepresentations.

In advertisements circulated through the United States mails and in interstate commerce, the Commission finds the respondent has represented that "Kongolene is a purely vegetable product. * * * will straighten the crimpiest kind of hair, stops it from falling out, promotes a luxuriant growth of healthy hair, removes dandruff and keeps the hair soft and glossy * * *" "* * * it will benefit you for generations to come, if you are homely, likewise will be your offspring, if you are handsome, they will be likewise"—all of which representations, the findings continue, are exaggerated, false and misleading.

The respondent is ordered to cease and desist from disseminating advertisements which represent that the preparation is a purely vegetable product; will permanently straighten the hair or contribute to the straightening of the hair in any way other than by softening the hair temporarily; will prevent hair from falling out or promote the growth of hair; will cure or permanently remove dandruff; that the preparation is the greatest discovery of the age, or that the use of the preparation will benefit the offspring of the user; that the preparation is safe or harmless; or which advertisement fails to reveal that use of the preparation may result in severe caustic action upon the skin and scalp, with resulting burns. (4193)

Philip Morris & Co., Ltd., Incorporated, New York, has been ordered to cease and desist from a number of representations in the sale of cigarettes in commerce.

Commission findings are that the respondent company, a Virginia corporation, through the use of various legends, statements and depictions on its containers, has induced many persons to purchase its cigarettes in the belief that it is an English corporation holding a warrant entitling it to display the British Royal Arms; that it operates factories in London, Eng., Cairo, Egypt, Hamilton, Canada, and Richmond, Va., and warehouses all over the world; that its "Philip Morris," "English Ovals," "Marlboro," and "Player's Navy Cut" cigarettes are made in England and that its "Player's Navy Cut" are the same cigarettes as those generally and widely sold under that name in England.

According to Commission findings, the brands of cigarettes involved in this proceeding are made not in England, but in the United States; the respondent holds no warrant entitling it to display the British Royal Arms; it neither maintains warehouses in many parts of the world nor operates factories in Hamilton or Cairo, but it does manufacture certain cigarettes in England through its wholly owned subsidiary, Philip Morris & Company, Limited.

Findings are further that the belief by customers that the respondent is an English corporation is attributable in part to the substantially greater prominence given to the abbreviation "Ltd." in its corporate name as set forth on certain labels, as compared to that given the word "Incorporated" or its abbreviation "Inc." The effect of this under-emphasis, the findings continue, is enhanced by the use of a device resembling the Royal Arms and expressions such as "English Blend," "English Ovals," "London W" and "By Special Appointment."

The Commission further finds that the sale of the respondent corporation's American-made "Player's Navy Cut" cigarettes in a package closely resembling the package in which its English-made cigarettes of the same name are sold, has a tendency to engender the belief that they are of English manufacture, in the absense of an explicit disclosure of the actual country of manufacture.

The Commission finds that the phrase "Established over 80 Years" as used by the respondent is not without justification; that although a number of English and American corporate entities have intervened between Philip Morris, the founder, who conducted a tobacco business in London as early as 1846, and the respondent, there has been an unbroken continuity in the commercial life of the enterprise.

The Commission order directs Philip Morris & Co., Ltd., Incorporated, to cease and desist from using the phrase "London W" or any other similar wording in connection with the advertising or packaging of cigarettes not made in England, and from using the word "English" or similar words to refer to the shape or blend of cigarettes manufactured elsewhere than in England, unless in immediate connection the place of manufacture is conspicuously set forth.

The order also directs the respondent to cease using any depiction or simulation of the British Royal Arms or the words "Special Appointment" or "By special appointment," and to desist from use of the word "Limited" or its abbreviation "Ltd." as part of the respondent's corporate name or in any other manner, unless the word "Incorporated" or its abbreviation "Inc." appears in letters of the same size and boldness as do "Limited" or "Ltd."

The order further directs the respondent to discontinue representing that it operates factories or warehouses in any place in which it does not operate them and to desist from using the name "Player's Navy Cut" as a designation of any cigarette not made in England, unless in immediate connection with such name the country of manufacture is set forth in letters of the same size or conspicuousness as is the trade name "Player's Navy Cut." (3865)

Premium Candy Company—Two candy distributors in Fayetteville, N. C., and one in Vincennes, Ind., have been served with orders directing them to cease and desist from the use of lottery methods in the sale of candy. The respondents are Joe L. Thompson, trading as Premium Candy Company, and Harry Yates, trading as Cumberland Candy Company and Dixie Candy Company, both of Fayetteville, N. C., and Robert V. and Edward G. Bierhaus, trading as E. Bierhaus & Sons, Vincennes, Ind.

The orders prohibit the respondents from selling or distributing any merchandise so packed and assembled that its sale to the public may be made by means of a lottery; from supplying others with assortments of merchandise, together with push or pull cards, punch boards or other lottery devices, or separately, which devices may be used in selling or distributing such merchandise to the public; and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4287-4296-4377)

U. S. Drug & Sales Company—Edwin L. Leisenring, trading as U. S. Drug & Sales Company, U. S. Drug Laboratories, and U. S. Drug Company, and Gordon Leisenring, both of 1534 Lawrence St., Denver, Colo., engaged in the sale and distribution of medicinal preparations including a drug preparation advertised as "Alcoban", represented as a treatment for alcoholism, have been ordered to cease and desist from false advertising in connection with the sale of such products.

The Commission finds that in advertisements in newspapers, periodicals and other media, the respondents have represented that "The Alcoban treatment is the result of years of work and experimentation by physicians, and represents the scientific method of treating Alcoholism, as it was developed through the knowledge of medicinal science, and a comprehensive understanding of the cause of 'drink', and its results on the organs of the body." Through these and other statements, the findings continue, the respondents have represented that the preparation is a competent and effective treatment for alcoholism; that it removes the desire for alcoholic stimulants, and that it is safe and harmless.

The preparation is not safe or harmless, according to the findings, as it contains certain drugs in quantities sufficient to cause serious injury to health if the preparation is used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondents are ordered to cease and desist from disseminating advertisements which represent that the preparation is a competent or effective treatment for alcoholism; that it is safe or harmless; that the preparation removes the desire for alcoholic stimulants; or which advertisements fail to reveal that use of the preparation may result in serious injury to the nerves, tissues and lungs, and may produce toxic conditions in the body. (4364)

Walton Training Bureau—Milton S. Long, trading as Walton Training Bureau, 121 Ellison St., Paterson, N. J., has been ordered to cease and desist from misrepresentations in the sale of correspondence courses intended to prepare students for United States Civil Service examinations.

Commission findings are that in advertising matter circulated in various States, the respondent has represented or implied that United States Government positions are immediately available; that the respondent can obtain positions for students; that examinations will be held frequently; and that the starting salaries are greater than they are in fact. The Commission further finds that these representations and other similar assertions made by the respondent are misleading. Among positions which have been advertised, according to the findings, are railway postal clerk, city mail carrier, post office clerk, and rural mail carrier.

The order directs the respondent to cease and desist from representing: that United States Government positions are immediately available; that he can obtain positions for students or has any control over, or is in a position to obtain, appointments to Federal Government positions; that Civil Service examinations will be held frequently; that the starting salaries for any position advertised are greater than they are in fact; and that he obtains from the United States Civil Service Commission information with respect to examinations being held which is not available to students. (4346)

FTC CASE CLOSED

The Federal Trade Commission has closed a case against Zisblatt Furniture Company, Inc., trading as Grand Rapids Furniture Show Rooms, and Morris, Meyer, Sam and Lillian Zisblatt, and A. Maccia, formerly of 4132 Park Ave., New York, without prejudice to its right to resume proceedings, should future facts so warrant.

The respondents had been charged in a Commission complaint with the dissemination of misleading representations in the sale of household furniture.

According to information received by the Commission, the respondent corporation has become bankrupt and is no longer engaged in business. Three of the individual respondents have no permanent residences or places of business and their present locations are unknown.

NAB Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 3, January 17, 1941

NAB Convention May 12-15 In St. Louis

The NAB convention this year will be held May 12-15 at the New Jefferson Hotel in St. Louis.

This centrally located spot, within easy access of every broadcaster in the country, was finally selected this week by a committee consisting of Howard Lane, KFBK; Clifford Chafey, WEEU, and Frank M. Russell, NBC. This committee was appointed and authorized to make a final decision by the Board of Directors at its last meeting. The Board had carefully considered every proposal advanced by members and others.

The date of the convention was advanced this year in answer to the sentiment expressed by a great many members that it should not conflict with vacation season or the start of the broadcast year.

The New Jefferson Hotel was found to be ideally equipped to handle the convention and arrangements had been made with Carl Roessler, General Manager, to provide every convenience to the delegates and their guests.

The St. Louis broadcasters presented a united front in supporting St. Louis' invitation, and they have pledged their whole-hearted cooperation in their capacity as hosts. Every sign indicates that this 1941 convention, centrally located as it will be, will mark a high point in attendance.

In subsequent issues of the NAB REPORTS, complete details of the plans of the convention will be given.

Meantime put those dates, May 12 to 15, on your calendar. They are going to be red letter days for the radio broadcasting industry.

THE WEEK IN WASHINGTON

The BMI Board will hold its regular January meeting in New York next Tuesday, January 21. BMI last week had the top three tunes of the ten best sellers on coin machines. (p. 46)

Twenty-seven stations were represented at the District 6 meeting January 13 in Nashville. Five more District meetings were scheduled for January. The Research Committee met January 10 in New York. (p. 47)

Future policy to govern the present Bureau of Radio Advertising was discussed at length by the Sales Managers Steering Committee meeting January 10 in New York. A standard contract form, sent out last week, can be modified when a contract is made between a station and a local advertiser direct. (p. 48)

To speed the recruiting of students for intensive training schools and engineering colleges, the United States Department of Education is urging vocational-educational officials to assemble data on labor needs and the school's plan to meet those needs. Station WMBD, Peoria, claims the single stations remote record. (p. 48)

Several new bills affecting the broadcasting industry were introduced this week in Congress, and the state legislatures. (p. 48)

James Lawrence Fly, FCC Chairman, said at a press conference he knew of no reason "for a substantial delay" in FCC action on the "monopoly" report. (p. 49)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

BMI Developments

BMI BOARD MEETS

The BMI Board will hold its regular monthly meeting next Tuesday, January 21, in New York City. Developments in the music situation since the last meeting will be discussed.

BMI FEATURE TUNES

January 20-27

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. BUGLE WOOGIE
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. ANYWHERE
17. BREAKFAST FOR TWO
18. I LOOK AT YOU

For the first time in its short and eventful life, BMI had the three top tunes of the ten best sellers on coin machines. They were identical with the three tops of the Lucky Strike Hit Parade—a number one, *Frensi,* number two, *There I Go,* and number three, *I Give You My Word.* In addition, *I Hear A Rhapsody* romped home as number eight and *So You're The One* is listed as number four on "Disks Gaining Favor." *Frensi* and *There I Go* in the order named also lead the list of the fifteen best sheet music sellers, while *I Hear A Rhapsody, I Give You My Word* and *So You're The One* were among those present for the week ending January 14th. By the way, that week was a record breaker in BMI sheet music sales which exceeded 127,000, more than double the total for the previous week. *There I Go* is leading and has rolled up about 130,000 to date.

KASSEL RESENTS ASCAP TACTICS

Art Kassel, well-known orchestra leader and composer has submitted his resignation to ASCAP (American Society of Composers, Authors and Publishers) with a request for an unconditional release and ASCAP has refused. Gene Buck, president of ASCAP, in a reply dated December 18, 1940, wrote, "In the twenty-six years of our history, we have never accepted a resignation from any of our members, and if we complied with this request, we would be creating a precedent."

Mr. Kassel, who is the composer of "Doodle-Doo-Doo," "Hell's Bells," and "Around The Corner," and has been a member of ASCAP since 1925, declared:

> "I resent the fact that ASCAP is trying to spread the feeling that the band leaders are doing bad work. They ought not to try to tear down our business because they have made a wreck of their own.
>
> "The demands which ASCAP made on broadcasters were equivalent to a declaration of war. If they were going to do that sort of thing, they ought to have consulted the members and the rest of the music industry. I am in one of the lower classifications in ASCAP, but I wasn't calling for larger payments from radio stations to the Society.
>
> Radio has been the great opportunity for dance bands. It has given them a chance to be heard all over the country. There is no doubt but what radio has made me. If it's a question between ASCAP and the radio, I will take radio for what it's done for me. I hope that all the bands which are now at the top will think of the matter in this light and will be willing to see that the other fellow gets his chance too.
>
> "What I like about the situation is that we now all have the same chance. I used to get a song a week after it was recorded. The ASCAP houses gave preference to a few bands."

Asked whether he had any difficulty in making up satisfactory programs without the use of ASCAP music, Mr. Kassel said:

> "None at all. I find that the music which is available outside of ASCAP is perfectly adequate, and I resent some of the publicity which has been issued by ASCAP on that matter. Mr. Buck has been quoted as saying that the chains may as well tell the boys to throw away their instruments. When he says that he is telling the public that we are not going to be any good. Well, we are not in a position to quit, and we don't need to anyway. Keep listening. That is my plea to the public—keep listening.
>
> "It seems to me that the great trouble with ASCAP is that they have taken their slogan 'Justice for Genius' too literally. We may be dead before people know whether any particular writer is a genius. They've kidded themselves all the way through. Justice for work is something different, and that's what we want. Most successful songwriters are good craftsmen. They write to suit situations. They can turn out good stuff on order. ASCAP has some good music. I wish that all music was available, ASCAP as well as the rest, but ASCAP ought not to be in a position to dictate as they have in the past. They ought to get down to earth and represent the musical workmen, the little fellows as well as the man with the big name, and forget the genius stuff."

THEY LIKE OLD TUNES

Among the many comments reaching the BMI offices on the new music in the air, a surprising number express preference for the old tunes, both for the classics and those associated with American tradition. Some excerpts from letters and editorials follow:

"The new order of things has developed, too, an amazing ingenuity in arrangement. Almost daily over some station or other the 'Three Blind Mice' in novel rhythmic attire scamper away from the farmer's wife; Daisy is entreated in new tempo to ride a bicycle for two, and even other songs of the seventies, eighties and nineties appear in streamlined costumes a la mode. Thus the air is full of never-ending delights and surprises. No one knows when he will meet Dr. Foster going to Gloucester, not in a shower of rain, but in a shining new car.

"Apart from all this, there is solid wholesomeness in the revival of those appealing and mellow songs and instrumental selections that have proved their right to live. Serenely they have held their places in human hearts because they are of immortal stuff, because of their laughter, because of their tears, because they are of the texture of life.

"The younger generation, always in a vast hurry for something new, had not been hearing enough of this music. Strangely, they like it, because to them, it's new. Soon they will like it because they will come to realize that it is not merely music of today, but of all times."

RICHMOND TIMES-DISPATCH, 1.11.41.

"As one of the vast radio audience in the United States, I welcome the break with ASCAP. Now one can hear the music of the old masters without the interminable 'jazz,' 'swing,' or what have you."

MURRAY C. BOYER.

"I have just listened to an half hour of old favorites and I enjoyed the change."

GRETCHEN STANLEY.

"Contrary to the general expectation, we persons beyond the thirties have enjoyed very much again hearing some of the fine older tunes, with their soft melodies and their meaningful lyrics and the expertness of the new arrangements."

MARION P. CRAWSHAW.

"I have talked with many average radio listeners (and I am in that category today) and almost without exception they express themselves as 'liking the music they get now.' "

GEORGE SHACKLEY.

"I want to say a word in regard to the music that we have had since the first of the year, and how much more soothing it is on the nerves than so much of that fiery discord that has been played so often."

GEORGE B. SMITH.

"Gratification was expressed the other night when Fred Waring's glee club offered 'Just A Song At Twilight.' 'They had been neglecting those good old melodies,' said one Amarillo listener. 'I got a real thrill out of Waring's program that night.' "

WES IZZARD, *Amarillo News.*

BMI ADDS 246 ORIGINALS

By constantly adding to its reservoir of popular tunes, Broadcast Music, Inc., has made available for radio use more than 227 original popular songs since Christmas. Of the new numbers, forty-two were published by BMI under its own imprint and the others are being cleared by other publishers through BMI. M. M. Cole has made available 102 new cowboy tunes and romantic ballads; E. B. Marks 43 popular tunes and twelve originals are from the subsidiaries of Southern Music.

In addition BMI has acquired the performing rights of the music published by Republic Music Corp. The transaction calls for the immediate transference of some 20 numbers, many of which are identified with Sammy Kaye, and for the publication of not less than 2 compositions each month for three years. BMI has also acquired ten numbers and rights to future selections controlled by the Mutual Music Society, Inc., publisher of Glenn Miller's originals.

NAB

DISTRICT 6 MEETING

Twenty-seven stations were represented at the District 6 meeting Monday, January 13, in Nashville. Although the music situation was the primary subject of discussion, numerous other industry problems were talked over. Edwin W. Craig, WSM, district director, presided. Ed Kirby represented the NAB and Carl Haverlin, BMI. Those registered:

Fred Bugg, WDEF; J. T. Ward, WLAC; Jack M. Draughon, WSIX; Louis R. Draughon, WSIX; S. A. Cisler, WGRC; Charles Lee Harris, WGRC; Fred Ohl, KWKH-KTBS; F. C. Sowell, WLAC; Hugh O. Potter, WOMI; Earlee Winger, WDOD; Henry Dupre, WWL; E. A. Alburty, WHBQ; Bill Reeves, WHUB; M. L. Medley, WHUB; G. E. Zimmerman, KARK; Hugh M. Smith, WAML; W. H. Summerville, WWL; Rayburn R. Rose, WLBJ; Joe Van Sandt, WMSD; Jimmie Barry, KFPW; J. R. Pepper, WJPR; F. A. Cavey, WWL; Jess Swicegood, WKPT; L. M. Sepaugh, WSLI; Henry Frick, WJHL; J. C. Liner, KMLB; Hoyt B. Wooten, WREC; Thomas J. Severin, WSGN; M. E. Butterfield, WJHL; Carl Haverlin, BMI; S. E. Adcock, WROL; Ed Kirby, NAB; "Cy" Langlois, LANG-WORTH; Bob McRaney, WCBI; J. C. Liner, Jr., KMLB; John Cleghorn, WMC; Carter Parham, WDOD; H W. Slavick, WMC; Mr. M. E. Butterfull, WJHL; Edwin W. Craig, WSM; Harry Stone, WSM; James C. Hanrahan, WMPS.

DISTRICT MEETINGS SCHEDULED

Following is a list of District meetings now scheduled:

District 16 (Southern California, Arizona, New Mexico), Friday, January 17, Ambassador Hotel, Los Angeles, California.

District 15 (Nevada, Northern California, Hawaii), Saturday, January 18, St. Francis Hotel, San Francisco, California.

District 17 (Washington, Oregon, Alaska), Wednesday, January 22, Heathman Hotel, Portland, Oregon.

District 10 (Iowa, Missouri, Nebraska), Saturday, January 25, Fontenelle Hotel, Omaha, Nebraska.

District 14 (Colorado, Utah, Idaho, Montana, Wyoming), Monday, January 27, Albany Hotel, Denver, Colorado.

RESEARCH COMMITTEE

The Research Committee meeting January 10 was held at the Ritz Tower in New York City. Those in attendance were: William J. Scripps, Chairman, WWJ; H. M. Beville, Jr., NBC; Arthur B. Church, KMBC; James D. Shouse, WLW-WSAI; Frank N. Stanton, CBS; Theodore C. Streibert, WOR-MBS; J. W. Woodruff, Jr., WRBL. Guests: Messrs. Allen and Walker of MBS; Paul F. Peter, ex officio. Absent: Lee B. Wailes, KYW.

The Committee heard a progress report on the broadcast advertising unit measurement and on the publication of the Urban Survey which is to be released shortly. The Committee met at luncheon with the Sales Managers' Committee and with representatives of the ANA Cooperative Analysis of Broadcasting, Paul West, President of ANA, Frederic Gamble, Executive Secretary of the AAAA, Wells Wilbar of the General Mills Company, and A. W.

Lehman, Manager, Cooperative Analysis of Broadcasting. Following the luncheon, Mr. Lehman presented and discussed with the Research Committee the research method employed by the CAB.

This presentation of research methods is the second in a series heard by the Research Committee incident to the preparation of a Research Manual on Audience Measurement for station use.

1941 DUES CLASSIFICATION

Enclosed with the regular monthly statement sent to all NAB members on January 1 was a 1941 dues classification blank.

Under the By-Laws, each NAB member is required to file this statement annually with the Secretary-Treasurer indicating the amount of dues to be paid for the ensuing year.

It will be greatly appreciated if this statement is executed and filed with NAB Headquarters as soon as possible.

Sales

SALES STEERING COMMITTEE

The Sales Managers Steering Committee which is in reality the executive committee of the Sales Managers group, met at the Ritz Tower, New York, on Friday, January 10.

In addition to Chairman E. Y. Flannigan, WSPD, Toledo, Ohio, the following were present: Eugene Carr, WGAR, Cleveland, Ohio; Charles Caley, WMBD, Peoria, Illinois; and Ellis Atteberry, KCKN, Kansas City, Kansas. William Way, vice president and general manager of KVOO, Tulsa, Oklahoma, attended in place of Willard Egolf. Craig Lawrence, KRNT, Des Moines, Iowa, was prevented from being in attendance by reason of engagements in the midwest. Ed Kirby, Public Relations Director, and C. E. Arney, Jr., of the NAB staff, also attended.

A complete discussion of the future policy to govern the present Bureau of Radio Advertising took place and an interesting announcement respecting this whole matter will shortly be made.

STANDARD CONTRACT FORM

We wish to clear up a msiunderstanding which has come to our attention with reference to the application of the words "Less Agency Commission (15% of Net Station Time Charge):" appearing on the face of the NAB recommended station facilities contract (NAB Reports, January 10, 1941). When the contract is made between the station and a local advertiser direct, it is presumed that the station will "X" out such words in accordance with the usual practice of paying such commission only to recognized agencies. The form is designed to be used in dealing either with agencies or local advertisers, and thus obviate the necessity of printing two forms when one can serve both purposes.

Promotion

DEFENSE VOCATIONAL TRAINING

In order to speed the recruiting of students for intensive training courses in vocational schools and engineering colleges listed on pages 4880-4883 inclusive, of NAB Reports, December 13, United States Department of Education is urging vocational education officials to (1) assemble data on present and anticipated labor needs in their region and (2) the schools' plans to supply those needs.

As soon as the data becomes available scientific direction for training can be released in each individual community. At the completion of new plants or additions to present plants, graduates will have jobs, vital to national defense, waiting for them. The vocational education defense training program will prepare new workers for defense jobs and train those now employed for greater responsibilities.

LONG DISTANCE REMOTES

The long distances which broadcasting stations will extend lines in order to serve listeners has been brought out in recent issues of NAB Reports. WMBD, Peoria, through C. Russell Ehresman, merchandising and promotion, herewith says his station tops the last published, single station, remote long distance record. Claim is based on pick ups from the Pacific coast.

Here is the whole story as related by Mr. Ehresman:

> "For the past three years, WMBD has broadcast all of the Bradley Tech basketball games regardless of where they were played. The team's travel has taken it from the east to west coast.
>
> "This year, as in the past three years, we broadcast direct from the University of California, at Los Angeles, on December 31, 1940, and were the only station in this area carrying the game. Then, on January 3, 1941, WMBD broadcast by direct wire from Berkeley the University of California-Bradley game. This also was an exclusive coverage.
>
> "Each year for the past three years we have broadcast direct from Madison Square Garden the games Bradley Tech has played with leading eastern teams. This coming Wednesday evening, January 15, we will have a direct wire broadcast of the St. Francis-Bradley Tech game being played at the Madison Square Garden, New York City."

DEFENSE JOBS

The steady flood of skilled workers which broadcast stations are bringing to national defense jobs is one of the bright spots in the employment situation. But careful checks in all sections of the country convince U. S. Civil Service officials that there are thousands of qualified workers who have not yet been reached. They constitute a vast untapped reservoir to be drawn upon by radio.

Months in the future men taking apprenticeship courses in Navy Yards will be added to the supply of mechanics. All 45,000 U. S. Post Offices are currently displaying two colored posters which set forth the urgent need for skilled workers.

PROMOTION FOR CHILDREN

Not generally known until Major Edney Ridge of WBIG mailed a copy, is the fact that the story of radio was brought to vast numbers of school children throughout the land in "My Weekly Reader" for the week of November 25-29, 1940. "My Weekly Reader," widely syndicated, is highly regarded by educators and children alike. In simple language it told the whole story of radio. Here it is:

"RADIO HAS A BIRTHDAY

"The radio is 20 years old. It is having a big birthday party from November 11 to 30.

"Many people are helping with the birthday party.

"They are singing over the radio. They are telling how radio has grown in 20 years.

"Not many people had radios then. Not many people knew about radios. Today people everywhere have radios. There are radios in many schools.

"The radio brings news to people. It brings music, talks, and plays. The radio helps many people. It helps in many ways.

"The radio helps people in cities. It helps people in the country. It helps people in other countries.

"The radio helps policemen. It helps men working in forests. The radio helps airplane pilots. It helps people on big ships. It helps people everywhere. How does the radio help these people?

"Every year, the work of the radio grows and grows.

"Today some people have radios with television.

"Television is somewhat like moving pictures.

"People look into the radio. They see the people who sing and talk over the radio.

"Some people get radio newspapers. Their radios put news on paper."

With three pictures the story occupied the entire second page of the little newspaper. On the back page were eight questions which tested the children's understanding of the radio birthday story.

NEW MEXICO LEGISLATION

A. R. Hebenstreit, KGGM, Albuquerque, has accepted an appointment as legislative contact man at the New Mexico capital. (NAB Reports, p. 32.)

FEDERAL LEGISLATION

(New Bills)

HOUSE

H. R. 2074 (Bland, D., Va.) COMMUNICATIONS ACT—To amend section 353 (b) of the Communications Act of 1934, as amended. Referred to Committee on Merchant Marine and Fisheries.

HOUSE RESOLUTION

H. Res. 51 (Wigglesworth, R., Mass.) COMMUNICATIONS—Authorizing an investigation of the Federal Communications Commission. Referred to Committee on Rules.

STATE LEGISLATION

Colorado:

S. 210 (Veltri) RADIO INTERFERENCE CONTROL—To prohibit the maintenance, use, or operation of any devices which create electrical interference with radio reception. Referred to Committee on State Affairs and Public Lands.

S. 211 (Veltri) RADIO INTERFERENCE CONTROL—To prohibit the maintenance, use, or operation of any devices which create electrical interference with radio reception. Referred to Committee on State Affairs and Public Lands.

S. 231 (Crowley) COPYRIGHTS—To aid in effectuating the Federal Copyright Laws by removing certain monopolistic abuses and activities practiced under guise of copyrights by price fixing combinations, monopolies and pools. Referred to Committee on State Affairs and Public Lands.

Massachusetts:

S. 126 (Pet. of McMahon) RADIO—ADVERTISING—ALCOHOLIC BEVERAGES—To prevent the advertising of the manufacture or sale of alcoholic beverages by radio. Referred to Committee on Constitutional Law.

S. 193 (Twombly) LIBEL AND SLANDER—Relative to actions for libel and slander. Referred to Committee on Constitutional Law.

New York:

A. 107 (Same as S. 122) (Reoux) EMPLOYMENT AGENCIES—Clarifies provisions relative to return of fees by employment agencies. Referred to Committee on Judiciary.

S. 122 (Same as A. 107) (Feinberg) EMPLOYMENT AGENCIES—Clarifies provisions relative to return of fees by employment agencies. Referred to Committee on General Laws.

FEDERAL COMMUNICATIONS COMMISSION

FLY DISCUSSES MONOPOLY REPORT

Asked at a press conference early this week about the status of the FCC's monopoly report, James Lawrence Fly, Chairman, said that it is under study by the Commission with a view to early action.

Mr. Fly told the newsmen that he had informed the House Appropriations Committee "that it may come out next month." However, the Chairman stated that that was merely a general observation "particularly since the Commission has a pretty heavy schedule." Asked if that meant the monopoly report might be made in February, the Chairman said "it might be in January." He said he knows of no reason "for a substantial delay."

Mr. Fly in further discussion of the monopoly report said that the Commission could do any one of three things: (1) It could adopt the Committee report, (2) write an addition to it, or (3) write an entirely new report.

Chairman Fly told the reporters that the members of the Commission are planning to witness demonstrations of new television developments in the New York area on January 24 and 25. He said he hoped that they would not have to go to Schenectady, and had requested that the trip be consolidated as much as possible.

Discussing the progress of FM authorizations, the Chairman said that there had been expeditious grants and a sizeable application list.

NEW ASSISTANT TO CHAIRMAN

The FCC announced the appointment of Robert G. Seaks of Harrisburg, Pa., as Assistant to the Chairman, James Lawrence Fly.

From 1934 until the present time Mr. Seaks was a member of the legal staff of the Tennessee Valley Authority, except for a period in 1936 and 1937 when he did graduate work at Yale Law School.

Mr. Seaks was graduated from Gettysburg College in 1931, after being elected to Phi Beta Kappa. Three years later he was first man in the graduating class at Duke Law School. He was admitted to the bar in Tennessee.

Mr. Seaks assumes his new duties today, filling the vacancy caused by appointment of Nathan H. David to the Commission's legal staff.

FILING INFORMATION AT FCC

The FCC on January 14 amended its Rules governing the filing of information, contracts, periodic reports, etc., as follows, effective immediately:

Amended Sections 43.51 and 43.52 by adding thereto the following:

> "Upon compliance with the requirements of this section by one party to any such contract, agreement, or arrangement, the filing of a statement in writing duly sworn to by the other party or parties thereto identifying such contract, agreement, or arrangement, and adopting the filing thereof, shall be regarded as compliance with the requirements of this section by such other party or parties."

FCC RULE AMENDED

FCC on January 7 amended its Rules of Practice and Procedure, Part I, as follows, effective immediately:

Amended Section 1.356 to read as follows:

> "Sec. 1.356. *Forfeiture of construction permits; extensions of time.*—(a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.
>
> (b) Any application[1] for extension of time within which to construct a station shall be filed at least thirty days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than thirty days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension."

ENGINEERING CONFERENCE

A radio engineering conference convened here in executive session January 14 to harmonize the action of the radio administrations of Canada, Cuba, Dominican Republic, Haiti, Mexico and the United States so that the assignment of frequencies to broadcasting stations in the standard broadcast band will conform with the provisions of the North American Regional Broadcasting agreement signed at Havana on December 13, 1937. The provisions of this convention will become effective on March 29.

The following representatives attended the conference:

Canada—Mr. Donald Manson; Mr. J. W. Bain, Department of Tranport; Mr. K. A. Mackinnon; Mr. W. G. Richardson, Canadian Broadcasting Corporation; Mr. Ronald Macdonnell, Canadian Legation, Washington.

Cuba—Mr. Francisco Suarez Lopetequi; Guillermo Morales; Alfonso Hernandez Cata; Armando Mencía, Director, Inter-American Radio Office.

Dominican Republic—The Honorable Andrés Pastoriza, Minister of the Dominican Republic.

Haiti—The Honorable Elie Lescot, Minister of Haiti.

Mexico—Mr. Juan C. Buchanan; Mr. Salvador Tayabas.

United States—Department of State: Mr. Thomas Burke, Chief, Division of International Communications; Mr. Francis Colt de Wolf, Division of International Communications; Mr. Harvey B. Otterman. Division of International Communications; Mr. Edward Wailes, Division of European Affairs; Mr. Philip Bonsal, Acting Chief, Division of the American Republics; Mr. Guillermo Suro, Acting Chief, Central Translating Office. *Federal Communications Commission:* Commander T. A. M. Craven, Commissioner; Mr. E. K. Jett, Chief Engineer; Mr. Andrew D. Ring, Assistant Chief Engineer; Mr. Gerald C. Gross, Chief, International Division; Mr. Joseph L. Rauh, Jr., Assistant General Counsel.

FROM THE FCC MAIL BAG

Christmas has passed, but a Louisiana woman feels that many children of the nation are disillusioned about "Santa Claus" as a result of remarks made from time to time on the radio, and solicits the aid of the FCC in this connection. But the Commission is limited by statute from exercising power of censorship over radio programs. Inasmuch as station licensees have the initial responsibility for the selection of program material and are interested in the reaction of listeners to presentations, it is suggested that the woman convey her comments to the management of the network which carried the references to which she objects.

Because it has no authority to require broadcast stations to produce specific programs, the Commission has referred to an appropriate medium a suggestion and desire on the part of a university official to help develop programs to aid the national defense.

A New Yorker is advised that neither the Communications Act nor Commission rules and regulations specifically prohibit a radio announcer from repeating a story which appeared in a newspaper. However, a copyright question may be involved.

A Washington correspondent inquires about reported limitations upon facsimile broadcasting of typewritten matter. He is informed that facsimile broadcasting is provided for under Commission regulations and that there is no limitation of the type mentioned. It is possible that he may have in mind facsimile transmissions by point-to-point stations which might involve questions of a communications character.

A law journal, which asks about Commission "pre-trial" procedure, is informed:

> In its regulation of communications by wire and radio under the Communications Act of 1934, as amended, the Commission has no regularly established "pre-trial procedure" which is directed toward determining whether sufficient grounds exist for filing a complaint against either the witnesses themselves or those with whom they are connected, nor do its rules provide for such procedure. The hearings held by the Commission in connection with its execution and enforcement of the Act are either informal or formal as provided for in its rules.
>
> The Commission does apply pre-trial processes in the varying situations with which it has to deal. As an example, in a recent case information came into the possession of the Commission which, if founded on fact, would have properly

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[1] FCC Form No. 701.

required a proceeding for revocation of a broadcast station license. The Commission invited the witnesses as well as representatives of the station involved to appear informally for a conference with representatives of its Law Department. The statements of the witnesses were summarized and reduced to writing and later signed by them. Counsel were present representing one group of witnesses and counsel representing the station was invited to participate. In this instance no question arose of incriminatory testimony.

The general conduct of hearings held by the Commission in connection with its regulatory and licensing functions under the Act is set forth in Sections 1.231 et seq. of its Rules of Practice and Procedure. Under certain conditions, relevant portions of affidavits or other recorded testimony derived from such preliminary conferences or preliminary hearings may be introduced in subsequent proceedings. Witnesses are furnished with copies of their testimony or statements. The Commission has never been engaged in litigation in which any issues arose by reason of any such preliminary procedures.

MORE "FM" GRANTS

Three additional FM (frequency modulation) broadcast station authorizations were announced January 15 by the FCC, two for Chicago and one for Pittsburgh. This makes about 30 such stations approved by the Commission to date for full commercial program service.

The Columbia Broadcasting System, Inc., has received a construction permit for a new high frequency station to serve the four and one-half million residents of the 10,800-square-mile Chicago area on 46,700 kilocycles from a transmitter to be located at 1 North LaSalle Street, that city.

WJJD, Inc., Chicago, obtained a like permit to construct a transmitter at 75 East Wacker Drive, the same city, to render similar coverage on 44,700 kilocycles.

The third grant is to Westinghouse Radio Stations, Inc., Pittsburgh, to operate on 47,500 kilocycles in serving a local area of 8,400 square miles with 2,100,000 population. The proposed transmitter site is approximately eight miles northeast of the center of Pittsburgh.

At the same time the Commission, in response to several applications and a number of inquiries regarding radio links to transmit programs from the studio to the transmitter of high frequency broadcast stations, paved the way for such short-distance relay service for either FM or AM (amplitude modulation) on frequencies above 330,000 kilocycles. Appropriate rules specifying frequency allocation will be drafted to establish this service on an experimental basis. No applications will be considered until such rules are adopted. These link stations will be required to utilize highly directive antennas for the one-direction transmission so as to enable many stations throughout the nation to use the same frequency.

FM STATION LIST

The FCC has made public the following complete list of FM stations as of January 1:

Licensee and Location	Call Letters	Frequency (kc)	Service Area (Square Miles)
Bamberger Broadcasting Service, Inc. Newark, New Jersey T–New York, New York	W 71 NY	47,100	8,500 (C.P. only)
Baton Rouge Broadcasting Co., Inc. Baton Rouge, Louisiana	W 45 RG	44,500	8,100 (C.P. only)
Capitol Broadcasting Company, Inc. Schenectady, New York T–New Scotland, New York	W 47 A	44,700	6,589 (C.P. only)
Evansville On the Air, Inc. Evansville, Indiana	W 45 V	44,500	8,397 (C.P. only)
The Evening News Association Detroit, Michigan	W 45 D	44,500	6,820 (C.P. only)
William G. H. Finch New York, New York	W 55 NY	45,500	8,500 (C.P. only)
Frequency Broadcasting Corporation Brooklyn, New York	W 59 NY	45,900	8,500 (C.P. only)
General Electric Company Schenectady, New York T–New Scotland, New York	W 57 A	45,700	6,600 (C.P. only)
Howitt-Wood Radio Co., Inc. Binghamton, New York	W 49 BN	44,900	6,500 (C.P. only)
The Journal Company (The Milwaukee Journal) Milwaukee, Wisconsin T–Hubertus, Town of Richfield, Wisc.	W 55 M	45,500	8,540 (C.P. only)
Don Lee Broadcasting System Los Angeles, California	K 45 LA	44,500	6,944 (C.P. only)
Marcus Loew Booking Agency New York, New York T–Cliffside Park, New Jersey	W 63 NY	46,300	8,500 (C.P. only)
Metropolitan Television, Inc. New York, New York	W 75 NY	47,500	8,500 (C.P. only)
National Broadcasting Company, Inc. New York, New York	W 51 NY	45,100	8,500 (C.P. only)
National Broadcasting Company, Inc. Chicago, Illinois	W 63 C	46,300	10,800 (C.P. only)
The National Life and Accident Insurance Company Nashville, Tennessee T–North of Franklin, Tenn.	W 47 NV	44,700	16,000 (C.P. only)
Radio Service Corporation of Utah Salt Lake City, Utah	K 47 SL	44,700	623 (C.P. only)
The Travelers Brdcstg. Service Corp. Hartford, Connecticut	W 53 H	45,300	6,100 (C.P. only)
Walker & Downing Radio Corporation Pittsburgh, Pennsylvania	W 47 P	44,700	8,400 (C.P. only)
WBNS, Incorporated Columbus, Ohio	W 45 CM	44,500	12,400 (C.P. only)
WCAU Broadcasting Company Philadelphia, Pennsylvania	W 67 PH	46,700	9,300 (C.P. only)
WDRC, Incorporated Hartford, Connecticut T–Meriden, Connecticut	W 65 H	46,500	6,100 (C.P. only)
WGN, Inc. Chicago, Illinois	W 59 C	45,900	10,800 (C.P. only)
The Yankee Network, Inc. Boston, Massachusetts T–Mt. Wash., Sargents Purchase, N. H.	W 39 B	43,900	31,000 (C.P. only)
Zenith Radio Corporation Chicago, Illinois	W 51 C	45,100	10,760 (C.P. only)

FCC FORM 324 APPROVED

The FCC has approved FCC Form 324 to be used by the licensees of standard broadcast stations and others in reporting their financial affairs for the year 1940 under the provisions of Section 1.361.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearing is scheduled before the Commission in a broadcast case for the week beginning Monday, January 20. It is subject to change.

Wednesday, January 22

WMBD—WMBD Broadcasting Co., Assignor, Peoria, Ill.—Voluntary assignment of license of WMBD and portable-mobile stations WAIN, WEKH, WPEO, and WEKI to Peoria Broadcasting Co. (a Delaware corporation), Assignee. Operating on: WMBD—**1440 kc.**, 1 KW night, 5 KW day, unlimited. WAIN—**1622, 2058, 2150, 2790 kc.**, emission A-3, 25 watts night, 25 watts day; Sec. 4.24. WEKH—**1622, 2058, 2150, 2790 kc.**, emission A-3, 50 watts night, 50 watts day; Sec. 4.24. WPEO—**33380, 35020, 37620, 39820 kc.**, emission A-3, 1 watt night, 1 watt day; Sec. 4.24. WEKI—**33380, 35020, 37620, 39820 kc.**, emission A-3, 10 watts night, 10 watts day; Sec. 4.24.

FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearing. It is subject to change.

February 25

WCNC—Aubrey G. McCabe and Trim W. Aydlett, d/b as Albemarle Broadcasting Company, Assignor, and Albemarle Broadcasting Co., Assignee, Elizabeth City, N. C.—Voluntary assignment of license, **1370 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—Granted construction permit to make changes in directional antenna and increase night power from 1 to 5 KW; **570 kc.**, 5 KW day (B3-P-2571).

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted modification of construction permit (B4-P-2886) to move transmitter site from 59th Street and Hollingsworth Road, near New Augusta, Ind., to across Hollingsworth Road from present site; install new transmitter; make changes in directional antenna; and increase day power from 1 to 5KW; **1050 kc.**, non-directional, subject to approval of antenna system (B4-MP-1100).

WBIR—J. W. Birdwell, Knoxville, Tenn.—Granted modification of construction permit for approval of transmitter and studio site 1.6 miles west of business district of Knoxville; approval of antenna and increase night power from 100 to 250 watts; **1210 kc.**, 250 watts day, unlimited time (B3-MP-1084).

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted construction permit to install directional antenna for night use and increase night power from 1 to 5 KW; **1290 kc.**, 5 KW day, unlimited time (B3-P-2788).

WSAV—Arthur Lucas (Transferor), The several shareholders of licensee (Transferee), WSAV, Inc. (Licensee), Savannah, Ga.—Granted relinquishment of control over WSAV, Inc., by Arthur Lucas, through the transfer by him of 32 of his 151 shares of common voting stock to E. E. Murrey, Sr., for a cash consideration of $3,200; station operates on **1310 kc.**, 250 watts, unlimited time (B3-TC-247).

WBKY—University of Kentucky, Beattyville, Ky.—Granted application for reinstatement of the construction permit for non-commercial educational broadcast station WBKY (construction was not completed within the time provided for in the permit, and the same automatically expired October 20, 1940), and change frequency from **41900 kc.** to **42900 kc.** to comply with Section 4.137, as revised; 100 watts day and night, unlimited; using amplitude modulation at present (B2-PED-17).

KGEI—General Electric Company, San Francisco, Calif.—Granted construction permit to make changes in antenna system and to move transmitter site from Treasure Island to near Belmont, Calif., of international broadcast station KGEI; frequencies **6190, 9530, 15330 kc.**, power 20 KW day and night, sharing time of operation with WGEA and WGEO on **6190** and **15330 kc.** and with WGEO on **9530 kc.** (B5-PIB-31).

NEW FM STATIONS GRANTED

WJJD, Inc., Chicago, Ill.—Granted construction permit for new FM broadcast station to operate on **44700 kc.**, with a coverage of 10,800 square miles, embracing 4,500,000 population (B4-PH-17).

Columbia Broadcasting System, Inc., Chicago, Ill.—Granted construction permit for new FM broadcast station to operate on **46700 kc.**, with a coverage of 10,800 square miles, embracing 4,500,000 population (B4-PH-57).

Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—Granted construction permit for new FM broadcast station to operate on **47500 kc.**, with a coverage of 8,400 square miles, embracing 2,100,000 population.

DESIGNATED FOR HEARING

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Application for construction permit to make changes in transmitter; move transmitter site from Milhaven Road, Monroe, La., 4 miles north of center of city; change frequency from **1200** to **1410 kc.**; increase power from 250 watts to 1 KW; and install directional antenna for night use (B3-P-2939).

KNOE, Inc., Monroe, La.—Application for construction permit to erect a new station to operate on **1420 kc.**, 250 watts, unlimited time, exact transmitter site and type of antenna to be determined (B3-P-2887).

KTSM—Tri State Broadcasting Co., Inc., El Paso, Tex.—Application for modification of license to increase power from 500 watts to 1 KW; **1350 kc.**, unlimited time.

Edward E. Reeder, Seattle, Wash.—Application for construction permit for new broadcast station to operate on **1420 kc.**, 250 watts, unlimited time, exact transmitter site and type of antenna to be determined (B5-P-2936).

Western Massachusetts Broadcasting Co., Pittsfield, Mass.—Application for construction permit for new broadcast station to operate on **1500 kc.**, 100 watts, unlimited time (B1-P-2988).

MISCELLANEOUS

WSAI—The Crosley Corp., Cincinnati, Ohio.—Granted modification of construction permit authorizing move of transmitter, increase in power, etc., for extension of completion date to July 15/41 (B2-MP-1131).

KFXJ—Western Slope Broadcasting Co., Grand Junction, Colo.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-627).

WSLI—Standard Life Broadcasting Co., Jackson, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-569).

KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-593).

KGKY—L. L. Hilliard, Ruth K. Hilliard, & R. M. Stewart, d/b as Hillard Company, Scottsbluff, Nebr.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-524).

KIUP—San Juan Broadcasting Co., Durango, Colo.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-523).

KGKO—The Southwest Broadcasting Co.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-620).

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted modification of construction permit which authorized changes in antenna and transmitting equipment, increase in power and move of transmitter, for change in type of transmitter, move of transmitter, and extension of commencement date from December 29, 1940 to 10 days after grant and extension of completion date from June 29, 1941 to 90 days after date of commencement (B2-MP-1116).

WPAT—North Jersey Broadcasting Co., Inc., Paterson, N. J.—Granted modification of construction permit for approval of antenna, equipment changes, and approval of studio site and transmitter site; **900 kc.,** 1 KW, day (B1-MP-1109).

Columbia Broadcasting System, Inc. (area of Los Angeles, Calif.), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies **33380, 35020, 37620, 39820 kc.,** 100 watts, A3 emission (B5-PRE-377).

Paducah Broadcasting Co., Inc. (area of Hopkinsville, Ky), Mobile.—Granted construction permit for new relay broadcast station, frequencies **30820, 33740, 35820, 37980 kc.,** 15 watts, A3 emission (B2-PRE-376).

WAUY—Evansville on the Air, Inc. (area of Evansville, Ind.), Portable-Mobile.—Granted license to cover construction permit which authorized construction of a new relay broadcast station, frequencies **30820, 33740, 35820, 37980 kc.,** power 2 watts, A3 emission (B4-LRE-333).

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Granted modification of construction permit which authorized installation of new transmitter, increase in power, and changes in directional antenna for night use, for changes in equipment; **1230 kc.,** 5 KW, unlimited (B4-MP-1137).

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted license to cover construction permit authorizing installation of new transmitter and vertical antenna, increase in power, and move of transmitter; **1310 kc.,** 250 watts, unlimited (B1-L-1300).

WCMI—Ashland Broadcasting Co., Ashland, Ky.—Granted license to cover construction permit which authorized installation of new antenna and move of transmitter; **1310 kc.,** 250 watts, unlimited (B2-L-1306).

WGRM—P. K. Ewing, Greenwood, Miss.—Granted license to cover construction permit which authorized installation of new transmitter; **1210 kc.,** 250 watts, unlimited (B3-L-1308).

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Granted construction permit to make changes in auxiliary transmitter and increase power from 30 to 50 KW; **660 kc.,** emergency use only (B1-P-3058). Also granted license to cover construction permit (B1-L-1305).

KENO—Geo. Penn Foster, Maxwell Kelch, and Calvert Chas. Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—Granted license to cover construction permit which authorized erection of a new broadcast station; **1370 kc.,** 250 watts, unlimited (B5-L-1281). Also granted authority to determine operating power by direct measurement of antenna power (B5-Z-577).

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Granted license to cover construction permit which authorized installation of new transmitter, changes in directional antenna for night use, change of frequency and hours of operation, and increase in power, to use directional antenna day and night; **560 kc.,** 5 KW, unlimited (B1-L-1304). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-626).

W2XCB—Columbia Broadcasting System, Inc. (area of New York City), Portable-Mobile.—Granted modification of construction permit which authorized new television relay station, for extension of completion date from January 7, 1941, to July 7, 1941 (B1-MPVB-30).

KFXD—Frank E. Hurt, Nampa, Idaho.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-615).

W2XWV—Allen B. DuMont Laboratories, Inc., New York City.—Granted modification of construction permit for new television broadcast station, to extend completion date from December 13, 1940, to February 13, 1941 (B1-MPVB-3).

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa.—Granted modification of construction permit which authorized increase in power and installation of directional antenna for night use, for extension of completion date from January 28, 1941 to March 28, 1941 (B4-MP-1133).

KDFN—Donald Lewis Hathaway, Caspar, Wyoming.—Granted license to cover construction permit which authorized increase in power to 1 KW and changes in equipment (B5-L-1303).

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted license to cover construction permit which authorized change of frequency, increase in power, and installation of new transmitter and antenna; **1330 kc.,** 1 KW, unlimited (B3-L-1265).

KTMS—News-Press Publishing Co., Santa Barbara, Calif.—Granted license to cover construction permit which authorized changes in equipment and increase in power, using directional antenna day and night; **1220 kc.,** 1 KW, unlimited time, using directional antenna day and night (B5-L-1291).

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Granted modification of construction permit which authorized move of transmitter, installation of directional antenna for night use, installation of new transmitter and increase in power, for changes in equipment; **1320 kc.,** 5 KW, unlimited time, directional antenna night (B4-MP-1134).

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Granted modification of construction permit which authorized installation of directional antenna for day and night use, new transmitter and increase in power, for move of transmitter; **920 kc.,** 5 KW, unlimited time, directional antenna day and night (B5-MP-1128).

KROD—Dorrance D. Roderick, El Paso, Tex.—Granted modification of construction permit which authorized change in frequency from **1500** to **600 kc.,** increase in power from 250 watts to 500 watts night, 1 KW day, and installation of new transmitter, for authority to change type of transmitter and extend commencement and completion dates from January 26, 1941, and July 26, 1941, to 30 days after grant and 120 days thereafter, respectively (B3-MP-1135).

WCZR—Zenith Radio Corp. (area of Chicago, Ill.), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station, frequencies **156750, 158400, 159300, 161100 kc.,** power 100 watts, special emission (B4-LRE-337).

W1XPW—WDRC, Inc., Hartford, Conn.—Granted special temporary authority to operate a high frequency experimental broadcast station on **46500 kc.,** 1000 watts power, special emission, in order to rebroadcast high frequency broadcast station W1XOJ, with the transmitter located at Meriden, Conn., and described as Composite, Type FM1, maximum rated carrier power 1000 watts, for period January 8, 1941, to not later than March 1, 1941.

WMBI—The Moody Bible Inst. of Chicago, Chicago, Ill.—Granted motion for continuance of hearing on application for modification of license to use hours now being used by WCBD when that station is assigned a different frequency, for a period of 30 days.

WCAM—City of Camden, Camden, N. J.; WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.; WTNJ—WOAX, Inc., Trenton, N. J.—Granted motion for continuance of hearing on applications for renewal of licenses of WCAM, WCAP and WTNJ, now scheduled for January 29 to March 10. The Commission on its own motion consolidated the hearing on the above renewal applications with applications of Trent Broadcast Corp. for a new station and application of WTNJ for construction permit to change frequency to **1230 kc.,** and increase time of operation.

Mack Radio Sales Company—Dismissed without prejudice petition to intervene in the hearing on applications for renewal of license of WCAM, WCAP and WTNJ.

Fred Jones Broadcasting Co., Tulsa, Okla.—Granted petition for leave to amend application for new station with regard to directional antenna; **690 kc.,** 50 KW, unlimited time.

Paducah Broadcasting Co., Inc., Clarksville, Tenn.—Granted motion for order to take depositions in re application for new station to operate on **1370 kc.,** 250 watts, unlimited time.

South Jersey Broadcasting Co., Vineland, N. J.—Dismissed without prejudice petition to intervene in the hearing on application of WTEL, Philadelphia, Pa., for construction permit to change frequency from **1310** to **1500 kc.,** increase power from 100 to 250 watts, and hours of operation to unlimited.

WSAY—Brown Radio Service & Laboratory, Rochester, N. Y.; Edward J. Doyle, Rochester, N. Y.—Granted motion for continuance of hearing on application of WSAY only, from January 27 to a date not before February 27, 1941, in re application to change frequency from **1210** to **1340 kc.,** increase power from 250 watts to 1 KW, unlimited time, DA.

William H. Amesbury, Minneapolis, Minn.—Granted motion for continuance of hearing and for Waiver of Rule 1.254, now scheduled for January 17 for a period of 30 days, on application for new station to operate on **630 kc.,** 1 KW, unlimited time; DA night and day.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate simultaneously with KLX from 7:45 to 9:45 p. m., PST, January 11 and 24, in order to broadcast basketball games of the local High School Conference only; and from 7 to 9 p. m., PST, January 22, in order to broadcast Annual Award to the Senior and Junior First Citizens of the city of Vancouver.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (January 4:45 p. m., CST) to 11 p. m., CST, on January 17, 18, 21, 24 and 31, in order to broadcast basketball games only.

KAXZ—United Air Lines Transport Corp., c/o Aeronautical Radio Inc., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter aboard plane owned by United Air Lines Transport Corp., call letters, KHAZT, as a relay broadcast station, on frequency **2790 kc.,** to relay from plane to station KGO broadcast program in connection with dedication of new airlines consolidated terminal in New York City from 4 to 8 p. m., PST, on January 8, to the NBC Blue Network.

W2XWV—Allen B. DuMont Labs., Inc., New York City.—Granted extension of special temporary authority to operate a 50-watt television transmitter on **60000-86000 kc.** at 515 Madison Ave., N. Y., for the period January 9 to February 7, in order to conduct field tests.

KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted special temporary authority to rebroadcast an interview of a U. S. Army pilot by an NBC announcer from 1:30 to 2 p. m., MST, on January 11, 1941 as a part of the "March of Dimes" special feature program transmitted from the airplane to be over an Army transmitter to be received by a special NBC receiving station located on top of a building at 1625 California St., Denver, Colo.

Harold R. Deal, Tide Water Asso. Oil Co., San Francisco, Calif.—Affirmed action taken by Commissioner Case on January 6, denying application of KWWJ Broadcast Co., Inc., Portland, Ore., for special temporary authority to operate night hours on **1040 kc.,** for basketball games on certain dates in January.

WPER—Tropical Broadcasting Co., DeLand, Fla.—Granted modification of construction permit which authorized a new broadcast station, for approval of antenna, install new transmitter and approval of transmitter and studio sites; **1310 kc.,** 250 watts, unlimited time.

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Station WAPI), Birmingham, Ala.—Continued hearing now scheduled for January 10, 1941, until January 29, 1941, in re application for renewal of license of Station WAPI (Docket No. 5821).

KRMC—Roberts MacNab Co. (a partnership consisting of Arthur L. Roberts, R. B. MacNab and A. J. Breitbach), Jamestown, N. Dak.—Granted petition of Jamestown Broadcasting Company for reconsideration and grant without hearing the application for assignment of license of Station KRMC from Roberts MacNab Co. to Jamestown Broadcasting Co. (B4-AL-276).

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Upon consideration of petition for rehearing filed by Purdue University (WBAA), W. Lafayette, Inc., the Commission modified its grant of October 22, 1940, of the application of Monongahela Valley Broadcasting Co. (WMMN) for construction permit to make changes in directional antenna for nighttime use and to increase power output from 1 KW night, 5 KW day, to 5 KW unlimited time on frequency **890 kc.,** so as to make such grant conditional upon the applicant obtaining from the Commission specific approval of a directive antenna which will enable Station WMMN to serve the Fairmont, W. Va., area, and at the same time will not cause a single limitation to Station WBAA greater than 4.7 mv/m.

Earle C. Anthony, Inc., Hughes Productions Division of Hughes Tool Co., Columbia Broadcasting System, Inc.—Granted (1) motion to dismiss petitions for rehearing filed December 6, 1940, by Columbia Broadcasting System, Inc., directed against the action of the Commission of November 15, 1940, granting the application of Earle C. Anthony, Inc., for construction permit for television station in Los Angeles to operate on television channel No. 6, and making final its conditional grant of June 18, 1940, of application of Hughes Productions Div. of Hughes Tool Co. for construction permit for television broadcast station in Los Angeles to operate on television channel No. 2 instead of channel No. 3 as requested, and (2) to withdraw request filed December 6, 1940, by Columbia Broadcasting System, Inc., for hearing on its own application for construction permit for television broadcast station in Los Angeles to operate on television channel No. 3 instead of channel No. 8 as granted by the Commission November 15, 1940.

The Commission has announced the following action:

WMBD—WMBD Broadcasting Co., Peoria, Ill.; WEKI—Portable mobile; WPEO—Portable mobile; WEXH—Portable mobile; WAIN—Portable mobile.—Granted petition to reconsider and grant without hearing the application for assignment of license of Broadcast Station WMBD and four associated relay stations from WMBD Broadcasting Co. to Peoria Broadcasting Company; dismissed motion to strike the second issue upon which said application was scheduled to be heard; set aside Commission action in designating said application for hearing; and granting the application as requested.

APPLICATIONS FILED AT FCC

550 Kilocycles

WSVA—Shenandoah Valley Broadcasting Corporation, Harrisonburg, Va.—Modification of construction permit (B2-P-2578) as modified, requesting extension of required date of completion from January 28, 1941 to July 28, 1941.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Construction permit to install a new transmitter and increase power from 1 KW to 1 KW, 5 KW, local sunset.

590 Kilocycles

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Construction permit to increase power from 1 KW to 1 KW, 5 KW, local sunset and install new transmitter (using directional antenna night). Amended: To change type of requested transmitter, make changes in directional antenna for night use and change requested power from 1 KW, 5 KW, local sunset, to 5 KW day and night.

610 Kilocycles

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Authority to determine operating power by direct measurement.

620 Kilocycles

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—License to cover construction permit (B3-P-2435) for a new transmitter, and directional antenna for night use, increase in power, change in frequency and move.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Authority to determine operating power by direct measurement of antenna power.

880 Kilocycles

WJHL—WJHL, Incorporated, Johnson City, Tenn.—License to cover construction permit (B3-P-2656) as modified, for equipment changes, installation of D. A. for night use, increase in power, change in frequency and move of transmitter.

WJHL—WJHL, Incorporated, Johnson City, Tenn.—Authority to determine operating power by direct measurement.

1200 Kilocycles

WENY—Elmira Star Gazette, Inc., Elmira, N. Y.—Construction permit to install new transmitter, directional antenna for day and night use, change in frequency from **1200 to 590 kc.,** increase power from 250 watts to 1KW.

1210 Kilocycles

KGY—KGY, Inc., Olympia, Wash.—Construction permit to install new vertical antenna and change hours of operation from unlimited time except when KTW is operating to unlimited time.

1300 Kilocycles

KFH—Radio Station KFH Co., Wichita, Kans.—Modification of construction permit (B4-P-2462) as modified for new transmitter, increase in power, move of transmitter, installation of directional antenna for night use, requesting extension of completion date from February 18, 1941 to July 18, 1941.

NEW—Findlay Radio Co., Findlay, Ohio.—Construction permit for new station on **1420 kc.,** 250 watts, unlimited operation. Class IV station. Amended: To request **1300 kc.,** daytime operation.

1310 Kilocycles

WCMI—Ashland Broadcasting Co., Ashland, Ky.—Authority to determine operating power by direct measurement of antenna power.

WFHR—William F. Huffman, Wisconsin Rapids, Wisc.—Modification of license to increase power from 100 watts 250 watts Local Sunset to 250 watts day and night.

1340 Kilocycles

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, Territory of Hawaii.—Construction permit for a new station on **1340 kc.** (under North American Regional agreement), 250 watts. Unlimited time. Transmitter and studio sites: 1129 Kapiolani Boulevard, Honolulu, Territory of Hawaii. Amended: To change requested frequency from **1340 kc.** under North American Regional Agreement to **1310 kc.** (**1340 kc.** under North American Regional Agreement) and change type of requested transmitter.

NEW—John and Marcia Arrington, d/b as Arrington & Arrington, Covington, Va.—Construction permit for new station: **1310 kc.** (**1340** under North American Regional Agreement), 250 watts, unlimited time. Studio and transmitter to be determined, Covington, Virginia.

1360 Kilocycles

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Modification of construction permit (B3-P-3000) for changes in equipment, requesting further changes in equipment, change hours of operating from daytime to unlimited time using 500 watts night, 1 KW daytime, and extend commencement and completion dates from February 5, 1941 and August 5, 1941 to 10 days after grant and 30 days thereafter, respectively. Facilities of WTJS.

1370 Kilocycles

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Authority to install automatic frequency control equipment.

NEW—Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Construction permit for new station on **1370 kc.,** 100 watts, unlimited time. Studio and transmitter site to be located at Greensboro, North Carolina. Amended: Request **1250 kc.,** Class IV, 250 watts, day operation only, contingent on WAIR going to new frequency. Antenna changes.

NEW—Macon Telegraph Publishing Co., Macon, Ga.—Construction permit for a new station on **1370 kc.,** 250 watts, unlimited time. Transmitter site to be determined, in or near Macon, Georgia. Studio site to be determined, Macon, Georgia. Antenna to be determined. Amended: To change applicant from Martin Anderson (individual) to Macon Telegraph Publishing Co. (a corporation).

WDEF—Joe W. Engle, Chattanooga, Tenn.—License to cover construction permit (B3-P-2483) as modified for a new station.

WDEF—Joe W. Engel, Chattanooga, Tenn.—Authority to determine operating power by direct measurement of antenna power.

NEW—Roy G. Terry, trading as Terry Broadcasting Company, Tyler, Tex.—Construction permit for a new station to be operated on **1370 kc.,** 250 watts, unlimited time, Class IV.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Penn.—Authority to determine operating power by direct measurement of antenna power.

1390 Kilocycles

NEW—Vermont Radio Corporation, Inc., St. Albans, Vt.—Construction permit for a new broadcast station to be operated on **1390 kc.,** 1 KW, daytime operation. Requests facilities of WQDM.

1420 Kilocycles

WKMO—Kokomo Broadcasting Corp., Kokomo, Ind.—Modification of construction permit (B4-P-2842) for a new station, requesting approval of vertical antenna, approval of transmitter site at Southeast Corner Morgan and Ohio Streets, Kokomo, Indiana, and install a new transmitter.

NEW—Chattahoochee Broadcasting Co., Columbus, Ga.—Construction permit for a new station on **1420 kc.** (Class IV station), 250 watts, unlimited time. Transmitter site to be determined, Columbus, Georgia. Studio site, corner of Front and 13th Streets, Columbus, Georgia. Amended: To change applicant from Arthur Lucas and Wm. K. Jenkins, d/b as Chattahoochee Broadcasting Co. (a partnership) to Chattahoochee Broadcasting Company (a corporation).

1460 Kilocycles

KSTP—KSTP, Inc., St. Paul, Minn.—Modification of license to make changes in directional antenna.

1500 Kilocycles

WERC—Presque Isle Broadcasting Co., Erie, Penn.—Modification of construction permit (B2-P-2251) as modified, for a new station, requesting installation of new type transmitter, and extend commencement dates from January 28, 1941, and July 28, 1941, to 60 days after grant and 180 days thereafter respectively.

WMRN—The Marion Broadcasting Co., Marion, O.—License to cover construction permit (B2-P-2862 as modified) for new broadcast station.

WMRN—The Marion Broadcasting Co., Marion, O.—Authority to determine operating power by direct measurement of antenna power.

FM APPLICATION

NEW—Frequency Broadcasting Corp., Brooklyn, N. Y.—Modification of construction permit (B1-PH-47) for a new high frequency broadcast station, requesting approval of transmitter, and change population from 11,900,000 to 11,000,000. (W.E. 506-A1, Maximum 10 kilowatts).

TELEVISION APPLICATION

W9XMJ—The Journal Company (The Milwauke Journal), Milwaukee, Wisc.—Modification of construction permit (B4-PVB-20, which authorized a new television station) requesting approval of transmitter site and antenna: 720 East Capitol Drive, Milwaukee, Wisc.

MISCELLANEOUS

WBOS—Westinghouse Electric & Manufacturing Co., Pittsburgh, Penn.—Modification of construction permit (B1-PIB-23, which authorized move of station from Pittsburgh, Penn., to Hull, Mass., increase power to 50 kilowatts and changes in equipment) requesting extension of completion from January 7, 1941, to June 7, 1941.

WEIX—Memphis Publishing Co., Portable-Mobile—Construction permit to increase power from 5 watts to 22 watts and install new transmitter (already constructed under B3-PRE-352 by former owners).

WEIX—Memphis Publishing Co., Portable-Mobile—License to cover construction permit.

NEW—WHP, Inc., Area of Harrisburg, Pa.—Construction permit for new relay station. Frequencies: **33380, 35020, 37620, 39820 kc.** Power: 25 watts. Emission: A3. Location: Portable-Mobile. Area of Harrisburg, Pennsylvania.

KRLM—Royal Miller, Area of Sacramento, Calif.—Construction permit to change frequencies from **30820, 33740, 35820, 37980** to **1622, 2058, 2150, 2790,** increase power from 10 watts to 50 watts and make changes in equipment.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Fretted Instrument Manufacturing Corporation; United Guitar Corporation; John Garner, individually and as an officer of each corporation; Morris Brooks, individually and as an officer of Fretted Instrument Manufacturing Corporation; and Frank Solvino and Frank Masiello, individually and as officers of United Guitar Corporation, all of 45 Corneilson Ave., Jersey City, N. J., engaged in the manufacture and sale of various kinds of musical instruments including guitars and mandolins, are charged, in a complaint, with unfair and deceptive acts and practices in commerce.

The complaint charges that since 1928 various concerns in the United States have manufactured certain stringed instruments, such as guitars and mandolins, containing a resonating or amplifying device consisting of a delicate metal cone capped by a wooden bridge over which the strings are drawn. Stringed instruments equipped with this device produce, when played, a quality of tone alleged to be different from, more resonant than, and far superior to that produced by stringed instruments not so equipped. A perforated cover plate is affixed to the top of the body portion of the instrument as a protection for the resonating or amplifying device.

The complaint charges that with a view to capitalizing upon the acknowledged superior quality and excellent reputation of stringed instruments so equipped, the respondents proceeded to manufacture, sell and place in the hands of various retail dealers for resale, mandolins and guitars which simulate in appearance but do not actually possess the superior resonating or amplifying device. In soliciting the sale of such products, the complaint continues, the respondents have caused advertisements to be placed in music magazines having a wide circulation in the various States, and that typical of such representations made by the respondents is:

"$9.90 List
GUITAR OR MANDOLIN
DISC TOP
MARVELOUS TONE"

The complaint charges that through the use of the perforated disc or plate in the manner described and by constructing and finishing the interior of their instruments so as to have them simulate instruments equipped with the amplifying or resonating device, the respondents have represented directly or through implication to members of the purchasing public that their instruments are equipped with a resonating or amplifying device, when such is not the fact, and that by use of said perforated disc or plate in the manner aforesaid, the respondents have placed in the hands of unscrupulous dealers a means by which innocent purchasers may be led to believe they are acquiring an instrument equipped with a resonating or amplifying device, when such is not the fact.

In fact, the complaint charges, the stringed instruments manufactured and sold by the respondents are not and have not been equipped with an amplifying or resonating device, nor is such device part of their standard equipment. (4444)

Lincoln Chair & Novelty Company—Alleging unfair and deceptive practices in the sale of wooden furniture and allied items in violation of the Federal Trade Commission Act, a complaint has been issued against A. M. Druckman, trading as Lincoln Chair & Novelty Co., 146 West 46th St., New York.

The complaint alleges that the respondent, a furniture distributor, offers and sells to retail dealers, furniture made in factories which he does not own, control or operate; that in advertising matter circulated in commerce he offers such merchandise under the name of the Lincoln Chair & Novelty Co. as the maker, and that such merchandise, shipped to purchasers by the factories which manufacture it on the respondent's order, bears the labels and shipping tags of the Lincoln Chair & Novelty Co. and is shipped upon the respondent's bill of lading.

Trade magazine advertisements of the respondent's merchandise, according to the complaint, contain a list of "factories" purportedly located at Gardner, Mass., Jamestown, N. Y., Richmond, Ind., and Springfield, Mo., with "executive offices" at 146 West 46th St., New York.

The complaint alleges that the respondent's representations are misleading and untrue in that the Lincoln Chair & Novelty Co. does not make the merchandise advertised; neither does the respondent own or control any furniture factories where such merchandise is made, nor are there any furniture factories maintaining their executive offices at the respondent's New York business address. (4445)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Mendoza Fur Dyeing Works, Inc., 722 East 133rd St., New York, engaged in the dyeing of furs for fur coats and clothing, has been ordered to cease and desist from certain misrepresentations.

The Commission finds that in the course of its business and for the purpose of inducing customers to forward pelts for dyeing and processing, the respondent furnishes to some customers various sketches or designs for use in the manufacture of fur garments, and also labels to be attached to such garments designating them as "Mendoza Furs."

The respondent further advertised, the Commission finds, in various circulars, newspapers and periodicals, that the sketches supplied by it are adaptations of designs by famous Parisian couturiers. The respondent also represented that furs processed by it have won a prize or award in a competitive competition in Paris, France. These various advertisements carry reproductions of the various labels which the respondent allegedly furnished and which purport to be labels of Parisian couturiers such as Schiaparelli, Vionnet, Heim, Max and Jeanne Lavin, and others.

In truth, the Commission finds, the sketches and designs furnished by the respondent were not prepared by any Parisian couturiers, and the garments to which such labels are attached were not manufactured in Paris, France, and no garment of the respondent ever won a prize or award in a competition with garments of others in Paris, France, except that the respondent, in 1928, was awarded Grand Prix, a gold medal and diploma by the "Exposition d'Economie Domestique", held at Paris, France, "for its excellent process of the imitation of skins of beaver, fox" and other furs.

The respondent is ordered to cease and desist from representing, through use of their names on labels, or in any other manner, that garments made of furs processed by the respondent are made or designed by Schiaparelli, Vionnet, Heim, Max or Jeanne Lavin, or any other couturier, when such is not the fact; using the names of well-known designers of women's clothing on labels or in any other manner to designate, describe or refer to garments not in fact designed by the person or persons whose names are used; representing that sketches or designs furnished by the respondent to its customers are sketches or designs prepared by Parisian couturiers, and that the labels supplied with such sketches or designs are the labels supplied by such couturiers for use in garments made from such sketches or designs, and that respondent is authorized to use their names in connection with the manufacture and sale of fur garments; and from using the term "Grand Prix Paris" or other words of similar meaning to describe or refer to a prize received by the respondent from "Exposition d'Economie Domestique" in 1928, unless accompanied by a statement equally conspicuous, showing the nature of the award or prize with the date thereof. (3824)

Pronto File Corporation, 349 Broadway, New York, engaged in the manufacture, sale and distribution of steel card cabinets, has been ordered to cease and desist from certain unfair methods of competition and unfair and deceptive acts and practices in commerce.

The Commission finds that the respondent, in selling its cabinets, has caused to be published and distributed to its dealer purchasers and prospective purchasers located in the various States, certain folders, cards and circulars in which its products are pictorially and descriptively represented, and on which folders, cards and circulars it is stated that the products are being offered at a 50 per cent reduction in price. In juxtaposition with the pictorial representations, the findings continue, and descriptions of the products offered, a price is set forth in black numerals, which are struck through with red lines, and a price of half as much is substituted in red numerals in each case. Such method of stating the selling price, the Commission finds, is generally understood by dealers and the consuming public to be a representation that the price in black type and cancelled by the red line, is the regular and customary selling price of the product to which it applies, and the substituted price in red type is a reduced price.

The respondent is ordered, in connection with the sale and distribution of steel card cabinets in commerce, to cease representing that the price at which the cabinets are offered for sale constitute special or reduced or clearance sale prices, when such prices are the usual and customary prices at which such products are offered for sale and sold by the respondent in the normal and regular course of business. (3717)

Vendol Company—David H. Fulton, trading as Vendol Company, 1 West Biddle St., Baltimore, engaged in the sale and distribution of a medicinal preparation known as "Vendol", offered as a treatment for constipation and related conditions, has been ordered to cease and desist from certain misrepresentations.

The Commission finds that the respondent, in advertisements in newspapers and periodicals having a general circulation, in continuities broadcast from radio stations, and in other printed matter distributed in commerce, has represented that the preparation is a cure and an effective remedy for constipation, stomach disorders, liver ailments, muscle, joint and body pains, and other ailments; that in all cases it brings relief to sufferers from constipation, stomach and liver disorders, pains in muscles and back, and headache and rheumatism; that it assures good digestion and enables one to eat all kinds of food without fearing acid indigestion; that it prevents acidity, gas and similar ailments; is a tonic and benefits and tones the system, soothes the nerves and relieves and ends sleeplessness and insomnia; strengthens the stomach and digestive organs; is an appetizer; and will overcome or cure "irregularity" of the bowels.

The Commission finds that these representations are false and misleading in that "Vendol" has no therapeutic value in excess of that afforded by a laxative with mild diuretic and anti-acid effects.

The respondent is ordered to cease and desist from representing that the preparation is a cure or remedy for constipation, or constitutes a competent or effective treatment therefor, in excess of furnishing temporary relief for such condition; that the preparation is a cure or remedy for stomach disorders, liver ailments, skin disorders, dyspepsia, or that it constitutes a competent or effective treatment therefor, in excess of furnishing temporary relief when such conditions are due to constipation or the need of a mild diuretic; that the preparation is a cure or remedy for muscular or bodily pains, rheumatism, headaches, dizziness, excess acidity, gas, cramps, indigestion, bad breath, palpitation, bloating, stiffness or heart flutterings, or that it is a cure or remedy for any disease or malady of which such ailments may be symptoms, or that it has any therapeutic value in the treatment of such symptoms in excess of the temporary relief afforded by a laxative with mild diuretic and slightly anti-acid effects. (3895)

STIPULATIONS

Following stipulations have been entered into by the Commission during the past week:

American Exchange—Nancy Jordan and Samuel I. Turoff, operating under the firm names of Nancy Jordan Club and American Exchange, General Post Office Box 376, New York, have entered into a stipulation in which they agree, in connection with the sale or distribution of lists of names for the alleged purpose of promoting social intercourse, that they will cease and desist from representing that satisfactory results are sure; that testimonials have been sworn to, when such is not the fact; that any offer of membership is limited in number or time, when such is not a fact; that thousands everywhere have found happiness through their method, or that any fee is a complete fee, when any charge is thereafter made in connection with the sale of the lists.

Nancy Jordan and Samuel I. Turoff further agree to cease and desist from making claims with reference to the financial standing, character, education or social position of any person listed with them which are not in accordance with the known facts, and unless in direct connection therewith the source of their information is stated. They also agree to advise a prospective purchaser in contact literature that the transmittal of only one list of names is included in the membership fee, and that a charge is made for all lists which may be transmitted thereafter. They further agree to desist from misdescribing applicants or filled-in application blanks. (02700)

Ambofa Products Company, Hastings, Nebr., engaged in selling a preparation recommended for such conditions as dandruff, itching scalp and falling hair, designated as "Ambofa Hair Tonic" and "Ambofa Cream for Hair", has entered into a stipulation in which it agrees to cease and desist from representing that the preparation will make hair healthy or will impart to hair its natural shade; will restore to hair its natural beauty, color or luster; will bring instant results; will stop, eradicate or get at the cause of hair or scalp troubles or scalp infections; is of value for all scalp or hair troubles or is of value for any scalp or hair trouble unless such scalp or hair trouble is such that it may be benefited by the application of a mild antiseptic, rubefacient or emollient; will give life to the hair or aid in causing hair to become luxuriant; will kill dandruff germs or rid the scalp of or stop dandruff; is a competent and effective treatment for eczema of the scalp; will serve to prevent hair from falling out or fading; will stop itching scalp condition or will do more than afford temporary relief for itching scalp, or will relieve itching scalp within any definite period of time; is a "specific" treatment or a new discovery, or is the result of years of research; that any of its ingredients will penetrate the scalp; or, by the use of the name "Ambofa Cream for Hair" or in any other manner, representing that the preparation is in the form of a cream. (02701)

Bair-Collins Co., Roundup, Montana, engaged in selling coal designated "Keene Coal", has stipulated to discontinue representing that one-eighth inch of soot reduces coal efficiency 45 per cent; that the user of Keene Coal will get all of its heat value; that Keene Coal does not produce injurious gases and is free from sulphur; that Keene Coal does not contain destroying sulphuric acid, and is sootless, dustless or smokeless; that Keene Coal produces 96.45 per cent heat, and that after burning Keene Coal a stove is clean inside or free from soot. (02699)

Berlou Manufacturing Company—Bernhardt Peterson, trading as Berlou Manufacturing Company, Marion, Ohio, engaged in the manufacture and sale of an alleged mothproof preparation designated as "Berlou", has entered into a stipulation in connection with the advertisement, sale or distribution of his product, to cease and desist from use of the word "permanent" or "life-time", or of any other words of similar implication as descriptive of the protection against moths allegedly afforded to fabrics treated with his product, and from use of the word "permanent" or "life-time" or other words or representations the effect of which may tend to convey the belief to purchasers that the moth immunizing effect of his product will last, continue or endure forever. (3016)

L. Buchman Company, Inc., 24 Johnson Ave., Brooklyn, manufacturer of comforters and other related items containing feathers and down, has stipulated that in the advertisement or sale of its products it will cease and desist from using the words "Handcrafters", "Hand-Makers", or similar words the effect of which tends to convey the belief that the products are hand-made or hand-stitched. The corporation also stipulates that it will discontinue selling or offering its products which are composed of or contain rayon without clear and unequivocal disclosure in all invoices, advertising or sales promotional matter of the fact that the products are composed of or contain rayon. (3019)

Carnation Company, Milwaukee and Seattle, has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of "Carnation Irradiated Evaporated Milk".

The respondent corporation stipulates that it will cease representing, directly or by implication in its advertising, by use of such expressions as "Producers of Irradiated Carnation Evaporated Milk" or otherwise, that it produces the milk from which its product is processed.

In its stipulation the respondent corporation states that it does not produce the milk from which its evaporated milk is processed and also avers that "Irradiated Carnation Evaporated Milk" is cows' milk which it produces from dairy farms which it inspects and which meet the sanitary requirements of the company, and that the product then is processed according to its own method in its own plants.

The respondent corporation further avers that the words "Producers of", when used in the phrase "Producers of Irradiated Carnation Evaporated Milk", were used by it with the intent to convey to the public that its product had been packed under the conditions above mentioned. (02703)

Chekit Company—Hogan G. Smith, trading as Chekit Company, 1710 First Ave., South, Minneapolis, packager and seller of a powder product for use in treating hosiery and other garments, in a stipulation entered into with the Commission, agrees to cease representing that use of his product as a treatment for silk or rayon hosiery or lingerie will (1) prevent runs, rips, snags or breaks in, or the shrinkage of fading of, such fabrics; (2) double or improve the wearing quality of hosiery or lingerie which has already been given a treatment of this character; (3) reduce the user's hosiery expense by one-half, and (4) make such hosiery proof against rain spotting or do more than increase its resistance to spotting by rain. (3021)

Cole and Company, a corporation, Sterick Building, Memphis, Tenn., conducting an advertising agency which disseminated advertisements for a cosmetic preparation designated "Nix Deodorant Cream", on behalf of The Nix Cosmetics Company, Memphis, has stipulated that it will cease and desist from disseminating any advertisements which represent that the application of Nix Deodorant Cream stops the flow of perspiration or stops perspiration odor for days; that Nix affects perspiration or perspiration odors in a new way or in a way different from that of other preparations; or that Nix neutralizes or has any other substantial effect upon perspiration acids.

The repsondent further agrees to cease and desist from misrepresenting, by the use of misleading headlines or otherwise, that any girls are "wanted", or from otherwise representing that The Nix Cosmetics Company has any employment to offer. (02696)

Foley & Company, 945 George St., Chicago, engaged in selling a medicinal preparation recommended for the treatment of coughs, designated "Foley's Honey & Tar Syrup," has entered into a supplemental stipulation in which it agrees to cease and desist from representing that the preparation has any therapeutic action in excess of temporary relief for coughing due to irritations of the throat and respiratory tract when these symptoms are due to mild inflammation of the mucous membranes of these structures; that it stimulates the irritated tissues of the bronchial tubes, other than their mucous secreting glands, or that it will give continuous comfort to the user without continuous administration. (01454)

John E. Lucey Shoe Company, and Leonard & Barrows Shoe Company, 191 Center St., Middleboro, Mass., two corporations having the same officers and a single place of business, and engaged in the manufacture and sale of shoes, have stipulated with the Federal Trade Commission that they will cease and desist from representing, as through the use of the words "London, England", or the word "British", that their domestically made products are British products, and from the use of those words or other words of similar implication as a mark, stamp, brand or label for their products or in any other way so as to convey the belief that the products have been imported from London, England. (3015)

New Jersey Pulverizing Company, 205 West 34th St., New York, in a stipulation entered into with the Commission, agrees to desist from use of the coined word "Pummy" as a trade name for its product closely simulating pumice in appearance and designed for use in dental laboratories as a prophylactic or in the polishing of plates, the main ingredient of the product being sand. The respondent also agrees to desist from employing the word "Pummy" or "Pumice" or any phonetic or other simulation of "Pumice", the effect of which tends to convey the impression that the product is pumice, a volcanic ash or dust, as the term pumice is accepted and understood to mean. The respondent, according to the complaint, also sells other products, including pumice or pumice stone. (3020)

Newman Products Company—William Newman, trading as Newman Products Company and as The Newman Institute, 135 Lorimer St., Brooklyn, engaged in the sale and distribution of medicinal preparations designated "Williams KornX", "Williams Foot Balm", "Williams Foot Shampoo" and "Williams Foot Powder", has entered into a stipulation in which he agrees to cease and desist from use of the word "Institute" as part of or in connection with his trade name; issuing any so-called "Certificate" or similar document in which representations are made that the bearer or any person whose name is written or inscribed thereon has completed a course of study, has received or passed an examination in chiropody or any other course, or is qualified to lecture or advise concerning foot health or care; representing, by use or display of signs or placards bearing the words "Foot Health Clinic" or "Foot Health Remedy", or otherwise, that his salesmen or agents are conducting clinics or are qualified to conduct clinics or examine and treat patients, or that his products are competent remedies for maladies, diseases or ailments of the feet generally; representing as the customary or regular price of his products prices which are fictitious and in excess of the prices at which such products are customarily sold; representing by direct statement or by reasonable inference, either in his advertising media or by statements by his canvassing salesmen or agents, that his commodities were manufactured by or purchased from J. B. Williams Company, that his business is connected with that of the J. B. Williams Company in any way, or that he or his salesmen or agents are employed by or otherwise connected with that company; that any of the preparations offered for sale by him is a competent remedy or effective treatment for athlete's foot, swollen ankles or ingrown toenails, or for tired, aching, burning or swollen feet generally; that any of such preparations constitute a speedy, prompt or permanent cure or remedy for corns, callosities or warts and prevents their recurrence, relieves pain or soreness incident to bunions, ingrown toenails or ailments of the feet generally, and that use or application of the preparations will result in the relief or alleviation of headaches, backaches or fatigue, or the pain or discomfort incident thereto. (3017)

Lydia E. Pinkham Medicine Company, Lynn, Mass., engaged in selling medicinal preparations designated "Lydia E. Pinkham's Vegetable Compound" and "Lydia E. Pinkham's Vegetable Compound Tablets", has stipulated that it will forthwith cease and desist from representing, directly or by implication:

(a) That either product is of benefit to, or an effective remedy for female functional disorders, menstrual aberrations or menopause, in excess of relief of symptoms associated with and caused by menstrual aberrations and symptoms associated with and caused by menopause, and as a uterine sedative;
(b) That either product is of benefit for any symptoms, ailments or conditions that are due to organic disease;
(c) That either product will overcome melancholia, act as an aphrodisiac or enhance the attractiveness of the user;
(d) That either product is a general system tonic;
(e) That either product will afford permanent relief from nervousness;
(f) That the products are fully identical in purpose and effect.

The Lydia E. Pinkham Medicine Company further agrees that whenever reference is made to the brand name of the tablets in advertising, it will state, in direct connection therewith, in appropriate terms, that the product contains added iron.

The company further agrees not to publish or cause to be published any testimonial containing any representation contrary to the foregoing agreement. (02702)

Quill Club—Violet F. Bezirjian, operating as The Quill Club, 3503 South Broadway, Englewood, Colo., engaged in selling lists of names purporting to be names of members of The Quill Club, for the alleged purpose of promoting social intercourse, has agreed to cease and desist from representing that The Quill Club is a permanently established organization, or an organization of any kind; that she guarantees or assures the introduction of applicants to congenial people of the ages specified, or issues guaranties; that her statements relating to the financial or other standing, education, character, age, occupation or profession of those whose names appear on lists, are other than the mere statements of those persons themselves in the absence of some reasonable investigation into the truth or falsity of such statements, or that her method is exclusive, unique, or different from the methods of others engaged in competition with her in promoting social intercourse. (02697)

E. A. Stephens & Company, Inc., 1843 Wazee St., Denver, Colo., engaged in the purchase of raw furs from trappers and dealers, has entered into a stipulation in which it agrees to cease and desist from the use in its advertisements, and advertising or printed matter, or in any other way, of the picturization of any building, either alone or in connection with its corporate or trade name, or in any other manner the effect of which may convey the belief to customers or prospective customers that it occupies or conducts its business from such building, when such is not the fact. (3014)

Trabulsi Textile Company, Inc., 387 Fourth Ave., New York, engaged in the sale and distribution of men's neckware, has stipulated that it will forthwith discontinue selling or offering for sale any silk product which contains any metallic weighting, without full and non-deceptive disclosure, in or on the labels, tags, or brands attached to the merchandise and in the invoices and all advertising matter, sales promotional descriptions or representations however disseminated or published, of the presence of such metallic weighting together with the proportion or percentage thereof, as, for example, "Silk with 55% Metallic Weighting," or "Silk, Weighted up to 55%," with the word "weighting" and the percentage thereof printed in conspicuous type. (3018)

Valortone Herb Company—The Julius Skinder, Clinton, Ind., operating under the trade names Valatone Herb Co. and Lavelle Sales Co., has entered into a stipulation in which he agrees to cease advertising that "Valortone," a cosmetic, restores natural luster and loveliness to hair; is an herbal hair treatment and achieves results not obtainable by use of any other preparation.

Under his stipulation, the respondent further agrees to discontinue representing that the preparation is a color restorer; will enable users to regain natural color or health of hair, and will stop or banish dandruff or falling hair, or, by any other terminology, that it is a competent treatment or an effective remedy for either of these conditions.

The respondent also agrees to cease advertising that any offer is "special," unless it is for an expressly limited time, after which acceptances of the offer are refused. (02704)

FTC DISMISSES COMPLAINT

The Federal Trade Commission has dismissed a complaint charging the Robeson-Rochester Corporation, Rochester, N. Y., with unfair practices in the sale of pocket knives so marked as to indicate that they were approved by The Boy Scouts of America. The Commission was informed that the respondent corporation has been dissolved and is out of business.

October 1940 Broadcast Advertising Unit Report

Broadcast advertising volume, in terms of units, is presented on the following pages as reported by 200 broadcasting stations and the national networks. The report is complete for national networks, including the business of the Columbia Broadcasting System, the Mutual Broadcasting System and the National Broadcasting Company. Regional network, national non-network and local business are not complete for the entire industry; the figures represent the total of such business placed on the 200 stations reporting.

On the last page of this analysis, there appears a complete roster of the 200 stations reporting their October business. There is included also in the list five additional stations whose reports were received too late for inclusion in this tabulation.

Comparison with the list of stations reporting September business discloses that a majority of stations reported their business for both months. The total stations reporting October business is 200 as compared with 206 for September. However, some stations reporting October business had not submitted September business. The significance of this situation is that there is not a constant sample as between the two months which will permit of direct accurate comparison.

What Does It Show?

All stations having national network affiliation carried 3,058,101 program units of network business in the month of October. This represents a 58% increase over the 1,938,928 program units reporting for September. Since these are complete figures for national network business, the comparison is completely accurate. The increases in network business were as follows:

Political advertising rose from September program units of 28,863 to an October total of 480,091, an increase of 1,563.7%. Since political business is carried largely as a substitute for existing business, it is notable that there were other substantial increases which, by far, offset the expected decreases by business classifications. In general advertising, the building materials classification rose 180%; toilet requisites rose 71.9%; jewelry and silverware increased 69.2%; medical up 56.9%; groceries up 25.4%; automotive up 25.2%; publications up 22.6%. The most notable decreases were found in transportation with a decrease of 38.5%, wearing apparel down 20.6% and miscellaneous down 38.6%.

In the field of station business, exact movements of business between September and October cannot be given. However, it is obvious that station business increased upward of 9%. In retail advertising, station business held its own or possibly decreased slightly. National spot retail business rose sharply, but with small unit volume did not offset the material drop in locally placed retail advertising.

Station business in general advertising increased to the order of 12%. Some of this is due to a 170% increase in political advertising. In so far as unit volume is concerned, the increase is most largely to be accounted for in a 56% increase in toilet requisites advertising, wearing apparel increase of 46%, a 99% increase in the medical classification, a 6.7% increase in agriculture, and a buliding materials increase of 104%. All of the above percentages are based on program units without reference to announcement units. Announcement units rose approximately 20%; in retail classification the increase was approximately 11%, and in the general classification an increase of approximately 33%.

To Review

A program unit equals one minute of program time. An announcement unit is equal to one announcement, unless the time consumed is one and one-half minutes or longer, in which case the units are calculated to the nearest number of minutes.

Advertising business placed in radio is classified under two major headings—"Retail" and "General." Retail advertising is defined as the advertising placed by businesses which sell direct to consumers. General is that advertising placed by businesses which sell for resale and not direct to consumers.

In retail advertising the analysis presented here classifies retail businesses according to their principal retail line. No attempt is made to classify according to specific product advertised. This classification is most useful to the broadcasting industry since advertising is placed by the individual retail store and such buying units as have similar business are grouped together.

In general advertising the classification is primarily an analysis of the products advertised by businesses engaged in selling to others for resale. The significance of this to the radio industry is that advertising campaigns are carried for individual products and in this analysis similar products are grouped together. Also included in the general classification are such service businesses as financial, insurance, professional and service, and transportation which, because of their nature, could not properly be considered retail.

There appears on the following page Table I of the October, 1940 Broadcast Advertising Unit Report. In this table, program and announcment units are presented for retail and general advertising with a total of the two showing the source of such business by national network, regional network, national non-network and local placement. The tables which follow present: Table II program units by type of sponsoring business and source of business, first for retail and then for general advertising. Table III presents program and announcement units by type of sponsoring business by class of station, first for retail advertising and then for general advertising. Table IV presents program and announcement units by type of sponsoring business and by station metropolitan district or city population, first for retail, then for general advertising.

How to Use It

In the September unit report, it was pointed out that the value of this analysis could be found in the comparison of your station's business with that of the industry as a whole or with the business of stations like yours—same power, same Commission classification, etc.; and, further, with stations located in cities approximately the same size as the one in which your station operates. The purpose of such comparison is to determine whether you have succeeded in selling all of those types of business which are using radio advertising. For example, if drug stores are using radio advertising anywhere in the United States and continue over a period of time to do so, your logical conclusion would be to approach the drug stores in your city fortified with this report which shows that drug stores are using radio advertising.

Going beyond the suggestions made in the September report, the October report furnishes new clues of value in your sales activity. Let's consider first your quest for new business. In retail advertising, which is largely locally placed, amusements are making a greater use of radio. One encouraging aspect of this increase is that program units are completely accountable for the increase since there was a slight decrease in announcement units. In theatre advertising both program units and announcement units are up. In miscellaneous program units are materially up and announcement units down. There's a double clue—go after your local theatre and amusement people to place advertising. And, if you already have them as announcement accounts, use this material to convert their business to programs. Building supplies and contractors show an increase in business placed. Drug stores are materially up. Heating and plumbing program units increased more than 150%.

In general advertising, agriculture is up; building materials more than 100% up; hotels and restaurants materially increased; housing equipment and supplies 50% up. Industrial advertising, though small in volume, increased more than six times in units. Medical up almost 100%. Public utilities increased; publications increased; toilet requisites and wearing apparel rose sharply.

There is another side to examine in this analysis. Where business is dropping off, there is an indication for sales effort and service to hold accounts. Automotive advertising, both retail and general, declined in non-national network business. True enough this is largely due to auto show advertising in the month of September which did not repeat in October, but the automotive field is a large one and the station will want to make every effort to hold that business. Professional and service advertising dropped sharply. The business placed by opticians-optometrists and chiropractors accounts largely for the decreases, although dentists placed materially more advertising.

It is realized that there exists serious limitation in the use of the unit report since only two months' analyses are available. However, with each successive month, the value of the report increases.

Future Reports

The NAB Research Committee at its meeting January 10th heard a report of the unit plan operation. The Committee was pleased with the cooperation of the industry in this undertaking. However, it is not satisfied that a sufficient number of stations are reporting to enable industry projection at this time. They were particularly reluctant to attempt estimates of industry totals on a sample of cooperating stations which changes from month to month.

In the near future the unit analysis will be presented in summary form in the NAB Reports and the complete analysis will be sent to only those stations cooperating.

The reference filed by advertiser is receiving special attention at this time and this work is progressing rapidly. When the file is complete, reference work will be done for cooperating stations on a cost basis.

The value of the broadcast advertising unit analysis is dependent upon the cooperation of the industry. By all means, see to it that your station is included.

TABLE I

BROADCAST ADVERTISING—200 STATIONS AND ALL NATIONAL NETWORKS

Source of Business	Retail Pgm. Units	Retail Ann. Units	General Pgm. Units	General Ann. Units	Total Pgm. Units	Total Ann. Units	Total
National Network	....	....	3,058,101	....	3,058,101	....	3,058,101
Regional Network	3,292	479	87,838	6,082	91,130	6,561	97,691
National Non-Network	42,328	8,751	399,356	76,247	441,684	84,998	526,682
Local	438,524	176,853	224,566	50,890	663,090	227,743	890,833
Total other than National Network	484,144	186,083	711,760	133,219	1,195,904	319,302	1,515,206
Grand Total	484,144	186,083	3,769,861	133,219	4,254,005	319,302	4,573,307

TABLE II

BROADCAST ADVERTISING—200 STATIONS AND ALL NATIONAL NETWORKS BY TYPE OF SPONSORING BUSINESS AND BY SOURCE OF BUSINESS

RETAIL ADVERTISING UNITS

October 1940

Type of Sponsoring Business	National Network		Regional Network		National Non-Network		Local		Total Other Than National Network		Totals	
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Amusements	------	------	------	**26**	**45**	**166**	**24,916**	**9,124**	**24,961**	**9,316**	**24,961**	**9,316**
011 Theaters	------	------	------	13	45	145	9,426	5,227	9,471	5,385	9,471	5,385
019 Miscellaneous	------	------	------	13	------	21	15,490	3,897	15,490	3,931	15,490	3,931
Automotive	------	------	**660**	**5**	**2,769**	**396**	**51,439**	**25,940**	**54,868**	**26,341**	**54,868**	**26,341**
021 Aviation	------	------	------	------	------	------	30	18	30	18	30	18
022 Garages and Service Stations	------	------	------	------	360	41	13,994	5,577	14,354	5,618	14,354	5,618
024 Parts and Accessories	------	------	------	------	1,380	79	3,339	2,236	4,719	2,315	4,719	2,315
025 Passenger Cars	------	------	660	3	1,029	233	27,882	15,651	29,571	15,887	29,571	15,887
026 Tires and Tubes	------	------	------	------	------	24	5,849	1,663	5,849	1,687	5,849	1,687
027 Trucks	------	------	------	------	------	13	60	186	60	199	60	199
028 Tractors	------	------	------	------	------	6	282	346	282	352	282	352
029 Miscellaneous	------	------	------	2	------	------	3	263	3	265	3	265
Bakeries	------	------	------	------	**370**	**220**	**10,702**	**4,113**	**11,072**	**4,333**	**11,072**	**4,333**
039 Miscellaneous	------	------	------	------	370	220	10,702	4,113	11,072	4,333	11,072	4,333
Book Stores	------	------	------	------	**60**	------	**159**	**166**	**219**	**166**	**219**	**166**
049 Miscellaneous	------	------	------	------	60	------	159	166	219	166	219	166
Boots and Shoes	------	------	**230**		**1,215**	**916**	**6,342**	**3,698**	**7,787**	**4,518**	**7,787**	**4,518**
051 Men's	------	------	------	------	------	------	220	199	220	199	220	199
052 Men's and Women's	------	------	------	------	------	------	30	170	30	170	30	170
053 Women's	------	------	------	------	------	------	------	159	------	159	------	159
059 Miscellaneous	------	------	230	21	1,215	916	6,092	3,080	7,537	4,020	7,537	4,020
Building Supplies and Contractors	------	------	------	**40**	**765**	**43**	**14,728**	**5,998**	**15,493**	**6,081**	**15,493**	**6,081**
069 Miscellaneous	------	------	------	40	765	43	14,728	5,998	15,493	6,081	15,493	6,081
Clothing Stores	------	------	**135**	**78**	**9,925**	**1.524**	**49,394**	**26,860**	**59,514**	**28,462**	**59,514**	**28,462**
071 Men's	------	------	------	50	8,360	1,007	18,110	9,020	26,470	10,077	26,470	10,077
072 Men's and Women's	------	------	------	------	------	------	1,050	937	1,050	937	1,050	937
073 Women's	------	------	75	14	1,170	331	12,534	8,993	13,779	9,338	13,779	9,338
074 Credit Clothing	------	------	120	------	395	176	4,069	2,008	4,584	2,184	4,584	2,184
079 Miscellaneous	------	------	------	14	------	10	13,631	5,902	13,631	5,926	13,631	5,926
Dairies	------	------	------	------	------	**374**	**5,950**	**2,225**	**5,950**	**2,599**	**5,950**	**2,599**
099 Miscellaneous	------	------	------	------	------	374	5,950	2,225	5,950	2,599	5,950	2,599
Department and Dry Goods Stores	------	------	**720**	**2**	**9,740**	**2,499**	**49,881**	**12,519**	**60,341**	**15,020**	**60,341**	**15,020**
159 Miscellaneous	------	------	720	2	9,740	2,499	49,881	12,519	60,341	15,020	60,341	15,020
Drug Stores	------	------	------	------	**2,790**	**181**	**13,052**	**4,034**	**15,842**	**4,215**	**15,842**	**4,215**
169 Miscellaneous	------	------	------	------	2,790	181	13,052	4,034	15,842	4,215	15,842	4,215

Educational	------	------	------	------	**1,612**	**37**	**3,618**	**1,486**	**5,230**	**1,523**	**5,230**	**1,523**
179 Miscellaneous	------	------	------	------	1,612	37	3,618	1,486	5,230	1,523	5,230	1,523
Electric and Gas Appliances and Supply	------	------	------	**81**	------	**34**	**8,260**	**3,575**	**8,260**	**3,690**	**8,260**	**3,690**
189 Miscellaneous	------	------	------	81	------	34	8,260	3,575	8,260	3,690	8,260	3,690
Furniture and Home Furnishings	------	------	------	------	**690**	**6**	**55,160**	**15,687**	**55,850**	**15,693**	**55,850**	**15,693**
219 Miscellaneous	------	------	------	------	690	6	55,160	15,687	55,850	15,693	55,850	15,693
Grocers and Food Stores	------	------	**945**	------	**6,080**	**703**	**17,509**	**4,819**	**24,534**	**5,522**	**24,534**	**5,522**
221 Chain	------	------	810	------	4,940	330	1,710	72	7,460	402	7,460	402
222 Independent	------	------	------	------	------	------	395	162	395	162	395	162
239 Miscellaneous	------	------	135	------	1,140	373	15,404	4,585	16,679	4,958	16,679	4,958
Heating and Plumbing	------	------	------	------	**500**	**162**	**8,598**	**4,738**	**9,098**	**4,900**	**9,098**	**4,900**
249 Miscellaneous	------	------	------	------	500	162	8,598	4,738	9,098	4,900	9,098	4,900
Hotels and Restaurants	------	------	**217**	**56**	**1,455**	**111**	**9,296**	**6,854**	**10,968**	**7,021**	**10,968**	**7,021**
259 Miscellaneous	------	------	217	56	1,455	111	9,296	6,854	10,968	7,021	10,968	7,021
Jewelers	------	------	------	------	------	**463**	**27,189**	**17,313**	**27,189**	**17,776**	**27,189**	**17,776**
279 Miscellaneous	------	------	------	------	------	463	27,189	17,313	27,189	17,776	27,189	17,776
Merchandized Chains	------	------	------	**40**	**565**	**301**	**1,162**	**409**	**1,727**	**750**	**1,727**	**750**
299 Miscellaneous	------	------	------	40	565	301	1,162	409	1,727	750	1,727	750
Miscellaneous	------	------	**205**	**69**	**3,052**	**476**	**63,964**	**19,808**	**67,221**	**20,353**	**67,221**	**20,353**
301 Agriculture	------	------	130	------	395	65	6,527	970	7,052	1,035	7,052	1,035
302 Auctions	------	------	------	------	------	------	15	234	15	234	15	234
303 Beverages	------	------	------	------	------	------	2,002	------	2,002	------	2,002	------
304 Cleaners-Dyers-Laundries	------	------	------	5	15	40	22,928	10,076	22,943	10,121	22,943	10,121
305 Farms and Orchards (Produce)	------	------	------	18	165	20	469	273	634	311	634	311
306 Florists-Nurseries	------	------	------	------	900	86	834	1,263	1,734	1,349	1,734	1,349
307 General Stores	------	------	------	------	------	11	3,834	474	3,834	485	3,834	485
308 Confectionery (Ice Cream, etc.)	------	------	------	------	5	51	1,750	1,501	1,755	1,552	1,755	1,552
311 Shoe Repairing	------	------	------	------	------	------	292	397	292	397	292	397
312 Specialty Shops	------	------	------	26	1,572	194	4,901	2,609	6,473	2,829	6,473	2,829
315 Undertakers	------	------	------	20	------	------	3,310	616	3,310	636	3,310	636
349 Miscellaneous	------	------	75	------	------	9	17,102	1,395	17,177	1,404	17,177	1,404
Musical Instruments	------	------	------	**58**	**535**	**41**	**6,434**	**1,224**	**6,969**	**1,323**	**6,969**	**1,323**
359 Miscellaneous	------	------	------	58	535	41	6,434	1,224	6,969	1,323	6,969	1,323
Office Equipment	------	------	------	------	**160**	------	**285**	**254**	**445**	**254**	**445**	**254**
369 Miscellaneous	------	------	------	------	160	------	285	254	445	254	445	254
Radio	------	------	------	------	------	**98**	**3,710**	**2,893**	**3,710**	**2,991**	**3,710**	**2,991**
409 Miscellaneous	------	------	------	------	------	98	3,710	2,893	3,710	2,991	3,710	2,991
Real Estate	------	------	------	------	------	------	**3,884**	**531**	**3,884**	**531**	**3,884**	**531**
419 Miscellaneous	------	------	------	------	------	------	3,884	531	3,884	531	3,884	531
Sporting Goods	------	------	**120**	------	------	------	**898**	**235**	**1,018**	**235**	**1,018**	**235**
439 Miscellaneous	------	------	120	------	------	------	898	235	1,018	235	1,018	235
Stationers	------	------	------	------	------	------	**435**	**136**	**435**	**136**	**435**	**136**
449 Miscellaneous	------	------	------	------	------	------	435	136	435	136	435	136
Toilet Goods and Beauty Shops	------	------	------	------	------	------	**1,559**	**2,304**	**1,559**	**2,304**	**1,559**	**2,304**
459 Miscellaneous	------	------	------	------	------	------	1,559	2,304	1,559	2,304	1,559	2,304
Totals	------	------	**3,292**	**479**	**42,328**	**8,751**	**438,524**	**176,853**	**484,144**	**186,083**	**484,144**	**186,083**

TABLE II—Continued

GENERAL ADVERTISING UNITS

October 1940

	Type of Sponsoring Business	National Network		Regional Network		National Non-Network		Local		Total Other Than National Network		Totals	
		Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
	Agriculture	------	------	**1, 229**	**183**	**10, 025**	**860**	**6, 291**	**1, 837**	**17, 545**	**2, 880**	**17, 545**	**2, 880**
501	Cattle Foods	------	------	360	76	6, 533	249	985	725	7, 878	1, 050	7, 878	1, 050
502	Seeds	------	------	254	76	1, 105	337	1, 110	186	2, 469	599	2, 469	599
503	Farm Machinery	------	------	405	------	1, 362	60	1, 485	162	3, 252	222	3, 252	222
504	Nurseries	------	------	------	------	585	------	420	------	1, 005	------	1, 005	------
505	Live Stock	------	------	210	31	140	101	1, 701	404	2, 051	536	2, 051	536
509	Miscellaneous	------	------	------	------	300	113	590	360	890	473	890	473
	Alcoholic Beverages	------	------	**3, 544**	**468**	**22, 200**	**3, 145**	**13, 470**	**2, 894**	**39, 214**	**6, 507**	**39, 214**	**6, 507**
511	Beers	------	------	2, 969	468	20, 255	2, 748	12, 750	2, 476	35, 974	5, 692	35, 974	5, 692
512	Wines	------	------	575	------	1, 710	397	315	384	2, 600	781	2, 600	781
513	Liquors	------	------	------	------	------	------	------	34	------	34	------	34
519	Miscellaneous	------	------	------	------	235	------	405	------	640	------	640	------
	Amusements	**3, 765**	------	**45**	------	**315**	**12**	**865**	**72**	**1, 225**	**84**	**4, 990**	**84**
529	Miscellaneous	3, 765	------	45	------	315	12	865	72	1, 225	84	4, 990	84
	Automotive	**140, 775**	------	**11, 445**	**314**	**42, 938**	**3, 347**	**9, 128**	**2, 632**	**63, 511**	**6, 293**	**204, 286**	**6, 293**
531	Aviation												
533	Gas and Oil	89, 555	------	11, 053	173	34, 123	1, 252	7, 419	2, 104	52, 595	3, 529	142, 150	3, 529
534	Parts and Accessories	------	------	217	81	150	209	268	144	635	434	635	434
535	Passenger Cars	44, 800	------	175	60	8, 050	1, 843	871	159	9, 096	2, 062	53, 896	2, 062
536	Tires and Tubes	6, 420	------	------	------	60	4	135	169	195	173	6, 615	173
537	Trucks	------	------	------	------	------	13	------	------	------	13	------	13
538	Tractors	------	------	------	------	555	7	405	------	960	7	960	7
539	Miscellaneous	------	------	------	------	------	19	30	56	30	75	30	75
	Building Materials	**13, 950**	------	**255**	**49**	**1, 570**	**273**	**2, 485**	**463**	**4, 310**	**785**	**18, 260**	**785**
549	Miscellaneous	13, 950	------	255	49	1, 570	273	2, 485	463	4, 310	785	18, 260	785
	Confections	**48, 980**	------	**713**	**162**	**8, 300**	**4, 169**	**810**	**311**	**9, 823**	**4, 642**	**58, 803**	**4, 642**
559	Miscellaneous	48, 980	------	713	162	8, 300	4, 169	810	311	9, 823	4, 642	58, 803	4, 642
	Educational	**2, 145**	------	------	**22**	**865**	**44**	**120**	**11**	**985**	**77**	**3, 130**	**77**
569	Miscellaneous	2, 145	------	------	22	865	44	120	11	985	77	3, 130	77
	Financial	**4, 635**	------	**255**	**20**	**2, 390**	**741**	**18, 079**	**6, 938**	**20, 724**	**7, 699**	**25, 359**	**7, 699**
571	Banks and Trust Companies	420	------	120	20	------	11	8, 550	3, 481	8, 670	3, 512	9, 090	3, 512
572	Real Estate and Home Financing	------	------	75	------	275	74	2, 429	384	2, 779	458	2, 779	458
573	Stock and Bond Houses	------	------	------	------	15	83	410	43	425	126	425	126
579	Miscellaneous	4, 215	------	60	------	2, 100	573	6, 690	3, 030	8, 850	3, 603	13, 065	3, 603
	Groceries	**989, 380**	------	**32, 534**	**1, 754**	**151, 417**	**21, 591**	**47, 505**	**12, 028**	**234, 456**	**35, 373**	**1, 223, 836**	**35, 373**
581	Baking Products	5, 640	------	3, 000	228	9, 785	2, 949	13, 100	4, 272	25, 885	7, 449	31, 525	7, 449
582	Beverages	------	------	------	------	75	116	------	------	75	116	75	116
583	Coffee and Tea	57, 960	------	2, 985	208	13, 805	888	3, 885	1, 123	20, 675	2, 219	78, 635	2, 219
584	Soft Drinks	17, 220	------	495	------	28, 775	6, 923	5, 309	1, 829	34, 579	8, 752	51, 799	8, 752
589	Miscellaneous	30, 960	------	405	------	1, 335	46	796	228	2, 536	274	33, 496	274
585	Shortening	70, 590	------	2, 415	67	5, 975	979	345	70	8, 735	1, 116	79, 235	1, 116
586	Cereals and Breakfast Foods	131, 419	------	750	121	14, 715	1, 215	360	188	15, 825	1, 524	147, 244	1, 524
587	Condiments	2, 820	------	60	17	200	172	399	22	659	211	3, 479	211
588	Dairy Products	59, 830	------	1, 862	175	4, 345	1, 080	4, 510	933	10, 717	2, 188	70, 547	2, 188
591	Meats-Fish-Poultry	10, 380	------	115	27	9, 065	477	4, 335	1, 104	13, 515	1, 608	23, 895	1, 608
592	Laundry Soaps and Cleansers	326, 495	------	12, 485	124	36, 893	2, 807	655	410	50, 033	3, 341	376, 528	3, 341
593	Flour	75, 009	------	4, 475	152	12, 400	427	3, 298	492	20, 173	1, 071	95, 182	1, 071
594	Sugar	------	------	585	124	54	161	------	------	639	285	639	285
595	Disinfectants and Exterminators	------	------	------	------	510	28	270	72	780	100	780	100
599	Miscellaneous	201, 147	------	2, 902	511	16, 485	3, 323	10, 243	1, 285	29, 630	5, 119	230, 777	5, 119
	Hotels and Resorts	------	------	------	------	------	**17**	**726**	**24**	**726**	**41**	**726**	**41**
609	Miscellaneous	------	------	------	------	------	17	726	24	726	41	726	41
	Housing Equipment and Supplies	**23, 970**	------	**480**	**246**	**6, 752**	**1, 274**	**6, 199**	**2, 125**	**13, 431**	**3, 645**	**37, 401**	**3, 645**
611	Air Conditioning	------	------	------	------	------	3	------	33	------	36	------	36
612	Automatic Heating	------	------	------	------	195	74	90	52	285	126	285	126
613	Automatic Refrigeration	------	------	------	------	125	68	225	97	350	165	350	165
614	Fixtures	21, 450	------	------	------	165	35	810	25	975	60	22, 425	60
615	Fuel	2, 520	------	255	52	1, 275	208	1, 053	1, 043	2, 583	1, 303	5, 103	1, 303
616	Furniture and Furnishings	------	------	225	------	3, 552	183	2, 655	498	6, 432	681	6, 432	681
617	Heaters and Stoves	------	------	------	170	1, 425	645	1, 076	336	2, 501	1, 151	2, 501	1, 151
629	Miscellaneous	------	------	------	24	15	58	290	41	305	123	305	123
	Industrial	**14, 760**	------	**60**	**2**	**315**	**1**	**870**	**85**	**1, 245**	**88**	**16, 005**	**88**
639	Miscellaneous	14, 760	------	60	2	315	1	870	85	1, 245	88	16, 005	88

	Insurance	**16, 815**	------	**480**	**32**	**5, 805**	**521**	**3, 204**	**773**	**9, 489**	**1, 326**	**26, 304**	**1, 326**
649	Miscellaneous	16, 815	------	480	32	5, 805	521	3, 204	773	9, 489	1, 326	26, 304	1, 326
	Jewelry and Silverware	**6, 600**	------	------	------	------	**23**	------	------	------	**23**	**6, 600**	**23**
659	Miscellaneous	6, 600	------	------	------	------	23	------	------	------	23	6, 600	23
	Medical	**279, 295**	------	**11, 705**	**1, 150**	**57, 377**	**19, 234**	**1, 596**	**961**	**70, 678**	**21, 345**	**349, 973**	**21, 345**
669	Miscellaneous	279, 295	------	11, 705	1, 150	57, 377	19, 234	1, 596	961	70, 678	21, 345	349, 973	21, 345
	Miscellaneous	**21, 990**	------	**1, 760**	**89**	**8, 969**	**1, 680**	**5, 828**	**1, 888**	**16, 557**	**3, 657**	**38, 547**	**3, 657**
671	Cards and Stationery	2, 595	------	------	------	------	18	------	------	------	18	2, 595	18
672	Chamber of Commerce and Merchants Associations	10, 320	------	240	------	195	145	2, 091	1, 035	2, 526	1, 180	12, 846	1, 180
673	Pet Foods	1, 770	------	75	------	1, 660	216	90	114	1, 825	330	3, 595	330
674	Phonograph Records	------	------	690	------	3, 810	471	705	19	5, 205	490	5, 205	490
675	Veterinary and Animal Medicine	------	------	65	23	410	57	465	78	940	158	940	158
699	Miscellaneous	7, 305	------	690	66	2, 894	773	2, 477	642	6, 061	1, 481	13, 366	1, 481
	Political	***480, 191**	------	**9, 866**	**324**	**7, 076**	**1, 344**	**23, 418**	**4, 005**	**10, 360**	**5, 673**	**520, 551**	**5, 673**
701	Local	------	------	270	3	165	34	2, 917	765	3, 352	802	3, 352	802
702	State	------	------	2, 346	91	1, 225	279	5, 768	429	9, 339	799	9, 339	799
703	National	480, 191	------	5, 720	217	2, 530	750	3, 760	396	12, 010	1, 363	212, 325	1, 363
709	Miscellaneous	------	------	1, 530	13	3, 156	281	10, 973	2, 415	15, 659	2, 709	15, 659	2, 709
	Professional and Service	------	------	------	**18**	**1, 070**	**70**	**15, 485**	**5, 597**	**16, 555**	**5, 685**	**16, 555**	**5, 685**
711	Opticians-Optometrists	------	------	------	18	------	55	5, 150	4, 476	5, 150	4, 549	5, 150	4, 549
712	Chiropractors	------	------	------	------	------	------	875	231	875	231	875	231
713	Dentists	------	------	------	------	------	------	7, 180	713	7, 180	713	7, 180	713
714	Physicians (Medical)	------	------	------	------	------	------	540	9	540	9	540	9
715	Hospitals	------	------	------	------	270	15	280	48	550	63	550	63
719	Miscellaneous	------	------	------	------	800	------	1, 460	120	2, 260	120	2, 260	120
	Public Utilities	**10, 760**	------	**270**	**62**	**12, 050**	**1, 581**	**9, 201**	**904**	**21, 521**	**2, 547**	**32, 281**	**2, 547**
721	Electric Companies	------	------	------	62	5, 090	829	3, 530	275	8, 620	1, 166	8, 620	1, 166
722	Gas Companies	------	------	150	------	570	187	1, 026	336	1, 746	523	1, 746	523
723	Electric and Gas Companies	------	------	------	------	5, 355	145	2, 740	69	8, 095	214	8, 095	214
724	Telegraph Companies	------	------	------	------	------	244	405	------	405	244	405	244
725	Telephone Companies	10, 760	------	------	------	1, 035	147	660	108	1, 695	255	12, 455	255
729	Miscellaneous	------	------	120	------	------	29	840	116	960	145	960	145
	Publications	**21, 465**	------	**165**	**41**	**5, 220**	**590**	**5, 823**	**1, 651**	**11, 208**	**2, 282**	**32, 673**	**2, 282**
731	Books	4, 950	------	------	------	810	7	3	82	813	89	5, 763	89
732	Magazines	16, 515	------	150	41	3, 150	266	60	32	3, 360	339	19, 875	339
733	Newspapers	------	------	------	------	240	175	5, 760	1, 133	6, 000	1, 308	6, 000	1, 308
739	Miscellaneous	------	------	15	------	1, 020	142	------	404	1, 035	546	1, 035	546
	Religion	**36, 540**	------	**6, 160**	------	**9, 420**	**12**	**41, 888**	**464**	**57, 468**	**476**	**94, 008**	**476**
749	Miscellaneous	36, 540	------	6, 160	------	9, 420	12	41, 888	464	57, 468	476	94, 008	476
	Radio	------	------	------	------	**3, 380**	**393**	**990**	**460**	**4, 370**	**853**	**4, 370**	**853**
751	Sets	------	------	------	------	2, 780	371	990	391	3, 770	762	3, 770	762
752	Stations	------	------	------	------	------	------	------	------	------	------	------	------
753	Tubes	------	------	------	------	60	------	------	------	60	------	60	------
759	Miscellaneous	------	------	------	------	540	22	------	69	540	91	540	91
	Sporting Goods	------	------	------	------	------	**6**	------	**31**	------	**37**	------	**37**
769	Miscellaneous	------	------	------	------	------	6	------	31	------	37	------	37
	Tobacco	**268, 480**	------	**2, 325**	**142**	**10, 417**	**1, 219**	**3, 025**	**1, 008**	**15, 767**	**2, 369**	**284, 247**	**2, 369**
771	Cigars	21, 825	------	390	58	2, 147	92	120	234	2, 657	384	24, 482	384
772	Cigarettes	180, 225	------	1, 005	54	3, 305	978	600	14	4, 910	1, 046	185, 135	1, 046
773	Tobacco	66, 430	------	240	13	2, 045	113	140	60	2, 425	186	68, 855	186
774	Miscellaneous Tobacco	------	------	------	17	710	------	2, 165	643	2, 875	660	2, 875	660
779	Miscellaneous	------	------	690	------	2, 210	36	------	57	2, 900	93	2, 900	93
	Toilet Requisites	**645, 675**	------	**3, 690**	**116**	**23, 680**	**4, 587**	**1, 695**	**734**	**29, 065**	**5, 437**	**674, 740**	**5, 437**
781	Antiseptics	2, 505	------	------	------	150	58	------	81	150	139	2, 655	139
782	Dentifrices	94, 665	------	495	22	2, 290	207	1, 380	200	4, 165	429	98, 830	429
783	Perfumes-Cosmetics-Lotions	50, 205	------	20	2	1, 625	2, 213	180	420	1, 825	2, 635	52, 030	2, 635
784	Toilet Soaps	173, 235	------	130	24	8, 610	755	------	11	8, 740	790	181, 975	790
789	Miscellaneous	325, 065	------	3, 045	68	11, 005	1, 354	135	22	14, 185	1, 444	339, 250	1, 444
	Transportation	**3, 300**	------	**585**	**51**	**405**	**833**	**4, 328**	**2, 729**	**5, 318**	**3, 613**	**8, 618**	**3, 613**
791	Airways	600	------	------	------	------	28	------	14	------	42	600	42
792	Bus Lines	------	------	120	43	------	345	800	501	920	889	920	889
793	Railroads	2, 700	------	465	------	------	208	1, 600	119	2, 125	327	4, 825	327
794	Steamships	------	------	------	------	405	25	------	2	405	27	405	27
795	Tours	------	------	------	------	------	------	270	------	270	------	270	------
799	Miscellaneous	------	------	------	8	------	227	1, 598	2, 093	1, 598	2, 328	1, 598	2, 328
	Wearing Apparel	**5, 550**	------	**272**	**372**	**4, 260**	**548**	**522**	**115**	**5, 054**	**1, 035**	**10, 604**	**1, 035**
801	Men's Wear	4, 950	------	------	------	435	18	50	3	485	21	5, 435	21
802	Women's Wear	------	------	------	------	------	54	------	9	------	63	------	63
809	Miscellaneous	600	------	272	372	3, 825	476	472	103	4, 569	951	5, 169	951
	Watches	------	------	------	**465**	**140**	**8, 132**	**1, 015**	**150**	**1, 155**	**8, 747**	**1, 155**	**8, 747**
819	Miscellaneous	------	------	------	465	140	8, 132	1, 015	150	1, 155	8, 747	1, 155	8, 747
	MBS Locally Sponsored	19, 080	------	------	------	------	------	------	------	------	------	19, 080	------
	Totals	**3, 058, 101**	------	**87, 838**	**6, 082**	**399, 356**	**76, 247**	**224, 566**	**50, 890**	**711, 760**	**133, 219**	**3, 769, 861**	**133, 219**

TABLE III

STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK) BY TYPE OF SPONSORING BUSINESS AND BY CLASS OF STATION

RETAIL ADVERTISING UNITS

October 1940

	Clear Channel Stations				Regional Stations						Local Stations						Totals	
	Unlimited		Part-Time		Unlimited		Limited & Day		Part-Time		Unlimited		Day		Part-Time			
Total Commercial Operating Stations	45		8		240		67		31		361		10		25		787	
Total Stations Reporting	23		5		8		19		4		61		0		2		200	
Type of Sponsoring Business	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Amusements	**469**	**332**	**60**	**72**	**9,760**	**3,130**	**1,797**	**1,113**	**35**	**64**	**12,645**	**4,511**	-----	-----	**195**	**94**	**24,961**	**9,316**
011 Theaters	290	171	-----	72	2,034	1,680	1,047	647	30	40	6,070	2,771	-----	-----	-----	4	9,471	5,385
019 Miscellaneous	179	161	60	-----	7,726	1,450	750	466	5	24	6,575	1,740	-----	-----	195	90	15,490	3,931
Automotive	**1,731**	**480**	**60**	**57**	**20,218**	**7,712**	**3,210**	**7,670**	**329**	**358**	**28,837**	**9,512**	-----	-----	**450**	**532**	**51,868**	**26,341**
021 Aviation	30	-----	-----	-----	-----	8	-----	-----	-----	-----	-----	10	-----	-----	-----	-----	30	18
022 Garages and Service Stations	600	35	-----	4	2,551	1,556	1,015	985	269	23	9,919	3,011	-----	-----	-----	4	14,354	5,618
024 Parts and Accessories	-----	53	60	-----	3,709	639	20	86	-----	103	930	1,036	-----	-----	-----	398	4,719	2,315
025 Passenger Cars	969	384	-----	53	11,519	4,688	1,935	6,322	60	206	14,638	4,234	-----	-----	450	-----	29,571	15,887
026 Tires and Tubes	120	5	-----	-----	2,269	612	240	176	-----	-----	3,220	764	-----	-----	-----	130	5,849	1,687
027 Trucks	-----	-----	-----	-----	-----	118	-----	14	-----	-----	60	67	-----	-----	-----	-----	60	199
028 Tractors	15	3	-----	-----	197	50	-----	43	-----	-----	70	256	-----	-----	-----	-----	282	352
029 Miscellaneous	-----	-----	-----	-----	3	61	-----	44	-----	26	-----	134	-----	-----	-----	-----	3	265
Bakeries	**205**	**127**	**375**	-----	**4,212**	**1,621**	**992**	**539**	-----	**42**	**5,288**	**2,001**	-----	-----	-----	**3**	**11,072**	**4,333**
039 Miscellaneous	205	127	375	-----	4,212	1,621	992	539	-----	42	5,288	2,001	-----	-----	-----	3	11,072	4,333
Book Stores	-----	-----	-----	-----	**219**	**91**	-----	-----	-----	-----	-----	**75**	-----	-----	-----	-----	**219**	**166**
049 Miscellaneous	-----	-----	-----	-----	219	91	-----	-----	-----	-----	-----	75	-----	-----	-----	-----	219	166
Boots and Shoes	**1,280**	**36**	**75**	**59**	**2,795**	**1,585**	**702**	**1,136**	**270**	**55**	**2,665**	**1,586**	-----	-----	-----	**90**	**7,787**	**4,548**
051 Men's	-----	-----	-----	-----	120	107	-----	-----	60	-----	49	92	-----	-----	-----	-----	220	199
052 Men's and Women's	-----	-----	-----	-----	-----	120	30	48	-----	-----	-----	2	-----	-----	-----	-----	30	170
053 Women's	-----	-----	-----	-----	-----	84	-----	3	-----	-----	-----	72	-----	-----	-----	-----	-----	159
059 Miscellaneous	1,280	36	75	59	2,675	1,275	672	1,085	210	55	2,625	1,420	-----	-----	-----	90	7,537	4,020
Building Supplies and Contractors	**520**	**46**	-----	**14**	**7,641**	**2,100**	**482**	**749**	-----	**87**	**6.670**	**2,996**	-----	-----	**180**	**89**	**15,493**	**6,081**
069 Miscellaneous	520	46	-----	14	7,641	2,100	482	749	-----	87	6,670	2,996	-----	-----	180	89	15,493	6,081
Clothing Stores	**4,070**	**665**	**650**	**181**	**31,682**	**12,205**	**3,245**	**3,763**	**385**	**318**	**19,142**	**11,042**	-----	-----	**330**	**288**	**59,514**	**28,462**
071 Men's	2,970	420	115	52	15,593	4,505	385	1,058	270	69	7,077	3,778	-----	-----	60	195	26,470	10,077
072 Men's and Women's	-----	-----	-----	46	430	553	-----	60	-----	-----	620	278	-----	-----	-----	-----	1,050	937
073 Women's	675	214	190	23	7,869	3,813	2,560	1,963	115	205	2,100	3,053	-----	-----	270	67	13,779	9,338
074 Credit Clothing	-----	-----	-----	48	1,854	705	-----	210	-----	-----	2,730	1,221	-----	-----	-----	-----	4,584	2,184
079 Miscellaneous	425	31	355	12	5,936	2,629	300	472	-----	44	6,615	2,712	-----	-----	-----	26	13,631	5,926
Dairies	-----	**237**	-----	-----	**2,710**	**1,064**	**225**	**85**	**115**	**84**	**2,900**	**1,129**	-----	-----	-----	-----	**5,950**	**2,599**
099 Miscellaneous	-----	237	-----	-----	2,710	1,064	225	85	115	84	2,900	1,129	-----	-----	-----	-----	5,950	2,599
Department and Dry Goods Stores	**5,105**	**688**	**510**	**137**	**27,138**	**7,464**	**9,303**	**1,078**	**540**	**108**	**17,625**	**5,250**	-----	-----	**120**	**295**	**60,341**	**15,020**
159 Miscellaneous	5,105	688	510	137	27,138	7,464	9,303	1,078	540	108	17,625	5,250	-----	-----	120	295	60,341	15,020
Drug Stores	**420**	**56**	**1,620**	-----	**7,597**	**1,551**	**1,592**	**521**	**60**	**7**	**4,553**	**1,990**	-----	-----	-----	**90**	**15,842**	**4,215**
169 Miscellaneous	420	56	1,620	-----	7,597	1,551	1,592	521	60	7	4,553	1,990	-----	-----	-----	90	15,842	4,215
Educational	**230**	**195**	-----	**10**	**2,553**	**370**	**805**	**52**	**115**	**59**	**1.527**	**349**	-----	-----	-----	**488**	**5,230**	**1,523**
179 Miscellaneous	230	195	-----	10	2,553	370	805	52	115	59	1,527	349	-----	-----	-----	488	5,230	1,523
Electric and Gas Appliances and Supply	**270**	**147**	-----	-----	**3,972**	**1,137**	**570**	**243**	-----	**93**	**3,293**	**1,920**	-----	-----	**155**	**150**	**8,260**	**3,690**
189 Miscellaneous	270	147	-----	-----	3,972	1,137	570	243	-----	93	3,293	1,920	-----	-----	155	150	8,260	3,690
Furniture and Home Furnishings	**2,683**	**545**	**240**	**242**	**22,030**	**5,929**	**6,957**	**2,666**	**30**	**144**	**23,910**	**5,311**	-----	-----	-----	**856**	**55,850**	**15,693**
219 Miscellaneous	2,683	545	240	242	22,030	5,929	6,957	2,666	30	144	23,910	5,311	-----	-----	-----	856	55,850	15,693
Grocers and Food Stores	**2,265**	**85**	**5**	**129**	**12,929**	**2,369**	**712**	**324**	**130**	**46**	**8,493**	**2,532**	-----	-----	-----	**37**	**24,534**	**5,522**
221 Chain	1,650	-----	-----	-----	4,545	178	120	10	-----	-----	1,145	214	-----	-----	-----	-----	7.460	402
222 Independent	-----	-----	-----	-----	200	6	-----	-----	-----	-----	195	156	-----	-----	-----	-----	395	162
239 Miscellaneous	615	85	5	129	8,184	2,185	592	314	130	46	7,153	2,162	-----	-----	-----	37	16,679	4,958
Heating and Plumbing	**275**	**111**	-----	-----	**4,409**	**2,106**	**592**	**1,204**	-----	**123**	**3,822**	**1,352**	-----	-----	-----	**4**	**9,098**	**4,900**
249 Miscellaneous	275	111	-----	-----	4,409	2,106	592	1,204	-----	123	3,822	1,352	-----	-----	-----	4	9,098	4,900
Hotels and Restaurants	**645**	**243**	-----	**78**	**5,200**	**2,180**	**225**	**1,515**	-----	**61**	**4,838**	**2,768**	-----	-----	**60**	**176**	**10,968**	**7,021**
259 Miscellaneous	645	243	-----	78	5,200	2,180	225	1,515	-----	61	4,838	2,768	-----	-----	60	176	10,968	7,021
Jewelers	**60**	**642**	**60**	**281**	**8,059**	**5,728**	**1,370**	**2,032**	**75**	**133**	**17,565**	**8,646**	-----	-----	-----	**314**	**27,189**	**17,776**
279 Miscellaneous	60	642	60	281	8,059	5,728	1,370	2,032	75	133	17,565	8,646	-----	-----	-----	314	27,189	17,776
Merchandized Chains	-----	-----	-----	-----	**505**	**235**	**567**	**110**	-----	**5**	**655**	**400**	-----	-----	-----	-----	**1,727**	**750**
299 Miscellaneous	-----	-----	-----	-----	505	235	567	110	-----	5	655	400	-----	-----	-----	-----	1,727	750

	Miscellaneous	**895**	**608**	**490**	**42**	**24, 773**	**6, 342**	**7, 080**	**5, 160**	**380**	**497**	**29, 883**	**6, 554**	-----	-----	**3, 720**	**1, 150**	**67, 221**	**20, 353**
301	Agriculture	195	112	-----	-----	2, 727	308	560	146	-----	23	3, 570	446	-----	-----	-----	-----	7, 052	1, 035
302	Auctions	-----	-----	-----	-----	15	49	-----	2	-----	-----	-----	183	-----	-----	-----	-----	15	234
303	Beverages	-----	-----	-----	-----	2, 002	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	2, 002	-----
304	Cleaners-Dyers-Laundries	-----	9	-----	-----	9, 226	3, 041	2, 103	3, 367	290	325	11, 324	2, 477	-----	-----	-----	902	22, 943	10, 121
305	Farm and Orchards (Produce)	-----	13	-----	-----	225	66	-----	55	90	39	319	138	-----	-----	-----	-----	634	311
306	Florists-Nurseries	110	67	-----	-----	964	583	410	184	-----	8	250	507	-----	-----	-----	-----	1, 734	1, 349
307	General Stores	-----	5	-----	-----	489	217	2, 880	8	-----	-----	465	255	-----	-----	-----	-----	3, 834	485
308	Confectionery (Ice Cream, etc.)	-----	-----	345	-----	820	265	60	961	-----	62	530	246	-----	-----	-----	18	1, 755	1, 552
311	Shoe Repairing	-----	-----	-----	-----	262	185	-----	22	-----	14	30	167	-----	-----	-----	9	292	397
312	Specialty Shops	390	241	70	42	3, 321	1, 095	897	289	-----	15	1, 795	957	-----	-----	-----	190	6, 473	2, 829
315	Undertakers	-----	40	-----	-----	1, 785	121	-----	15	-----	11	1, 525	449	-----	-----	-----	-----	3, 310	636
349	Miscellaneous	200	121	75	-----	2, 937	412	170	111	-----	-----	10, 075	729	-----	-----	3, 720	31	17, 177	1, 404
	Musical Instruments	**225**	**49**	**60**	-----	**2, 064**	**375**	**1, 680**	**285**	-----	**52**	**2, 740**	**562**	-----	-----	**200**	-----	**6, 969**	**1, 323**
359	Miscellaneous	225	49	60	-----	2, 064	375	1, 680	285	-----	52	2, 740	562	-----	-----	200	-----	6, 969	1, 323
	Office Equipment	-----	**4**	-----	-----	**235**	**61**	-----	**7**	-----	-----	**210**	**182**	-----	-----	-----	-----	**445**	**254**
369	Miscellaneous	-----	4	-----	-----	235	61	-----	7	-----	-----	210	182	-----	-----	-----	-----	445	254
	Radio	-----	**12**	-----	**11**	**3, 095**	**974**	**255**	**818**	-----	**71**	**360**	**1, 007**	-----	-----	-----	**98**	**3, 710**	**2, 991**
409	Miscellaneous	-----	12	-----	11	3, 095	974	255	818	-----	71	360	1, 007	-----	-----	-----	98	3, 710	2, 991
	Real Estate	-----	**5**	-----	-----	**1, 339**	**360**	**690**	**74**	-----	**29**	**1, 855**	**60**	-----	-----	-----	**3**	**3, 884**	**531**
419	Miscellaneous	-----	5	-----	-----	1, 339	360	690	74	-----	29	1, 855	60	-----	-----	-----	3	3, 884	531
	Sporting Goods	**120**	-----	-----	-----	**340**	**74**	**45**	**29**	-----	-----	**513**	**132**	-----	-----	-----	-----	**1, 018**	**235**
439	Miscellaneous	120	-----	-----	-----	340	74	45	29	-----	-----	513	132	-----	-----	-----	-----	1, 018	235
	Stationers	-----	**4**	-----	-----	**255**	**113**	-----	-----	-----	-----	**180**	**19**	-----	-----	-----	-----	**435**	**136**
449	Miscellaneous	-----	4	-----	-----	255	113	-----	-----	-----	-----	180	19	-----	-----	-----	-----	435	136
	Toilet Goods and Beauty Shops	-----	**3**	-----	-----	**502**	**257**	**42**	**1, 357**	-----	-----	**805**	**597**	-----	-----	**210**	**90**	**1, 559**	**2, 304**
459	Miscellaneous	-----	3	-----	-----	502	257	42	1, 357	-----	-----	805	597	-----	-----	210	90	1, 559	2, 304
	Totals	**21, 471**	**5, 320**	**4, 215**	**1, 313**	**206, 262**	**67, 154**	**43, 138**	**32, 530**	**2, 464**	**2, 436**	**200, 974**	**72, 483**	-----	-----	**5, 620**	**4, 847**	**184, 144**	**186, 083**

TABLE III—Continued

GENERAL ADVERTISING UNITS

October 1940

	Clear Channel Stations				Regional Stations						Local Stations							
	Unlimited		Part-Time		Unlimited		Limited & Day		Part-Time		Unlimited		Day		Part-Time		Totals	
Total Commercial Operating Stations	45		8		240		67		31		361		10		25		787	
Total Stations Reporting	23		5		86		19		4		61		0		2		200	
Type of Sponsoring Business	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Agriculture	**3,411**	**366**	**1,040**	**118**	**7,581**	**1,480**	**1,968**	**338**	**240**	**59**	**3,305**	**519**	-----	-----	-----	-----	**17,545**	**2,880**
501 Cattle Foods	1,470	43	515	23	3,325	756	1,158	70	210	57	1,200	101	-----	-----	-----	-----	7,878	1,050
502 Seeds	869	211	-----	68	1,495	122	105	145	-----	-----	1,470	53	-----	-----	-----	-----	2,469	599
503 Farm Machinery	517	-----	405	10	630	72	230	36	-----	-----	-----	104	-----	-----	-----	-----	3,252	222
504 Nurseries	30	-----	-----	-----	850	-----	95	-----	30	-----	-----	-----	-----	-----	-----	-----	1,005	-----
505 Live Stock	345	39	-----	17	1,191	301	380	64	-----	2	135	113	-----	-----	-----	-----	2,051	536
509 Miscellaneous	180	73	120	-----	90	229	-----	23	-----	-----	500	148	-----	-----	-----	-----	890	473
Alcoholic Beverages	**4,685**	**123**	**870**	**121**	**14,335**	**3,411**	**3,030**	**281**	**1,520**	**104**	**14,774**	**2,467**	-----	-----	-----	-----	**39,214**	**6,507**
511 Beers	4,060	123	870	121	12,110	2,898	2,945	281	1,380	104	14,609	2,165	-----	-----	-----	-----	35,974	5,692
512 Wines	625	-----	-----	-----	1,670	479	-----	-----	140	-----	165	302	-----	-----	-----	-----	2,600	781
513 Liquors	-----	-----	-----	-----	-----	34	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	34
519 Miscellaneous	-----	-----	-----	-----	555	-----	85	-----	-----	-----	-----	-----	-----	-----	-----	-----	640	-----
Amusements	**15**	**4**	-----	-----	**120**	**14**	**310**	**42**	-----	-----	**780**	**24**	-----	-----	-----	-----	**1,225**	**84**
529 Miscellaneous	15	4	-----	-----	120	14	310	42	-----	-----	780	24	-----	-----	-----	-----	1,225	84
Automotive	**12,454**	**712**	**1,191**	**153**	**34,567**	**3,594**	**4,855**	**553**	**760**	**54**	**9,684**	**1,209**	-----	-----	-----	**18**	**63,511**	**6,293**
531 Aviation	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
533 Gas and Oil	9,214	167	906	23	28,491	2,287	4,795	115	660	27	8,529	910	-----	-----	-----	-----	52,595	3,529
534 Parts and Accessories	-----	24	-----	-----	390	140	-----	190	-----	2	245	78	-----	-----	-----	-----	635	434
535 Passenger Cars	3,240	514	285	130	4,561	1,036	-----	118	100	25	910	221	-----	-----	-----	18	9,096	2,062
536 Tires and Tubes	-----	-----	-----	-----	135	43	60	130	-----	-----	-----	-----	-----	-----	-----	-----	195	173
537 Trucks	-----	-----	-----	-----	-----	13	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	13
538 Tractors	-----	7	-----	-----	960	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	960	7
539 Miscellaneous	-----	-----	-----	-----	30	75	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	30	75
Building Materials	**1,025**	**133**	**60**	**29**	**1,505**	**320**	**25**	**37**	-----	**4**	**1,695**	**262**	-----	-----	-----	-----	**4,310**	**785**
549 Miscellaneous	1,025	133	60	29	1,505	320	25	37	-----	4	1,695	262	-----	-----	-----	-----	4,310	785
Confections	**5,188**	**1,577**	-----	**262**	**3,595**	**2,267**	**120**	**4**	-----	**149**	**920**	**383**	-----	-----	-----	-----	**9,823**	**4,642**
559 Miscellaneous	5,188	1,577	-----	262	3,595	2,267	120	4	-----	149	920	383	-----	-----	-----	-----	9,823	4,642
Educational	-----	-----	**180**	**24**	**310**	**31**	**495**	**22**	-----	-----	-----	-----	-----	-----	-----	-----	**985**	**77**
569 Miscellaneous	-----	-----	180	24	310	31	495	22	-----	-----	-----	-----	-----	-----	-----	-----	985	77
Financial	**2,200**	**297**	-----	**29**	**11,017**	**4,114**	**1,850**	**357**	**130**	**91**	**5,527**	**2,811**	-----	-----	-----	-----	**20,724**	**7,699**
571 Banks and Trust Companies	1,185	130	-----	13	4,152	1,502	740	194	-----	14	2,593	1,659	-----	-----	-----	-----	8,670	3,512
572 Real Estate and Home Financing	465	49	-----	16	1,055	216	220	-----	-----	2	1,039	175	-----	-----	-----	-----	2,779	458
573 Stock and Bond Houses	75	28	-----	-----	270	81	-----	-----	-----	-----	80	17	-----	-----	-----	-----	425	126
579 Miscellaneous	475	90	-----	-----	5,540	2,315	890	163	130	75	1,815	960	-----	-----	-----	-----	8,850	3,603
Groceries	**50,919**	**4,922**	**8,790**	**526**	**119,991**	**18,176**	**14,600**	**3,198**	**2,325**	**265**	**46,211**	**8,166**	-----	-----	**740**	-----	**234,456**	**35,373**
581 Baking Products	3,655	340	210	123	12,750	4,460	1,405	505	-----	-----	7,245	2,021	-----	-----	620	-----	25,885	7,449
582 Beverages	-----	23	-----	-----	75	-----	-----	-----	-----	-----	-----	93	-----	-----	-----	-----	75	116
583 Coffee and Tea	3,590	500	1,055	-----	10,190	1,457	2,520	30	345	13	2,975	219	-----	-----	-----	-----	20,675	2,219
584 Soft Drinks	925	324	495	-----	9,944	2,253	2,805	2,088	-----	40	20,410	3,927	-----	-----	-----	120	34,579	8,752
589 Miscellaneous	315	2	255	-----	1,746	198	120	34	-----	-----	100	40	-----	-----	-----	-----	2,536	274
585 Shortening	2,595	329	1,260	-----	3,900	684	-----	-----	345	-----	635	103	-----	-----	-----	-----	8,735	1,116
586 Cereals and Breakfast Foods	5,710	338	960	148	7,505	867	600	74	345	15	705	82	-----	-----	-----	-----	15,825	1,524
587 Condiments	195	107	-----	-----	464	104	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	659	211
588 Dairy Products	2,245	408	-----	66	6,497	1,101	250	8	-----	-----	1,725	605	-----	-----	-----	-----	10,717	2,188
591 Meats-Fish-Poultry	3,440	153	390	20	7,695	1,084	1,005	53	-----	-----	985	298	-----	-----	-----	-----	13,515	1,608
592 Laundry Soaps and Cleansers	15,920	1,010	1,260	67	25,753	1,873	2,280	91	690	92	4,130	208	-----	-----	-----	-----	50,033	3,341
593 Flour	3,610	265	1,710	27	12,170	546	705	110	600	26	1,378	97	-----	-----	-----	-----	20,173	1,071
594 Sugar	249	-----	195	-----	195	285	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	639	285
595 Disinfectants and Exterminators	-----	45	-----	-----	780	49	-----	-----	-----	-----	-----	6	-----	-----	-----	-----	780	100
599 Miscellaneous	8,470	1,078	1,000	75	11,327	3,215	2,910	205	-----	79	5,923	467	-----	-----	-----	-----	29,630	5,119
Hotels and Resorts	-----	-----	-----	-----	**726**	**17**	-----	**24**	-----	-----	-----	-----	-----	-----	-----	-----	**726**	**41**
609 Miscellaneous	-----	-----	-----	-----	726	17	-----	24	-----	-----	-----	-----	-----	-----	-----	-----	726	41
Housing Equipment and Supplies	**4,735**	**323**	**329**	-----	**5,211**	**1,424**	**1,580**	**1,084**	-----	**45**	**1,605**	**740**	-----	-----	-----	-----	**13,431**	**3,645**
611 Air Conditioning	-----	-----	-----	-----	-----	3	-----	-----	-----	-----	-----	33	-----	-----	-----	-----	-----	36
612 Automatic Heating	-----	-----	-----	-----	285	74	-----	52	-----	-----	-----	-----	-----	-----	-----	-----	285	126
613 Automatic Refrigeration	-----	-----	-----	-----	225	76	-----	-----	-----	13	125	76	-----	-----	-----	-----	350	165
614 Fixtures	120	-----	-----	-----	45	60	-----	-----	-----	-----	810	-----	-----	-----	-----	-----	975	60
615 Fuel	915	66	-----	-----	1,218	271	-----	867	-----	6	450	93	-----	-----	-----	-----	2,583	1,303
616 Furniture and Furnishings	2,335	24	300	-----	2,312	273	1,425	43	-----	26	60	315	-----	-----	-----	-----	6,432	681
617 Heaters and Stoves	1,365	219	-----	29	1,111	636	-----	105	-----	-----	25	162	-----	-----	-----	-----	2,501	1,151
629 Miscellaneous	-----	14	-----	-----	15	31	155	17	-----	-----	135	61	-----	-----	-----	-----	305	123

Industrial	**60**	**2**	**60**	**13**	-----	**1**	-----	**51**	-----	-----	**1, 125**	**21**	-----	-----	-----	-----	**1, 245**	**88**
639 Miscellaneous	60	2	60	13	-----	1	-----	51	-----	-----	1, 125	21	-----	-----	-----	-----	1, 245	88
Insurance	**1, 565**	**97**	**865**	**132**	**4, 464**	**467**	**800**	**201**	**320**	**2**	**1, 475**	**423**	-----	-----	-----	**4**	**9, 489**	**1, 326**
649 Miscellaneous	1, 565	97	865	132	4, 464	467	800	201	320	2	1, 475	423	-----	-----	-----	4	9, 489	1, 326
Jewelry and Silverware	-----	-----	-----	-----	-----	**23**	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	**23**
659 Miscellaneous	-----	-----	-----	-----	-----	23	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	23
Medical	**24, 148**	**3, 757**	**4, 645**	**1, 171**	**29, 314**	**11, 011**	**1, 075**	**1, 956**	**435**	**264**	**11, 061**	**3, 073**	-----	-----	-----	**113**	**70, 678**	**21, 345**
669 Miscellaneous	24, 148	3, 757	4, 645	1, 171	29, 314	11, 011	1, 075	1, 956	435	264	11, 061	3, 073	-----	-----	-----	113	70, 678	21, 345
Miscellaneous	**5, 800**	**466**	-----	**78**	**8, 728**	**1, 973**	**1, 004**	**251**	**10**	**59**	**1, 015**	**830**	-----	-----	-----	-----	**16, 557**	**3, 657**
671 Cards and Stationery	-----	-----	-----	9	-----	-----	-----	-----	-----	9	-----	-----	-----	-----	-----	-----	-----	18
672 Chamber of Commerce and Merchants Associations	15	98	-----	-----	1, 706	463	315	54	10	31	480	534	-----	-----	-----	-----	2, 526	1, 180
673 Pet Foods	1, 050	71	-----	13	775	246	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	1, 825	330
674 Phonograph Records	3, 450	93	-----	-----	1, 755	382	-----	-----	-----	15	-----	-----	-----	-----	-----	-----	5, 205	490
675 Veterinary and Animal Medicine	195	23	-----	-----	535	118	210	17	-----	-----	-----	-----	-----	-----	-----	-----	940	158
699 Miscellaneous	1, 090	181	-----	56	3, 957	764	479	180	-----	4	535	296	-----	-----	-----	-----	6, 061	1, 481
Political	**5, 855**	**217**	**2, 231**	**203**	**21, 256**	**2, 503**	**2, 010**	**636**	**45**	**4**	**8, 963**	**2, 110**	-----	-----	-----	-----	**40, 360**	**5, 673**
701 Local	385	33	30	-----	1, 739	438	120	9	-----	-----	1, 078	322	-----	-----	-----	-----	3, 352	802
702 State	2, 080	49	255	-----	5, 324	442	505	124	-----	-----	1, 175	184	-----	-----	-----	-----	9, 339	799
703 National	180	63	390	47	8, 160	822	610	158	-----	-----	2, 670	273	-----	-----	-----	-----	12, 010	1, 363
709 Miscellaneous	3, 210	72	1, 556	156	6, 033	801	775	345	45	4	4, 040	1, 331	-----	-----	-----	-----	15, 659	2, 709
Professional and Service	**210**	**189**	**60**	-----	**11, 725**	**3, 105**	**805**	**379**	-----	**101**	**3, 405**	**1, 911**	-----	-----	**350**	-----	**16, 555**	**5, 685**
711 Opticians-Optometrists	90	189	-----	-----	3, 510	2, 518	375	232	-----	78	885	1, 532	-----	-----	290	-----	5, 150	4, 549
712 Chiropractors	-----	-----	60	-----	220	81	150	-----	-----	-----	445	150	-----	-----	-----	-----	875	231
713 Dentists	-----	-----	-----	-----	5, 920	410	-----	137	-----	23	1, 260	143	-----	-----	-----	-----	7, 180	713
714 Physicians (Medical)	-----	-----	-----	-----	540	9	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	540	9
715 Hospitals	-----	-----	-----	-----	220	24	255	-----	-----	-----	75	39	-----	-----	-----	-----	550	63
719 Miscellaneous	120	-----	-----	-----	1, 315	63	25	10	-----	-----	740	47	-----	-----	60	-----	2, 260	120
Public Utilities	**1, 720**	**210**	**75**	**46**	**12, 881**	**1, 158**	**1, 500**	**178**	-----	-----	**4, 985**	**920**	-----	-----	**360**	**35**	**21, 521**	**2, 547**
721 Electric Companies	420	19	-----	-----	3, 490	645	690	119	-----	-----	3, 660	348	-----	-----	360	35	8, 620	1, 166
722 Gas Companies	-----	139	75	46	931	147	405	24	-----	-----	335	167	-----	-----	-----	-----	1, 746	523
723 Electric and Gas Companies	265	3	-----	-----	6, 960	55	-----	-----	-----	-----	870	156	-----	-----	-----	-----	8, 095	214
724 Telegraph Companies	-----	4	-----	-----	-----	131	405	27	-----	-----	-----	82	-----	-----	-----	-----	405	244
725 Telephone Companies	1, 035	45	-----	-----	660	102	-----	8	-----	-----	-----	100	-----	-----	-----	-----	1, 695	255
729 Miscellaneous	-----	-----	-----	-----	840	78	-----	-----	-----	-----	120	67	-----	-----	-----	-----	960	145
Publications	**1, 548**	**188**	**470**	-----	**5, 860**	**1, 137**	**580**	**211**	**60**	-----	**2, 690**	**746**	-----	-----	-----	-----	**11, 208**	**2, 282**
731 Books	133	1	-----	-----	545	87	135	1	-----	-----	-----	-----	-----	-----	-----	-----	813	89
732 Magazines	1, 055	-----	25	-----	1, 715	192	310	130	60	-----	195	17	-----	-----	-----	-----	3, 360	339
733 Newspapers	360	187	445	-----	2, 580	728	135	68	-----	-----	2, 480	325	-----	-----	-----	-----	6, 000	1, 308
739 Miscellaneous	-----	-----	-----	-----	1, 020	130	-----	12	-----	-----	15	404	-----	-----	-----	-----	1, 035	546
Religion	**4, 785**	-----	-----	-----	**21, 873**	**81**	**5, 770**	**33**	**2, 145**	-----	**22, 025**	**357**	-----	-----	**870**	**2**	**57, 468**	**476**
749 Miscellaneous	4, 785	-----	-----	-----	21, 873	84	5, 770	33	2, 145	-----	22, 025	357	-----	-----	870	2	57, 468	476
Radio	**1, 295**	**67**	-----	**10**	**1, 560**	**418**	**60**	**177**	-----	-----	**1, 455**	**181**	-----	-----	-----	-----	**4, 370**	**853**
751 Sets	1, 235	67	-----	10	1, 020	396	60	108	-----	-----	1, 455	181	-----	-----	-----	-----	3, 770	762
752 Stations	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
753 Tubes	60	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	60	-----
759 Miscellaneous	-----	-----	-----	-----	540	22	-----	69	-----	-----	-----	-----	-----	-----	-----	-----	540	91
Sporting Goods	-----	**6**	-----	-----	-----	-----	-----	-----	-----	-----	-----	**31**	-----	-----	-----	-----	-----	**37**
769 Miscellaneous	-----	6	-----	-----	-----	-----	-----	-----	-----	-----	-----	31	-----	-----	-----	-----	-----	37
Tobacco	**7, 292**	**289**	**825**	**96**	**3, 950**	**1, 198**	-----	**29**	-----	**13**	**3, 700**	**647**	-----	-----	-----	-----	**15, 767**	**2, 369**
771 Cigars	1, 462	32	-----	27	865	229	-----	29	-----	-----	330	67	-----	-----	-----	-----	2, 657	384
772 Cigarettes	2, 475	97	-----	69	855	662	-----	-----	-----	13	1, 580	205	-----	-----	-----	-----	4, 910	1, 046
773 Tobacco	1, 070	32	465	-----	605	141	-----	-----	-----	-----	285	13	-----	-----	-----	-----	2, 425	186
774 Miscellaneous Tobacco	135	191	360	-----	875	164	-----	-----	-----	-----	1, 505	305	-----	-----	-----	-----	2, 875	660
779 Miscellaneous	2, 150	34	-----	-----	759	2	-----	-----	-----	-----	-----	57	-----	-----	-----	-----	2, 900	93
Toilet Requisites	**6, 355**	**1, 358**	**1, 200**	**177**	**13, 795**	**2, 579**	**1, 785**	**746**	-----	**13**	**5, 930**	**551**	-----	-----	-----	**13**	**29, 065**	**5, 437**
781 Antiseptics	-----	-----	-----	-----	150	127	-----	-----	-----	-----	-----	12	-----	-----	-----	-----	150	139
782 Dentifrices	615	33	-----	23	2, 200	144	-----	22	-----	-----	1, 350	207	-----	-----	-----	-----	4, 165	429
783 Perfumes-Cosmetics-Lotions	585	911	345	127	685	834	210	665	-----	-----	-----	98	-----	-----	-----	-----	1, 825	2, 635
784 Toilet Soaps	3, 430	164	705	14	4, 340	588	-----	-----	-----	-----	265	24	-----	-----	-----	-----	8, 740	790
789 Miscellaneous	1, 725	250	150	13	6, 420	886	1, 575	59	-----	13	4, 315	210	-----	-----	-----	13	14, 185	1, 444
Transportation	**2, 145**	**266**	-----	**26**	**2, 325**	**1, 612**	**75**	**149**	-----	**16**	**772**	**1, 459**	-----	-----	-----	**94**	**5, 318**	**3, 613**
791 Airways	-----	-----	-----	-----	-----	38	-----	-----	-----	-----	-----	4	-----	-----	-----	-----	-----	42
792 Bus Lines	-----	23	-----	4	920	378	-----	44	-----	-----	-----	440	-----	-----	-----	-----	920	889
793 Railroads	1, 680	41	-----	14	385	216	-----	-----	-----	-----	60	56	-----	-----	-----	-----	2, 125	327
794 Steamships	405	-----	-----	-----	-----	2	-----	-----	-----	-----	-----	25	-----	-----	-----	-----	405	27
795 Tours	-----	-----	-----	-----	270	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	270	-----
799 Miscellaneous	60	202	-----	8	751	978	75	96	-----	16	712	934	-----	-----	-----	94	1, 598	2, 328
Wearing Apparel	**2, 835**	**203**	**495**	**75**	**1, 602**	**583**	-----	**134**	-----	**20**	**122**	**20**	-----	-----	-----	-----	**5, 054**	**1, 035**
801 Men's Wear	345	21	-----	-----	95	-----	-----	-----	-----	-----	45	-----	-----	-----	-----	-----	485	21
802 Women's Wear	-----	-----	-----	27	-----	-----	-----	27	-----	9	-----	-----	-----	-----	-----	-----	-----	63
809 Miscellaneous	2, 490	182	495	48	1, 507	583	-----	107	-----	11	77	20	-----	-----	-----	-----	4, 569	951
Watches	-----	**3, 916**	-----	**543**	**165**	**3, 909**	-----	-----	-----	**30**	**990**	**349**	-----	-----	-----	-----	**1, 155**	**8, 747**
819 Miscellaneous	-----	3, 916	-----	543	165	3, 909	-----	-----	-----	30	990	349	-----	-----	-----	-----	1, 155	8, 747
Totals	**150, 245**	**19, 785**	**23, 357**	**3, 861**	**329, 457**	**66, 609**	**44, 297**	**11, 062**	**7, 990**	**1, 293**	**154, 214**	**30, 219**	-----	-----	**2, 200**	**399**	**711, 760**	**133, 219**

TABLE IV

STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK) BY TYPE OF SPONSORING BUSINESS AND BY STATION METROPOLITAN DISTRICT OR CITY POPULATION

RETAIL ADVERTISING UNITS

October 1940

		2,500,000 and over		1,000,000 to 2,500,000		500,000 to 1,000,000		250,000 to 500,000		100,000 to 250,000		50,000 to 100,000		25,000 to 50,000		10,000 to 25,000		Less than 10,000		Totals	
	Total Commercial Operating Stations	52		60		44		93		106		58		104		160		110		787	
	Total Stations Reporting	10		18		17		41		28		17		29		19		21		200	
	Type of Sponsoring Business	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
	Amusements	405	52	6,009	817	960	165	2,333	1,551	3,190	1,471	3,773	931	4,969	1,523	1,640	1,656	1,682	850	24,961	9,316
011	Theaters	210	14	30	340	160	193	764	929	1,625	883	2,770	538	2,005	732	440	1,138	1,467	618	9,471	5,385
019	Miscellaneous	195	38	5,979	477	800	272	1,569	622	1,565	588	1,003	393	2,964	791	1,200	518	215	232	15,490	3,931
	Automotive	450	209	5,019	1,191	4,650	1,550	6,871	9,195	8,469	2,711	3,530	2,116	14,825	3,303	5,309	2,729	5,715	3,304	54,868	26,311
021	Aviation	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	10	30	8	-----	-----	-----	-----	30	18
022	Garages and Service Stations	-----	38	195	140	270	138	750	1,439	1,808	560	945	478	6,212	1,011	2,339	700	1,835	1,114	14,354	5,618
024	Parts and Accessories	-----	103	60	73	2,220	143	830	574	180	66	345	276	949	356	60	269	75	455	4,719	2,315
025	Passenger Cars	450	59	4,614	827	2,010	1,137	4,691	6,724	5,287	1,910	1,275	1,299	5,894	1,232	2,105	1,421	3,245	1,278	29,571	15,887
026	Tires and Tubes	-----	9	150	113	150	132	600	377	1,194	164	950	80	1,680	556	730	167	395	89	5,849	1,687
027	Trucks	-----	-----	-----	-----	-----	-----	-----	10	-----	14	-----	-----	-----	29	60	54	-----	92	60	199
028	Tractors	-----	-----	-----	3	-----	-----	-----	10	-----	-----	15	-----	57	70	15	36	195	233	282	352
029	Miscellaneous	-----	-----	-----	35	-----	-----	-----	61	-----	-----	-----	3	3	41	-----	82	-----	43	3	265
	Bakeries	69	11	965	125	120	99	1,315	154	2,955	1,061	990	270	3,162	1,162	773	854	402	567	11,072	4,333
039	Miscellaneous	60	41	965	125	120	99	1,345	154	2,955	1,061	990	270	3,462	1,162	773	854	402	567	11,072	4,333
	Book Stores	-----	-----	210	51	-----	2	-----	4	-----	34	-----	1	9	3	-----	17	-----	51	219	166
049	Miscellaneous	-----	-----	210	51	-----	2	-----	4	-----	34	-----	1	9	3	-----	17	-----	54	219	166
	Boots and Shoes	1,035	52	1,110	93	765	169	1,515	1,701	1,250	795	305	225	1,105	711	370	196	332	303	7,787	1,548
051	Men's	-----	-----	-----	-----	60	-----	120	28	40	99	-----	10	-----	13	-----	10	-----	39	220	199
052	Men's and Women's	-----	-----	-----	-----	-----	-----	-----	29	-----	31	-----	40	30	21	-----	-----	-----	49	30	170
053	Women's	-----	-----	-----	-----	-----	-----	-----	50	-----	79	-----	5	-----	13	-----	-----	-----	12	-----	159
059	Miscellaneous	1,035	52	1,110	93	705	169	1,395	1,594	1,210	586	305	170	1,075	667	370	486	332	203	7,537	4,020
	Building Supplies and Contractors	-----	34	315	236	165	186	1,955	1,277	5,028	611	645	786	3,133	1,249	2,875	1,054	1,077	618	15,493	6,081
069	Miscellaneous	-----	34	315	236	165	186	1,955	1,277	5,028	641	645	786	3,433	1,249	2,875	1,054	1,077	618	15,493	6,081
	Clothing Stores	2,710	374	10,724	1,683	5,955	2,208	11,405	8,907	8,619	3,716	3,371	3,071	6,817	4,282	3,198	2,139	3,655	2,082	59,514	28,462
071	Men's	1,845	45	3,615	602	3,505	1,139	6,630	2,530	5,070	994	1,474	1,481	2,963	1,880	953	715	415	691	26,470	10,077
072	Men's and Women's	-----	-----	15	-----	210	30	345	324	355	255	-----	54	125	127	-----	12	-----	135	1,050	937
073	Women's	540	287	1,980	516	1,175	602	2,470	2,794	1,185	1,318	920	782	2,154	996	1,695	1,047	1,660	996	13,779	9,338
074	Credit Clothing	-----	-----	2,310	93	615	123	1,215	764	174	581	60	335	60	202	150	60	-----	26	4,584	2,184
079	Miscellaneous	355	42	2,804	472	450	314	3,745	2,495	1,865	568	917	419	1,515	1,077	400	305	1,580	234	13,631	5,926
	Dairies	-----	128	150	396	-----	526	390	454	1,785	148	125	111	1,539	511	1,820	212	150	53	5,950	2,599
099	Miscellaneous	-----	128	150	396	-----	526	390	454	1,785	148	125	111	1,530	541	1,820	242	150	53	5,950	2,599
	Department and Dry Goods Stores	1,310	66	9,630	1,679	7,430	1,913	8,265	2,079	10,607	2,418	5,885	1,397	7,999	2,395	4,390	1,509	4,825	1,564	60,311	15,020
159	Miscellaneous	1,310	66	9,630	1,679	7,439	1,913	8,265	2,079	10,607	2,418	5,885	1,397	7,999	2,395	4,390	1,509	4,825	1,564	60,341	15,020
	Drug Stores	1,620	3	2,755	185	2,880	75	2,895	374	615	658	1,365	452	427	607	1,198	826	2,087	1,035	15,812	4,215
169	Miscellaneous	1,620	3	2,755	185	2,880	75	2,895	374	615	658	1,365	452	427	607	1,198	826	2,087	1,035	15,842	4,215
	Educational	135	2	1,830	99	110	70	2,097	674	297	157	165	201	51	156	80	110	405	54	5,230	1,523
179	Miscellaneous	135	2	1,890	99	110	70	2,097	674	297	157	165	201	51	156	80	110	405	54	5,230	1,523
	Electric & Gas Appliances & Supply	-----	7	210	154	60	201	2,010	551	2,210	688	418	146	1,722	681	810	741	790	518	8,260	3,690
189	Miscellaneous	-----	7	210	154	60	201	2,010	554	2,210	688	448	146	1,722	681	810	741	790	518	8,260	3,690
	Furniture and Home Furnishings	30	43	8,965	752	6,125	735	13,183	5,068	7,990	3,123	1,660	1,123	9,065	2,315	1,085	1,569	4,717	965	55,850	15,693
219	Miscellaneous	30	43	8,965	752	6,125	735	13,183	5,068	7,990	3,123	1,660	1,123	9,065	2,315	4,085	1,569	4,747	965	55,850	15,693
	Grocers and Food Stores	210	19	1,010	223	3,780	417	5,010	1,041	4,121	596	1,215	171	4,226	907	1,403	787	3,529	1,031	21,534	5,522
221	Chain	-----	-----	750	4	1,320	194	945	102	2,400	6	435	-----	1,320	60	150	-----	140	36	7,460	402
222	Independent	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	200	6	-----	-----	195	156	395	162
239	Miscellaneous	210	49	260	219	2,460	223	4,065	939	1,721	590	810	471	2,706	841	1,253	787	3,194	839	16,679	4,958
	Heating and Plumbing	-----	64	115	20	195	395	1,340	1,571	1,850	823	2,165	576	1,991	643	1,000	441	412	361	9,698	4,900
249	Miscellaneous	-----	64	115	20	195	395	1,340	1,574	1,850	823	2,165	576	1,991	643	1,000	441	442	364	9,098	4,900
	Hotels and Restaurants	1,455	113	3,190	1,112	120	195	1,760	2,145	1,503	602	190	392	1,394	1,047	698	761	658	654	10,968	7,021
259	Miscellaneous	1,455	113	3,190	1,112	120	195	1,760	2,145	1,503	602	190	392	1,394	1,047	698	761	658	654	10,968	7,021
	Jewelers	69	97	5,006	1,317	480	994	1,365	1,675	3,215	2,933	6,218	1,093	6,150	3,100	1,410	1,066	285	2,201	27,189	17,776
279	Miscellaneous	60	97	5,006	1,317	480	994	4,365	4,675	3,215	2,933	6,218	1,093	6,150	3,400	1,410	1,066	285	2,201	27,189	17,776
	Merchandized Chains	-----	-----	345	36	-----	26	930	218	-----	58	295	60	-----	135	145	150	12	37	1,727	750
299	Miscellaneous	-----	-----	345	36	-----	26	930	248	-----	58	295	60	-----	135	145	150	12	37	1,727	750

	Miscellaneous	**375**	**112**	**4,449**	**454**	**6,740**	**1,180**	**17,062**	**7,561**	**10,044**	**2,366**	**3,174**	**1,415**	**10,165**	**2,798**	**7,030**	**2,099**	**8,182**	**2,368**	**67,221**	**20,353**
301	Agriculture	-----	10	-----	6	310	14	1,030	101	1,570	83	95	119	1,435	120	1,155	241	1,457	341	7,052	1,035
302	Auctions	-----	-----	-----	-----	-----	-----	-----	-----	15	-----	-----	2	-----	53	-----	6	-----	173	15	234
303	Beverages	-----	-----	-----	-----	-----	-----	2,002	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	2,002	-----
304	Cleaners-Dyers-Laundries	-----	-----	3,195	69	1,430	757	5,825	5,165	4,149	1,109	1,995	344	2,705	1,298	2,870	749	774	630	22,943	10,121
305	Farm and Orchards (Produce)	-----	18	-----	2	90	10	60	37	-----	29	-----	-----	255	78	165	95	64	42	634	311
306	Florists-Nurseries	-----	8	225	35	60	80	225	313	340	173	70	120	209	154	270	202	335	264	1,734	1,349
307	General Stores	-----	-----	24	-----	60	13	60	40	-----	79	-----	141	465	92	-----	21	3,225	99	3,834	485
308	Confectionery (Ice Cream, etc.)	-----	22	60	60	120	63	-----	871	680	88	150	56	35	27	570	207	140	158	1,755	1,552
311	Shoe Repairing	-----	9	30	-----	5	54	-----	71	60	78	120	98	12	38	65	26	-----	23	292	397
312	Specialty Shops	75	42	655	193	-----	152	800	644	1,190	434	324	277	2,032	591	1,235	274	162	222	6,473	2,829
315	Undertakers	-----	3	60	40	210	8	750	141	930	112	60	-----	685	162	425	120	190	50	3,310	636
349	Miscellaneous	300	-----	200	49	4,455	29	6,310	178	1,110	181	360	258	2,332	185	275	158	1,835	366	17,177	1,404
	Musical Instruments	-----	**4**	**1,260**	**27**	**120**	**104**	**1,535**	**325**	**740**	**142**	**754**	**71**	**1,590**	**91**	**360**	**472**	**610**	**87**	**6,969**	**1,323**
359	Miscellaneous	-----	4	1,260	27	120	104	1,535	325	740	142	754	71	1,590	91	360	472	610	87	6,969	1,323
	Office Equipment	-----	-----	-----	**4**	**120**	-----	**40**	**14**	**75**	**26**	**120**	**17**	**30**	**52**	**60**	**141**	-----	-----	**445**	**254**
369	Miscellaneous	-----	-----	-----	4	120	-----	40	14	75	26	120	17	30	52	60	141	-----	-----	445	254
	Radio	-----	**42**	**120**	-----	-----	**102**	**195**	**1,191**	**2,505**	**432**	**350**	**134**	**420**	**541**	-----	**213**	**120**	**336**	**3,710**	**2,991**
409	Miscellaneous	-----	42	120	-----	-----	102	195	1,191	2,505	432	350	134	420	541	-----	213	120	336	3,710	2,991
	Real Estate	-----	**36**	**885**	**104**	**495**	**22**	**440**	**209**	-----	**43**	**300**	**27**	**364**	**31**	**440**	**29**	**960**	**30**	**3,884**	**531**
419	Miscellaneous	-----	36	885	104	495	22	440	209	-----	43	300	27	364	31	440	29	960	30	3,884	531
	Sporting Goods	-----	-----	-----	-----	**420**	**10**	**310**	**29**	**41**	**93**	-----	**14**	**192**	**27**	-----	**26**	**55**	**36**	**1,018**	**235**
439	Miscellaneous	-----	-----	-----	-----	420	10	310	29	41	93	-----	14	192	27	-----	26	55	36	1,018	235
	Stationers	-----	-----	-----	-----	-----	-----	**189**	**20**	**255**	**54**	-----	-----	-----	**59**	-----	**3**	-----	-----	**435**	**136**
449	Miscellaneous	-----	-----	-----	-----	-----	-----	189	20	255	54	-----	-----	-----	59	-----	3	-----	-----	435	136
	Toilet Goods and Beauty Shops	-----	-----	**180**	**13**	**330**	**75**	**255**	**235**	**30**	**106**	**55**	**3**	**62**	**234**	**480**	**242**	**167**	**1,396**	**1,559**	**2,304**
459	Miscellaneous	-----	-----	180	13	330	75	255	235	30	106	55	3	62	234	480	242	167	1,396	1,559	2,304
	Totals	**9,885**	**1,528**	**64,512**	**10,771**	**42,020**	**11,719**	**90,686**	**51,259**	**77,424**	**25,898**	**37,128**	**15,133**	**81,998**	**28,896**	**39,574**	**20,372**	**40,917**	**20,507**	**484,144**	**186,083**

TABLE IV—Continued

GENERAL ADVERTISING UNITS

October 1940

	2,500,000 and over		1,000,000 to 2,500,000		500,000 to 1,000,000		250,000 to 500,000		100,000 to 250,000		50,000 to 100,000		25,000 to 50,000		10,000 to 25,000		Less than 10,000		Totals	
Total Commercial Operating Stations	52		60		44		93		106		58		104		160		110		787	
Total Stations Reporting	10		18		17		41		28		17		29		19		21		200	
Type of Sponsoring Business	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Agriculture	**1,190**	**118**	**840**	**31**	**1,595**	**48**	**1,300**	**207**	**3,019**	**247**	**2,022**	**396**	**2,216**	**293**	**1,185**	**298**	**4,178**	**1,242**	**17,545**	**2,880**
501 Cattle Foods	635	23	-----	7	320	24	1,200	33	1,500	42	1,390	108	15	64	1,020	110	1,798	639	7,878	1,050
502 Seeds	-----	68	660	-----	810	9	-----	54	449	89	310	167	-----	24	135	66	105	122	2,469	599
503 Farm Machinery	405	10	-----	-----	405	-----	-----	-----	-----	-----	112	9	1,775	72	-----	53	555	78	3,252	222
504 Nurseries	30	-----	30	-----	60	-----	100	-----	80	-----	-----	-----	-----	-----	30	-----	675	-----	1,005	-----
505 Live Stock	-----	17	90	-----	-----	-----	-----	87	960	61	90	72	276	43	-----	58	635	198	2,051	536
509 Miscellaneous	120	-----	60	24	-----	15	-----	33	30	55	120	40	150	90	-----	11	410	205	890	473
Alcoholic Beverages	**1,975**	**75**	**5,365**	**588**	**4,550**	**633**	**8,915**	**978**	**5,219**	**1,035**	**660**	**830**	**6,535**	**1,512**	**3,965**	**354**	**2,000**	**502**	**39,214**	**6,507**
511 Beers	570	75	5,225	536	4,215	493	8,695	603	4,499	839	510	830	6,295	1,460	3,965	354	2,000	502	35,974	5,692
512 Wines	1,405	-----	140	52	335	140	135	375	345	162	-----	-----	240	52	-----	-----	-----	-----	2,600	781
513 Liquors	-----	-----	-----	-----	-----	-----	-----	-----	-----	34	-----	-----	-----	-----	-----	-----	-----	-----	-----	34
519 Miscellaneous	-----	-----	-----	-----	-----	-----	85	-----	405	-----	150	-----	-----	-----	-----	-----	-----	-----	640	-----
Amusements	-----	**12**	-----	-----	**30**	**6**	**520**	**38**	**15**	-----	-----	-----	**570**	**24**	-----	-----	**90**	**4**	**1,225**	**84**
529 Miscellaneous	-----	12	-----	-----	30	6	520	38	15	-----	-----	-----	570	24	-----	-----	90	4	1,225	84
Automotive	**2,295**	**167**	**3,943**	**319**	**8,435**	**1,678**	**13,891**	**1,245**	**7,677**	**1,087**	**6,469**	**497**	**10,843**	**401**	**4,468**	**632**	**5,490**	**237**	**63,511**	**6,293**
531 Aviation	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
533 Gas and Oil	1,905	-----	2,038	97	6,100	1,352	11,776	487	5,617	620	5,944	86	10,262	238	3,463	522	5,490	127	52,595	3,529
534 Parts and Accessories	-----	2	-----	28	-----	28	-----	203	485	20	150	40	-----	14	-----	29	-----	70	635	434
535 Passenger Cars	390	165	1,905	222	2,335	298	2,115	400	990	340	240	371	521	145	600	81	-----	40	9,096	2,062
536 Tires and Tubes	-----	-----	-----	-----	-----	-----	-----	134	-----	35	135	-----	60	4	-----	-----	-----	-----	195	173
537 Trucks	-----	-----	-----	-----	-----	-----	-----	13	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	13
538 Tractors	-----	-----	-----	2	-----	-----	-----	4	555	1	-----	-----	-----	-----	405	-----	-----	-----	960	7
539 Miscellaneous	-----	-----	-----	-----	-----	-----	-----	4	30	71	-----	-----	-----	-----	-----	-----	-----	-----	30	75
Building Materials	**135**	**29**	**195**	**55**	**360**	**96**	**900**	**107**	**180**	**57**	**320**	**81**	**1,095**	**157**	**750**	**137**	**465**	**66**	**4,310**	**785**
549 Miscellaneous	135	29	195	55	360	96	900	107	180	57	320	81	1,005	157	750	137	465	66	4,310	785
Confections	**1,315**	**258**	**883**	**414**	**2,540**	**625**	**1,820**	**1,495**	**665**	**661**	**2,060**	**574**	**540**	**427**	-----	**19**	-----	**169**	**9,823**	**4,642**
559 Miscellaneous	1,315	258	883	414	2,540	625	1,820	1,495	665	661	2,060	574	540	427	-----	19	-----	169	9,823	4,642
Educational	-----	**6**	**100**	-----	-----	-----	**120**	-----	**630**	**21**	-----	-----	-----	-----	**25**	-----	**110**	**47**	**985**	**77**
569 Miscellaneous	-----	6	100	-----	-----	-----	120	-----	630	24	-----	-----	-----	-----	25	-----	110	47	985	77
Financial	**1,125**	**4**	**1,265**	**852**	**2,565**	**569**	**4,770**	**1,426**	**3,219**	**889**	**1,370**	**671**	**3,257**	**2,103**	**2,218**	**894**	**905**	**286**	**20,724**	**7,699**
571 Banks and Trust Companies	795	-----	370	237	220	277	2,085	701	1,465	342	930	295	1,062	1,310	1,093	344	650	6	8,670	3,512
572 Real Estate and Home Financing	270	2	255	44	425	-----	215	37	394	44	200	80	875	116	15	101	130	34	2,779	458
573 Stock and Bond Houses	-----	-----	75	55	-----	-----	-----	28	-----	26	-----	-----	270	-----	80	17	-----	-----	425	126
579 Miscellaneous	60	2	565	516	1,920	292	2,470	660	1,360	477	240	296	1,050	682	1,060	432	125	246	8,850	3,603
Groceries	**11,682**	**1,612**	**19,160**	**3,266**	**30,920**	**4,727**	**45,251**	**8,932**	**37,076**	**4,348**	**25,831**	**3,130**	**32,739**	**4,538**	**13,800**	**1,861**	**17,937**	**2,956**	**234,456**	**35,373**
581 Baking Products	1,670	412	870	391	3,430	1,383	4,135	1,437	5,170	1,306	3,015	554	4,140	755	1,220	416	2,235	794	25,885	7,449
582 Beverages	-----	23	-----	-----	-----	-----	-----	-----	75	-----	-----	93	-----	-----	-----	-----	-----	-----	75	116
583 Coffee and Tea	1,175	158	1,925	358	2,895	138	3,460	332	3,255	224	2,205	427	1,420	245	1,820	141	2,520	166	20,675	2,219
584 Soft Drinks	390	14	1,000	800	1,505	384	8,590	3,539	3,244	512	7,885	365	5,265	1,646	4,540	536	2,160	926	34,579	8,752
589 Miscellaneous	-----	-----	705	2	45	9	585	59	345	90	30	53	136	23	345	12	345	26	2,536	274
585 Shortening	-----	48	795	83	1,725	61	2,805	263	1,445	300	840	108	780	146	-----	44	345	63	8,735	1,116
586 Cereals and Breakfast Foods	1,770	29	2,220	69	2,670	248	2,700	332	2,145	221	345	245	2,655	161	390	20	930	199	15,825	1,524
587 Condiments	60	75	135	6	65	29	-----	82	-----	15	-----	2	345	-----	-----	-----	54	2	659	211
588 Dairy Products	1,515	373	1,125	54	2,400	839	555	283	1,635	106	962	83	1,085	172	480	243	960	35	10,717	2,188
591 Meats-Fish-Poultry	930	73	3,415	220	2,055	366	3,455	200	1,170	108	1,290	84	450	449	150	103	600	5	13,515	1,608
592 Laundry Soaps and Cleansers	1,542	195	4,095	560	7,785	311	7,511	704	10,670	550	4,335	349	7,800	303	2,265	97	4,030	272	50,033	3,341
593 Flour	555	37	285	73	2,085	24	4,360	208	4,955	69	2,760	251	2,485	126	45	77	2,643	206	20,173	1,071
594 Sugar	-----	-----	-----	-----	-----	-----	585	161	-----	124	54	-----	-----	-----	-----	-----	-----	-----	639	285
595 Disinfectants and Exterminators	-----	-----	-----	14	165	9	-----	45	-----	32	345	-----	-----	-----	-----	-----	270	-----	780	100
599 Miscellaneous	2,075	175	2,590	636	4,095	926	6,510	1,227	2,967	691	1,765	516	6,238	511	2,545	175	845	262	29,630	5,119
Hotels and Resorts	-----	-----	-----	**30**	-----	-----	-----	**4**	**720**	-----	-----	-----	**6**	-----	-----	-----	-----	**7**	**726**	**41**
609 Miscellaneous	-----	-----	-----	30	-----	-----	-----	4	720	-----	-----	-----	6	-----	-----	-----	-----	7	726	41
Housing Equipment and Supplies	**765**	**53**	**1,070**	**93**	**2,130**	**443**	**1,250**	**1,607**	**2,543**	**342**	**2,110**	**124**	**1,653**	**179**	**405**	**127**	**1,475**	**677**	**13,431**	**3,645**
611 Air Conditioning	-----	-----	-----	-----	-----	3	-----	28	-----	-----	-----	-----	-----	5	-----	-----	-----	-----	-----	36
612 Automatic Heating	-----	-----	-----	-----	-----	62	-----	64	-----	-----	285	-----	-----	-----	-----	-----	-----	-----	285	126
613 Automatic Refrigeration	-----	-----	-----	7	-----	-----	125	108	-----	-----	225	24	-----	13	-----	13	-----	-----	350	165
614 Fixtures	-----	-----	-----	-----	-----	-----	-----	13	165	-----	-----	-----	810	-----	-----	-----	-----	47	975	60
615 Fuel	-----	40	240	-----	585	66	120	926	600	107	315	-----	198	7	405	64	120	93	2,583	1,303
616 Furniture and Furnishings	765	-----	400	24	1,545	273	1,005	89	997	45	300	-----	90	10	-----	34	1,330	206	6,432	681
617 Heaters and Stoves	-----	13	430	62	-----	39	-----	335	626	190	880	59	540	134	-----	12	25	307	2,501	1,151
629 Miscellaneous	-----	-----	-----	-----	-----	-----	-----	44	155	-----	135	41	15	10	-----	4	-----	24	305	123

Industrial	-----	-----	-----	**13**	-----	**2**	-----	**51**	**120**	-----	-----	**1**	**930**	**21**	**195**	-----	-----	-----	**1,245**	**88**
639 Miscellaneous	-----	-----	-----	13	-----	2	-----	51	120	-----	-----	1	930	21	195	-----	-----	-----	1,245	88
Insurance	**540**	**114**	**785**	**47**	**690**	**17**	**965**	**138**	**2,995**	**86**	**715**	**265**	**764**	**256**	**900**	**172**	**1,135**	**231**	**9,489**	**1,326**
649 Miscellaneous	540	114	785	47	690	17	965	138	2,995	86	715	265	764	256	900	172	1,135	231	9,489	1,326
Jewelry and Silverware	-----	-----	-----	**23**	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	**23**
659 Miscellaneous	-----	-----	-----	23	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	23
Medical	**8,043**	**946**	**7,055**	**2,328**	**7,695**	**2,448**	**14,245**	**5,462**	**6,650**	**2,786**	**6,260**	**2,377**	**9,010**	**2,024**	**9,715**	**1,020**	**2,005**	**1,954**	**70,678**	**21,345**
669 Miscellaneous	8,043	946	7,055	2,328	7,695	2,448	14,245	5,462	6,650	2,786	6,260	2,377	9,010	2,024	9,715	1,020	2,005	1,954	70,678	21,345
Miscellaneous	**595**	**209**	**4,080**	**347**	**2,265**	**454**	**2,640**	**607**	**2,040**	**503**	**2,365**	**369**	**453**	**734**	**325**	**55**	**1,794**	**379**	**16,557**	**3,657**
671 Cards and Stationery	-----	-----	-----	-----	-----	9	-----	-----	-----	9	-----	-----	-----	-----	-----	-----	-----	-----	-----	18
672 Cham. of Com. & Merch. Asso.	-----	14	205	79	60	84	1,020	104	345	195	625	100	6	510	220	20	45	74	2,526	1,180
673 Pet Foods	490	36	720	161	270	51	75	65	225	-----	-----	-----	-----	17	-----	-----	45	-----	1,825	330
674 Phonograph Records	90	111	1,950	39	1,545	136	780	164	150	18	690	12	-----	-----	-----	10	-----	-----	5,205	490
675 Veterinary and Animal Medicine	-----	-----	65	-----	-----	-----	-----	13	125	36	65	29	-----	-----	-----	-----	685	80	940	158
699 Miscellaneous	15	48	1,140	68	390	174	765	261	1,195	245	985	228	447	207	105	25	1,019	225	6,061	1,481
Political	**1,610**	**112**	**7,770**	**539**	**2,961**	**334**	**6,692**	**875**	**6,367**	**728**	**1,689**	**196**	**8,319**	**845**	**1,134**	**738**	**3,818**	**1,306**	**40,360**	**5,673**
701 Local	270	3	525	124	536	38	1,038	171	245	12	195	38	325	89	165	323	53	4	3,352	802
702 State	495	14	795	170	485	56	1,670	115	2,186	167	754	25	855	57	514	70	1,558	125	9,339	799
703 National	570	79	2,120	135	85	177	1,540	268	1,291	93	85	31	4,664	284	120	84	1,535	212	12,010	1,363
709 Miscellaneous	275	16	4,330	110	1,855	63	2,444	321	2,645	456	655	102	2,475	415	335	261	645	965	15,659	2,709
Professional and Service	-----	**26**	**2,875**	**188**	**1,410**	**584**	**4,555**	**2,079**	**4,455**	**1,051**	**145**	**304**	**1,980**	**1,056**	**490**	**96**	**645**	**301**	**16,555**	**5,685**
711 Opticians-Optometrists	-----	26	60	161	405	416	2,935	1,727	1,100	754	85	304	505	891	-----	72	60	198	5,150	4,549
712 Chiropractors	-----	-----	-----	-----	85	137	215	-----	60	32	-----	-----	275	8	130	14	110	40	875	231
713 Dentists	-----	-----	2,055	27	375	31	940	328	2,205	178	-----	-----	1,125	142	285	-----	195	7	7,180	713
714 Physicians (Medical)	-----	-----	540	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	9	540	9
715 Hospitals	-----	-----	220	-----	-----	-----	-----	14	-----	24	-----	-----	75	15	-----	10	255	-----	550	63
719 Miscellaneous	-----	-----	-----	-----	545	-----	465	10	1,090	63	60	-----	-----	-----	75	-----	25	47	2,260	120
Public Utilities	**1,395**	**25**	**3,780**	**170**	**195**	**140**	**3,615**	**323**	**3,225**	**685**	**1,265**	**375**	**1,696**	**533**	**4,310**	**166**	**2,040**	**130**	**21,521**	**2,547**
721 Electric Companies	360	9	60	50	195	-----	1,290	170	1,335	253	1,135	292	390	208	2,555	109	1,300	75	8,620	1,166
722 Gas Companies	-----	-----	-----	65	-----	-----	240	32	510	244	-----	-----	376	163	-----	19	620	-----	1,746	523
723 Electric and Gas Companies	-----	-----	3,720	3	-----	85	1,965	-----	-----	40	130	-----	930	81	1,350	-----	-----	5	8,095	214
724 Telegraph Companies	-----	-----	-----	-----	-----	1	-----	80	-----	73	-----	73	-----	4	405	13	-----	-----	405	244
725 Telephone Companies	1,035	16	-----	25	-----	-----	-----	39	660	59	-----	10	-----	35	-----	21	-----	50	1,695	255
729 Miscellaneous	-----	-----	-----	27	-----	54	120	2	720	16	-----	-----	-----	42	-----	4	120	-----	960	145
Publications	**823**	**163**	**1,775**	**105**	**1,120**	**560**	**1,785**	**511**	**2,380**	**105**	**125**	**5**	**865**	**184**	**1,750**	**315**	**585**	**304**	**11,208**	**2,282**
731 Books	3	-----	75	-----	-----	4	165	-----	525	1	-----	1	45	-----	-----	-----	-----	83	813	89
732 Magazines	285	-----	470	34	1,000	24	290	55	475	63	125	-----	325	7	230	-----	160	156	3,360	339
733 Newspapers	535	163	330	71	-----	68	1,330	459	1,380	41	-----	4	480	134	1,520	315	425	53	6,000	1,308
739 Miscellaneous	-----	-----	900	-----	120	464	-----	27	-----	-----	-----	-----	15	43	-----	-----	-----	12	1,035	564
Religion	**2,145**	**2**	**7,990**	**15**	**2,715**	**300**	**11,525**	**14**	**5,970**	**11**	**4,275**	**11**	**9,913**	**40**	**6,320**	**66**	**6,615**	**17**	**57,468**	**476**
749 Miscellaneous	2,145	2	7,990	15	2,715	300	11,525	14	5,970	11	4,275	11	9,913	40	6,320	66	6,615	17	57,468	476
Radio	**1,410**	**14**	-----	**48**	**1,200**	**33**	**405**	**234**	**720**	**284**	**455**	**53**	-----	**87**	**120**	**23**	**60**	**77**	**4,370**	**853**
751 Sets	870	14	-----	48	1,140	33	405	212	720	284	455	53	-----	18	120	23	60	77	3,770	762
752 Stations	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
753 Tubes	-----	-----	-----	-----	60	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	60	-----
759 Miscellaneous	540	-----	-----	-----	-----	-----	-----	22	-----	-----	-----	-----	-----	69	-----	-----	-----	-----	540	91
Sporting Goods	-----	-----	-----	-----	-----	-----	-----	-----	-----	**31**	-----	**6**	-----	-----	-----	-----	-----	-----	-----	**37**
769 Miscellaneous	-----	-----	-----	-----	-----	-----	-----	-----	-----	31	-----	6	-----	-----	-----	-----	-----	-----	-----	37
Tobacco	**590**	**377**	**1,525**	**452**	**3,092**	**70**	**2,895**	**270**	**1,575**	**55**	**2,830**	**354**	**1,950**	**331**	**405**	**155**	**905**	**305**	**15,767**	**2,369**
771 Cigars	390	54	640	129	682	25	390	114	420	2	15	12	120	48	-----	-----	-----	-----	2,657	384
772 Cigarettes	120	268	885	296	1,920	18	225	109	405	53	410	99	945	21	-----	155	-----	27	4,910	1,046
773 Tobacco	-----	28	-----	27	490	27	1,230	40	405	-----	210	60	90	4	-----	-----	-----	-----	2,425	186
774 Miscellaneous Tobacco	-----	-----	-----	-----	-----	-----	705	-----	-----	-----	815	181	450	258	-----	-----	905	221	2,875	660
779 Miscellaneous	80	27	-----	-----	-----	-----	345	7	345	-----	1,380	2	345	-----	405	-----	-----	57	2,900	93
Toilet Requisites	**2,245**	**572**	**3,355**	**663**	**4,300**	**903**	**4,335**	**1,415**	**4,945**	**676**	**1,200**	**608**	**4,970**	**212**	**1,780**	**77**	**1,935**	**311**	**29,065**	**5,437**
781 Antiseptics	-----	46	-----	-----	-----	-----	-----	12	150	-----	-----	81	-----	-----	-----	-----	-----	-----	150	139
782 Dentifrices	-----	20	-----	-----	645	184	195	71	1,710	109	465	-----	1,120	23	30	-----	-----	22	4,165	429
783 Perfumes-Cosmetics-Lotions	345	183	550	464	300	268	435	946	165	238	-----	258	30	92	-----	-----	-----	186	1,825	2,635
784 Toilet Soaps	425	92	1,530	50	2,010	198	2,250	141	1,720	101	480	114	325	54	-----	-----	-----	40	8,740	790
789 Miscellaneous	1,475	231	1,275	149	1,345	253	1,455	245	1,200	228	255	155	3,495	43	1,750	77	1,935	63	14,185	1,444
Transportation	**1,680**	**21**	**630**	**252**	**75**	**363**	**750**	**783**	**817**	**570**	**175**	**77**	**696**	**504**	**420**	**755**	**75**	**288**	**5,318**	**3,613**
791 Airways	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	10	-----	32	-----	42
792 Bus Lines	-----	-----	-----	-----	-----	57	-----	50	600	313	-----	-----	320	199	-----	257	-----	13	920	889
793 Railroads	1,620	-----	-----	-----	60	12	345	135	-----	65	40	4	60	2	-----	55	-----	54	2,125	327
794 Steamships	-----	-----	405	-----	-----	-----	-----	-----	-----	2	-----	-----	-----	-----	-----	8	-----	17	405	27
795 Tours	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	270	-----	-----	-----	270	-----
799 Miscellaneous	60	21	225	252	15	294	405	598	217	190	135	73	316	303	150	425	75	172	1,598	2,328
Wearing Apparel	**1,110**	**27**	**1,080**	**46**	**135**	**90**	**1,210**	**259**	**355**	**103**	**1,005**	**346**	**159**	**37**	-----	**13**	-----	**114**	**5,054**	**1,035**
801 Men's Wear	-----	-----	-----	3	-----	-----	-----	18	95	-----	345	-----	45	-----	-----	-----	-----	-----	485	21
802 Women's Wear	-----	27	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	9	-----	27	-----	63
809 Miscellaneous	1,110	-----	1,080	43	135	90	1,210	241	260	103	660	346	114	37	-----	4	-----	87	4,569	951
Watches	-----	**1,402**	-----	**1,290**	-----	**1,871**	**200**	**2,575**	-----	**786**	-----	**513**	**930**	**217**	**25**	**62**	-----	**31**	**1,155**	**8,747**
819 Miscellaneous	-----	1,402	-----	1,290	-----	1,871	200	2,575	-----	786	-----	513	930	217	25	62	-----	31	1,155	8,747
Totals	**42,668**	**6,344**	**75,521**	**12,204**	**80,978**	**16,994**	**134,554**	**31,665**	**103,607**	**17,150**	**63,376**	**12,163**	**102,059**	**16,720**	**54,735**	**8,038**	**54,262**	**11,941**	**711,760**	**133,219**

STATIONS COOPERATING
in the
BROADCAST ADVERTISING UNIT VOLUME REPORT

DISTRICT 1

CONNECTICUT
WICC—Bridgeport
WDRC—Hartford
WTHT— "
WELI—New Haven
MAINE
WCOU—Lewiston
WCSH—Portland
MASSACHUSETTS
WAAB—Boston
WBZ— "
WNAC— "
WLAW—Lawrence
WLLH—Lowell
WBZA—Springfield
WORC—Worcester
NEW HAMPSHIRE
WHEB—Portsmouth
RHODE ISLAND
WEAN—Providence
VERMONT
WCAX—Burlington

DISTRICT 2

NEW YORK
WABY—Albany
WOKO— "
WENY—Elmira
WHCU—Ithaca
WJTN—Jamestown
WABC—New York City
WQXR— "
WHDL—Olean
WHAM—Rochester
WHEC— "
WTRY—Troy
WFAS—White Plains

DISTRICT 3

DELAWARE
NEW JERSEY
WSNJ—Bridgeton
WCAM—Camden
WOR—Newark
PENNSYLVANIA
WHJB—Greensburg
WHP—Harrisburg
WJAC—Johnstown
KYW—Philadelphia
WCAU— "
KQV—Pittsburgh
WCAE— "
WGBI—Scranton
WBAX—Wilkes-Barre

DISTRICT 4

DISTRICT OF COLUMBIA
WJSV—Washington
WMAL— "
WOL— "
WRC— "
MARYLAND
WCBM—Baltimore
WFBR— "
WTBO—Cumberland
WBOC—Salisbury
NORTH CAROLINA
WWNC—Asheville
WBT—Charlotte
WBIG—Greensboro
WGTC—Greenville
WPTF—Raleigh
WRAL—Raleigh
WSTP—Salisbury
WSJS—Winston-Salem
SOUTH CAROLINA
WTMA—Charleston
WCOS—Columbia
WIS— "
VIRGINIA
WCHV—Charlottesville
WSVA—Harrisonburg
WLVA—Lynchburg
WGH—Newport News
WTAR—Norfolk
WPID—Petersburg
WRNL—Richmond
WEST VIRGINIA
WJLS—Beckley
WMMN—Fairmont
WSAZ—Huntington
WPAR—Parkersburg
WWVA—Wheeling

DISTRICT 5

ALABAMA
WSGN—Birmingham
FLORIDA
WDBO—Orlando
GEORGIA
WGPC—Albany
WAGA—Atlanta
WSB— "
WMGA—Moultrie
WSAV—Savannah
WTOC— "
PUERTO RICO

DISTRICT 6

ARKANSAS
KFPW—Fort Smith
KARK—Little Rock
KUOA—Siloam Springs
LOUISIANA
WNOE—New Orleans
KTBS—Shreveport
KWKH— "
MISSISSIPPI
TENNESSEE
WOPI—Bristol

DISTRICT 7

KENTUCKY
WLBJ—Bowling Green
WHAS—Louisville
OHIO
WJW—Akron
WICA—Ashtabula
WCKY—Cincinnati
WLW— "
WSAI— "
WCLE—Cleveland
WGAR— "
WHK— "
WBNS—Columbus
WCOL— "
WHIO—Dayton
WLOK—Lima
WPAY—Portsmouth
WSPD—Toledo
WHIZ—Zanesville

DISTRICT 8

INDIANA
WFBM—Indianapolis
WIBC— "
WIRE—Indianapolis
MICHIGAN
WELL—Battle Creek
WJR—Detroit
WWJ— "
WKZO—Kalamazoo
WKBZ—Muskegon

DISTRICT 9

ILLINOIS
WENR—Chicago
WLS— "
WMAQ— "
WCLS—Joliet
WMBD—Peoria
WTAD—Quincy
WHBF—Rock Island
WDZ—Tuscola
WISCONSIN
WTAQ—Green Bay
WCLO—Janesville
WIBA—Madison
WTMJ—Milwaukee
WRJN—Racine
WHBL—Sheboygan

DISTRICT 10

IOWA
WMT—Cedar Rapids
KRNT—Des Moines
KSO— "
WHO— "
KMA—Shenandoah
MISSOURI
KFRU—Columbia
KMBC—Kansas City
WIL—St. Louis
KMOX— "
NEBRASKA
KMMJ—Grand Island
KGFW—Kearney
KFAB—Lincoln
KFOR— "
KOIL—Omaha
WOW— "

DISTRICT 11

MINNESOTA
KATE—Albert Lea
WCCO—Minneapolis
WTCN— "
KSTP—St. Paul
NORTH DAKOTA
SOUTH DAKOTA
WNAX—Yankton

DISTRICT 12

KANSAS
KCKN—Kansas
KFBI—Wichita
OKLAHOMA
KOCY—Oklahoma City
KTOK— "

DISTRICT 13

TEXAS
KFDA—Amarillo
KGNC— "
KFDM—Beaumont
KRIS—Corpus Christi

WFAA—Dallas
KTSM—El Paso
KGKO—Fort Worth
WBAP— "
KPRC—Houston
KPDN—Pampa
KPAC—Port Arthur
KONO—San Antonio
WOAI— "
KRGV—Weslaco

DISTRICT 14

COLORADO
- KIDO—Boise
- KFEL—Denver
- KIUP—Durango

IDAHO
- KRLC—Lewiston

MONTANA
- KFBB—Great Falls
- KGVO—Missoula

UTAH
- KVNU—Logan
- KDYL—Salt Lake City
- KSL— "

WYOMING

DISTRICT 15

CALIFORNIA
- KHSL—Chico
- KYOS—Merced
- KROW—Oakland
- KFBK—Sacramento
- KROY— "
- KJBS—San Francisco
- KYA— "
- KQW—San Jose
- KWG—Stockton

HAWAII
- KGMB—Honolulu

NEVADA
- KOH—Reno

DISTRICT 16

ARIZONA
- KOY—Phoenix
- KYUM—Yuma

NEW MEXICO
- KICA—Clovis
- KAWM—Gallup

CALIFORNIA
- KFOX—Long Beach
- KECA—Los Angeles
- KFI— "
- KNX— "
- KTMS—Santa Barbara

DISTRICT 17

ALASKA

OREGON
- KBND—Bend
- KALE—Portland
- KOIN— "
- KWJJ— "

WASHINGTON
- KVOS—Bellingham
- KWLK—Long View
- KIRO—Seattle
- KJR— "
- KOMO— "
- KFPY—Spokane
- KGA— "
- KHQ— "
- KVI—Tacoma

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 4, January 24, 1941

THE WEEK IN WASHINGTON

FRENESI led the list in a popularity poll of top tunes of the day staged last week by a Detroit theater. BMI tunes were 1-2-3 last week on the coin machines. Seven of the first ten best sellers in the sheet music field were BMI. (p. 77)

NAB Code Committee will meet in New York, February 4-5. (p. 79)

District meetings were held this week in Los Angeles, San Francisco and Portland with banner attendance at each. (p. 80)

The networks reached new agreements with the A. F. of M. covering musicians employed in New York and Chicago. (p. 81)

Technical representatives of parties to the Havana Treaty reported progress in ironing out problems incident to reallocation of frequencies. Ohio State's Broadcast Engineering Conference opens at Columbus, February 10. (p. 82)

The study of how to sell the laundry business has gone out to all members from the NAB Bureau of Radio Advertising. (p. 82)

Senator Johnson (D.-Colo.) reintroduced his bill to prohibit the advertising of alcoholic beverages by radio. (p. 83)

The FCC renewed the license of Station WAAB, Boston, saying that stations should not express their own editorial opinion on controversial issues to the exclusion of others. The FCC will meet with the National Television Systems Committee on Monday, January 27. The licenses of Stations WTMC and WDLP were revoked because of false testimony and concealment of ownership.

BMI

Despite the fact that the great majority of motion picture theatres are not playing BMI music, due to the bans that have been put into effect by Loew's and other prominent theatrical chains, *Frenesi* led the list in a popularity poll of top tunes of the day staged last week in the Fox Theatre in Detroit to determine what selections Kay Kayser's band should play during his week's engagement there. In addition to the poll, the theatre conducted a survey of radio audience preferences on two Detroit stations—CKLW and WMBC—which carry both BMI and ASCAP music. The audiences, both theatrical and radio, after having ample opportunity to hear ASCAP's best product, not only gave *Frenesi* the top position by a wide margin, but picked BMI's *There I Go* as number four, BMI's *I Give You My Word* as number five, and BMI's *I Hear a Rhapsody* and *So You're The One* as eight and nine respectively.

The ten best sellers of the week on coin machines include *Frenesi, There I Go* and *I Give You My Word* as one, two and three. *I Hear A Rhapsody,* said by the BMI Sales Department to be the fastest rising song in the country, landed as number six, and *So You're The One* as number ten.

National sheet music sales for the past week, as revealed in Billboard's popularity chart, show seven out of the first ten are BMI. In the east, on the west coast and in the

(Continued on page 78)

BMI FEATURE TUNES

January 27-February 3

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. BUGLE WOOGIE
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. ANYWHERE
17. BREAKFAST FOR TWO
18. I LOOK AT YOU

Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

BMI

(Continued from page 77)

mid-west, *Frenesi* and *I Hear A Rhapsody* lead all the rest. The first six are BMI (though not identical) on both the east and west coast. Among the best selling retail records, *I Hear A Rhapsody* carries away second and third positions; the interpretation by Charlie Barnett leading that by Jimmie Dorsey by a small margin; Artie Shaw's *Frenesi* is the top in every record classification, east, mid-west, west coast and south.

BMI Now Clearing for 111 Publishers

BMI's list of affiliated publishers now includes 111 organizations ranging from catalogues containing a few dozen selections to those numbering in the tens of thousands. There are thirty-four publishers of popular music; eight of Latin-American and foreign; ten of hill-billy, racial and traditional American music; nine of patriotic and band music; ten of operatic, standard and classical music; thirty-nine of sacred, gospel and spiritual music; and one of the original music of the American Indian, known as the Redskin Publishing Company. Redskin was formed by Chief Truhart to popularize and preserve the original music of the American Indian. Two of the numbers with dance band arrangements are *Allegheny Mountain Swing* and *Ski-Ga-Gi-Wa-Gi.* They are both by the Supreme Prince of the Sun, a descendant of an Inca chieftan and a colorful character in Tin Pan Alley. One category of BMI compositions has been replenished rapidly since the first of the year. It is that of swing music, and the acquisition of the Benny Goodman catalogue—Regent Publishing Company—the Glenn Miller and the Sammy Kaye catalogues in addition to the Jimmy Lunceford and Larry Clinton books gives BMI a position in this field second to none. Originals are available now by Benny Goodman, Count Basie, Eddie Sauter, Fletcher Henderson, Jimmie Mundy, Cab Calloway, Lional Hampton, as well as by members of the Glenn Miller and Sammy Kaye bands. So much rich material is available for performance in the newly acquired BMI catalogues that it is probably safe to say that the reservoir of popular tunes has been increased by 60% since the first of the year. These new acquisitions and the wealth of unexplored material in the E. B. Marks, the Peer catalogues, and others, are bringing many performing artists to BMI on treasure hunts. Many hours are spent there in the Research and Copyright Departments going over new material. E. B. Marks, in the current issue of Variety, lists fourteen new popular tunes which have just been released, and hundreds of standards and "unforgettable old timers" now available for licensees of BMI. It is worth noting that the works of many prominent composers are available through the Marks and Peer catalogues as well as through those of SESAC and AMP. A hasty glance at the Marks list in Variety reveals numbers by Rodgers and Hart, Oscar Straus, Franz Lehar, Ernesto Lecuona, Xavier Cugat and Eliseo Grenet. Ralph Peer is calling attention to three Hoagy Carmichael songs—*Georgia On My Mind, Lazy River,* and *Rockin' Chair,* written by Hoagy before he became a member of ASCAP, which have been transferred to Peer International and thus made available to BMI.

Band Leaders Have No Complaint

A survey by the BMI Public Relations Department of the music situation, as reflected in interviews with band leaders, shows no decrease in fan mail since January 1st. These interviews revealed that about 60% of the requests for tunes these days are for numbers published or cleared through BMI. *I Hear A Rhapsody* is running close to *Frenesi* in current requests. Leaders reported no serious complaints regarding the new music and offered several constructive suggestions, among them, that the broadcasters reinforce the rule to allow at least two hours between the performance of a given song and restrict the performance of certain public domain numbers. Several leaders just under top recognition said that they liked the "new set-up" better than the old, as they are getting an even break as regards new music. They noted more interest in the interpretation given a number than had formerly been the case. All of the leaders (in particular those who are "on the way up") said that it was very important for them to retain their radio wires and that they are making every effort to do so. Several had selected BMI numbers for special treatment in regular performances and had been encouraged by the reception received. Executive managers of leading New York City hotels during the survey reported that business was quite good at the dinner and supper dance periods and that their orchestras are playing an increasing proportion of BMI music.

What Is ASCAP's Policy?

The following letter from Leon de Costa, prominent composer of musical comedies, is offered as a sequel to the statement by Art Kassel, composer and band leader, published in last week's REPORTS:

"According to press releases dated January 15, 1941, Mr. Gene Buck, president of ASCAP, defends his refusal to accept Mr. Art

Kassel's resignation from ASCAP by stating: 'that in the 26 years of ASCAP's existence no member has ever sought to resign.'

"Mr. Gene Buck's statement constitutes a deliberate falsehood: after a membership of twelve years I resigned from ASCAP as a writer-member a little over three years ago and refused to renew the radio royalty contracts between ASCAP and myself, having found my relations with that organization extremely unsatisfactory, disagreeable and humiliating.

"Upon request I will furnish an affidavit to that effect.

"I am leaving behind about 200 songs published by T. B. Harms, H. H. Remick and other ASCAP affiliates, numbers used in my musical scores of *The Blond Sinner, Kosher Kitty Kelly,* etc., and am now publishing with BMI, Associated Music Publishers, and SESAC firms. The musical score of my forthcoming *Dancy* will also be published by a non-ASCAP firm.

"Thought you might like to have this data."

(Signed) Leon de Costa.

Change of Heart

Many editorials are being received by BMI favoring the broadcasters' cause, but it was a red letter day when the following comment came in from the Hollywood Citizen of January 11th:

> "Childish.
>
> "Some persons are trying to make a complex situation out of ASCAP's battles to get more of the profits of radio broadcasting. There is nothing involved that isn't very simple. ASCAP has something to sell to the radio stations. The radio stations will be willing to buy what ASCAP has for sale when they can buy it at the price they think it worth to their business.
>
> "Appeals of ASCAP for the public to help it get more money than the broadcasters are willing to pay are childish. ASCAP has been getting four and a half million dollars a year of radio broadcasters' money. That makes it a big business institution. It needs no help from the public in a purely selfish scramble for money.
>
> "Anyway, what does the public know about whether ASCAP is entitled to one million dollars a year or nine million dollars a year?"

The Hollywood Citizen ran the columns by Morton Thompson which were strongly pro-ASCAP. Mr. Thompson has left the Citizen to take charge of ASCAP's publicity on the west coast. And while we are out on the west coast, we believe you would be interested in reading the following from the Citizen's editorial columns:

> "Persons with ASCAP money are said to have persuaded U.C.L.A. students to stage a purported protest against the radio networks for refusing to pay the price ASCAP demands for the use of its music on the radio.
>
> "ASCAP money is said to have bought quantities of old radios while the newspapers told their readers that the radios were contributed by university students for burning in connection with the so-called protest.
>
> "Let's not censure the U.C.L.A. students for falling for this. If one will note carefully some of the stories appearing in some of the newspapers of the city he will determine that a lot of newspaper readers are being betrayed as a result of ASCAP influence.
>
> "U.C.L.A. students merely wanted a little fun. They are youths. Newspapermen don't betray their readers for fun. They are seasoned with years of experience in the world."

And just opposite under the heading, "Town Meeting," which publishes letters to the editor, we read:

> "Too bad the students and others who burned up some old radio sets a few days ago didn't realize that there are a lot of shut-ins like the veterans at hospitals and myself who would have been glad to have old radio sets to use."

Support from Canada

The Canadian Association of Broadcasters at a meeting in Montreal at which practically every station in Canada was represented, decided to join the National Association of Broadcasters in supporting Broadcast Music, Inc. The resolution as passed and released to the Canadian press reads as follows:

> "Unanimously resolved that the CAB congratulate BMI on its spectacular success; and stands wholeheartedly behind BMI in its efforts to get a fair deal for broadcasters and the public in musical copyright matters. The CAB members pledge their full support to this great effort."

With more than 15,000 pieces of mail coming into BMI weekly, it is highly desirable that the mail intended for a particular department be sent to that department. BMI is now divided into the following departments:

Station Relations Department
Logging Department
Cataloguing Department
Professional Department
Arranging Department
Production Department
Editorial Department
Sales Department
Agency Relations Department
Research Department
Continuity Department
Public Relations Department

Statement of John G. Paine, General Manager of ASCAP, before the Committee on Patents, House of Representatives, March 26, 1936, page 564, of "Copyright Hearings":

> "You can tune in any night—this is not a question of my personal observation but it is the observation, I am sure, of every single member of this committee—and you will be able to hear in your own parlor ways and means of keeping yourself from smelling bad, ways and means of regulating your bowels and the bowels of your family, ways and means of keeping your scalp from becoming scurvy, and recommendations that you eat fungus of some kind to keep yourself from having a pimply skin.
>
> "I admit that you think I am crude and coarse and crass and vulgar because I have said that. But that is radio.
>
> "Radio does not have in its own business operation, in that which it has created itself, one feature which will make it acceptable in your home or my home, one feature that lends a single degree of respectability except what is created by the men and women that you have heard down here opposing the bill. That is what makes radio acceptable and that alone."

That in a word is what ASCAP's General Manager thinks of the American system of broadcasting . . . Thus Mr. Paine informs advertisers, their agencies and the listening audience that Jack Benny, Fred Allen, Helen Hayes, Lowell Thomas, Raymond Gram Swing, Walter Winchell and Elmer Davis must use ASCAP music before they can even be called "acceptable" . . . that the Metropolitan Opera broadcasts, the programs of the New York Philharmonic, "Great Plays," "Invitation to Learning" are without "a single degree of respectability" without the creations of ASCAP composers!

NAB

CODE COMMITTEE TO MEET

Featured by a luncheon to be attended by outstanding national and state officers of leading women's and parents' organizations, and by a luncheon-conference with representatives of the New York advertising agencies, the NAB Code Compliance Committee will hold one of its most important sessions since the inauguration of the Code, Edgar Bill, WMBD, Chairman of the Committee announced today. The meeting will be held at the Hotel Roosevelt, New York City, February 4 and 5.

The women's luncheon is by way of fulfillment of a promise made at a similar luncheon in the fall of 1939 when the Code Committee promised the organized women of the country that it would conduct research and surveys leading the way to improved standards for children's programs, both commercial and sustaining. Since that time, the Radio Council on Children's Programs has been organized by the women, and, in cooperation with the NAB, a nationwide survey has just been completed. Mrs. Dorothy Lewis, vice chairman of the Council, who conducted the field work for the Council, will present the findings.

The conference with New York advertising agency people will be held in conjunction with the regular weekly *Broadcasters Bull Session* at the Stouffers Restaurant at 12:30 P. M., Wednesday, February 5. Filling in the spot usually occupied by the regularly scheduled weekly guest speakers will be Mr. Bill, and Ed Kirby, retiring secretary of the Code Compliance Committee, who will talk briefly on a War Department policies governing the origination of commercially sponsored programs from Army posts. A general discussion of the Commercial Section of the NAB Code, with particular reference to time limitations, will follow the usual luncheon period.

Paul Peter, NAB Director of Research, and Russell Place, NAB Counsel, who will serve as Secretary of the Code Compliance Committee during Mr. Kirby's leave of absence at the War Department—both of whom have been conferring with the AAAA on the development of new types of time-contract—will be present to take part in the discussions.

Members of the Code Compliance Committee as recently appointed by Neville Miller, NAB president, are:

Edgar L. Bill, WMBD, Peoria, Illinois—Chairman
Hugh A. L. Halff, WOAI, San Antonio, Texas
Earl J. Glade, KSL, Salt Lake City, Utah
Henry P. Johnston, WSGN, Birmingham, Alabama
Gilson Gray, CBS, New York City
J. O. Maland, WHO, Des Moines, Iowa
Frank Mullen, NBC, New York City
Calvin J. Smith, KFAC, Los Angeles, California
Theodore C. Streibert, MBS, New York City
Russell P. Place, NAB, Washington, D. C.—Secretary

PEABODY AWARDS

The University of Georgia faculty committee which will make the preliminary selections for the George Foster Peabody Radio Awards has been announced by Dean John E. Drewry of the Henry W. Grady School of Journalism, as follows: Willett Main Kempton, assistant professor of journalism; Miss Carolyn Vance, head, department of speech; Edward C. Crouse, department of drama; Michael A. McDowell, assistant professor of music; Dr. B. O. Williams, professor and head of sociology department; and Dr. Merritt B. Pound, professor of history and government.

The recommendations of this faculty group will be presented to the Advisory Board, which will make the final selections and announcements at a time and place to be decided upon by its members, probably New York in March.

The Peabody Radio Awards were set up by the Regents of the University System of Georgia with the cooperation of the National Association of Broadcasters as a means "whereby the oldest chartered state university would recognize and encourage the social responsibilities of the youngest of the media of communication—and also honor a distinguished American.

Members of the Advisory Board are Chancellor S. V. Sanford, University System of Georgia, ex officio; Bruce Barton, president, Batten, Barton, Durstine, and Osborn, advertising, New York City; John H. Benson, president, American Association of Advertising Agencies, New York City; Virginius Dabney, editor Richmond (Va.) Times-Dispatch; Norman H. Davis, chairman, American Red Cross, formerly acting secretary of state, etc., Washington, D. C.; Jonathan Daniels, editor, Raleigh (N. C.) News and Observer; Mark F. Ethridge, vice president and general manager, Louisville (Ky.) Courier-Journal and Times; Waldemar Kaempffert, science editor, New York Times; Alfred A. Knopf, publisher, New York City; Grace Moore, Metropolitan Opera Company, New York City; Dr. John W. Studebaker, United States Commissioner of Education and chairman, Federal Radio Education Committee, Washington, D. C.; Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody, "Yaddo," Saratoga Springs, New York; and Edward Weeks, editor, Atlantic Monthly, Boston, Mass.

1941 NAB REPORTS BINDERS

Binders for the 1941 NAB Reports were sent to all NAB members on January 1. Additional binders may be secured from NAB headquarters at a price of $1.00 each postpaid.

District Meetings

DISTRICT 15

The broadcasters of the Fifteenth District—Northern California, Nevada and Hawaii—met in San Francisco, on Saturday, January 18. Forty-four persons, representing 21 stations, were in attendance.

The NAB Staff was represented by C. E. Arney, Jr., and Harry Engel, Pacific Coast Manager of BMI, was in attendance.

It was an enthusiastic meeting devoted for the most part to a discussion of the music situation. The public reaction to the transition from ASCAP music was reported by all present as extremely gratifying. Full confidence was expressed in the ability of BMI to fulfil the music requirements of the stations.

A brief discussion of the Code was had and it was agreed that legislative proposals or proposed initiatives or referenda as well as recall proceedings came within the definition of Controversial public issues until they had been qualified for the ballot in full accordance with State law.

The election of a District Director for the ensuing two-year term resulted in the unanimous endorsement of Howard Lane and he is returned to the Board.

Those registered:

William B. Smullin, KIEM; Alvor Olson, KIEM; Lee Goldsmith, KSAN; Harold H. Meyer, KYA; C. L. McCarthy, KQW; Robert W. Dumm, KSFO; Wilt Gunzendorfer, KSRO; Howard Lane, KFBK; Clyde F. Coombs, KARM; F. Wellington Morse, KSL; Lou Keplinger, KSAN; R. V. Bence, KFRC; Eddie Calder, KHUB; A. E. Nelson, KGO-KPO; Howard V. Walters, KDON; Charles P. Scott, KTKC; Preston D. Allen, KLX; Arthur Westlund, KRE; M. L. Bertsch, KHUB; Orel Phillips, KDON; Kay Barr, KGO-KPO; Carl E. Wienninger, KGO-KPO; Frank N. Cope, KJBS; Fred Ruegg, KQW; Ray Lewis, KQW; John Brunton, KQW; H. H. Wickersham, KJBS; Florence Crowell, KGO-KPO; W. B. Ryan, KGO-KPO; Clare Patrick, KPO-KGO; Glenn R. Dolberg, KGO-KPO; Will Thompson, Jr., KROY; Keith Kerby, KROW; Edward K. House, KROW; S. H. Patterson, KSAN; Don Hambly, KRE; Clifton Howell, KSFO; Wallace A. Gade, KJBS; Walter H. Conway, KMYC; Harry Engel, BMI; and M. McKiney Selleman, SESAC.

DISTRICT 16

The Sixteenth District meeting in Los Angeles on Monday, January 20th, attracted over 50 representatives of 17 broadcasting stations and incidental industries. Many CBS, NBC and NBS officials attended.

In addition, Carl Haymond, KMO, Tacoma, Washington; John Patt of WGAR, Cleveland, Ohio, and Leo Fitzpatrick of WJR, Detroit, participated.

Present, too, was Harry Engel, Manager of BMI's West Coast office; McKinley Sillerman, Station Relations Manager of SESAC; Ralph Peer of Peer International; Gerald King of Standard Radio; Pat Campbell of World Broadcasting Service, as well as representatives of NBC Thesaurus.

Carl Haverlin, Station Relations Manager of Broadcast Music, Inc., outlined the present status of BMI catalogs and music availabilities.

A thorough discussion of methods by which broadcasters may avoid complications and continue to serve public interest with good music was had.

C. E. Arney, Jr., of the NAB staff, detailed other NAB activities.

Don Thornburg of KNX made a stirring appeal for 100 per cent membership, stating that NAB has demonstrated its effectiveness and was entitled to the universal support of Broadcasters.

The following Resolution was adopted at the conclusion of the meeting:

> "Resolved: That the NAB members of the 16th District express full and complete confidence in Broadcast Music, Inc., and commend it for the manner in which it has provided an adequate supply of acceptable music for the use of broadcasters. The evidence of the acceptability of the music made available is testified by the public acceptance which the musical programs, since January 1, 1941, have received."

The newspapers of Hollywood and Los Angeles where ASCAP propagandists have been unusually active gave unusually fine and fair treatment to the publicity emanating from the Broadcasters meeting.

In addition, Los Angeles Advertising Club invited Mr. Arney to speak at its regular Tuesday noon meeting on the 21st. His presentation of the Broadcasters' side of the music controversy was enthusiastically received.

Those registered:

S. D. Taylor, Don Otes, KFAC; Harrison Holliway, John I. Edwards, Glan Heisch, Ernest Felix, Theresa Aeger and Bernie Smith, KFI-KECA; L. W. McDowell, KFOX; Leah McMahon and John Babcock, KFSD; Hal Lea, KFVD; Gene W. Lee, KFXM; Lee Wynne and Helene Smith, KGER; Ben S. McGlashan, H. D. Hancock, and Thelma Kinchner, KGFJ; R. A. Shepher, KHJ; L. W. Peters and Wally McLain, KIEV; Carl E. Haymond, KMO; Leo Fitzpatrick, Leo B. Tyson, Alan Cameron, and Bill Conrad, KMPC; Vic Dalton and Lyman Smith, KMTR; D. W. Thornburgh, Hal Locke, Ben Paley, Harry W. Witt, KNX; L. A. Schamblin, KPMC; John Austin Driscoll and Hazel Ryan, KRKD; Ernest L. Spencer, KVOE; John W. Swallon, Lew Frost, Alexander Petry, W. L. Marshall, Max Hutto, Don E. Gilman and Sam Hayes, NBC; John F. Patt, WGAR.

Harry Engel, Ralph Peer, Artie Mehlinger, Rudy Block and Eddie Jones, BMI; Pat Campbell, World Broadcasting System; Don Allen and Gerald King, Standard Radio; W. H. Beltz, RCA; Dave Gleckman, Broadcasting Magazine; A. J. Schrade, Transco; F. S. Kollenberg and W. B. Hupple, Best Drug and United Cigar; M. McKinley Sillerman, SESAC; and Speed Kendall, Los Angeles Times.

DISTRICT 17

Seventeenth District Broadcasters elected Harry R. Spence of Aberdeen, Washington, to a two-year term as District Director at a meeting January 22 in Portland, Oregon. This was largest meeting in District's history with over 60 in attendance. Charles Couche, Sales Manager of KOIN, Portland, was named chairman of this District's Sales Managers group. A Resolution of appreciation for constructive service rendered by C. W. Myers, Retiring Director, was unanimously adopted.

Labor

NETWORKS, A. F. OF M. MAKE CONTRACTS

CBS, NBC, WOR-WGN-Mutual have reached agreements with the American Federation of Musicians covering musicians at the network key stations in New York and Chicago.

The New York agreements will continue in effect until January 31, 1944. They provide, among other things, that CBS will employ a minimum of 65 staff musicians; NBC, 130 (115 during three consecutive months of the year), and WOR, 40.

"Regular Hourly Rate"

There still seems to be some confusion in the industry about how to determine the "regular hourly rate" of employees covered by the Wage and Hour law.

The regular hourly rate of salaried employees is determined two ways.

(1) *For those employees who work a regular number of hours each week and whose salary, by custom or agreement, covers those hours.* Divide the weekly salary by the number of hours in the regular work week. These employees are entitled to one and one-half times this rate, extra, for each hour they work above 40 each week.

(2) *For those employees whose hours fluctuate each week, or nearly every week, and who were hired with the understanding that their regular weekly salary was to cover a fluctuating number of hours.* Each week, divide the weekly salary by the number of hours worked *that week.* These employees are entitled to that rate for each hour they work, plus one half of that rate for each hour they work above 40.

Any further questions about this will be answered gladly by the NAB Labor Relations Department.

Engineering

FREQUENCY REALLOCATION

The chief technical representatives from Canada, Cuba, Haiti, the Dominican Republic, Mexico and the United States, who are attending a regional broadcasting conference in Washington announced Wednesday that the technical committee of the conference, which is meeting at the Federal Communications Commission, is making very satisfactory progress in the solution of the engineering details arising from the radio frequency notifications of the various Governments which are parties to the North American Regional Broadcasting Agreement, Habana, 1937. While some rectifications of a minor character are required in the various notifications by reason of unavoidable conflicts of an engineering nature, all delegates are most optimistic of an early solution.

The work of the technical committee involves the assignment of frequencies in the standard broadcast band to nearly 1300 radio broadcasting stations in the North American region, so that these stations may operate simultaneously with a minimum of interference to their respective services.

This constitutes an engineering problem which requires consideration of each separate frequency assignment. Obviously, no valid statement of frequency assignments can be made until the work of the committee has been completed and referred back to the conference as a whole which holds its plenary sessions at the Department of State.

The FCC notified the State Department last September that the reallocation of frequencies in this country would go into effect March 29, 1941 (NAB REPORTS, 1940, p. 4571).

OHIO STATE CONFERENCE

Indications are that there will be a record attendance at the Fourth Ohio State Broadcast Engineering Conference to be held at Ohio State University at Columbus, February 10-21.

Dr. Everitt, Director of the Conference, has assembled an unusually fine group of speakers and lecturers for the Conference.

Those who would like to submit questions concerning FCC engineering matters to be discussed at the conference are asked to submit the questions in advance. The questions will be discussed during the "General Discussion and Question Box" conducted by Andrew D. Ring, Assistant Chief Engineer of the FCC in charge of broadcasting, on Wednesday and Thursday, February 12 and 13.

Engineers are also asked to submit in advance questions on FM which they would like to hear discussed during the "Round Table on FM Problems" to be held on Thursday and Friday, February 20 and 21. The Chairman of this Round Table will be Paul deMars of the Yankee Network. E. J. Content of WOR and Dan Gellerup of WTMJ will also be at the table.

Engineers who would like to submit questions for discussion during either of these two periods, are asked to submit them to the Director of Engineering at NAB headquarters.

Further information and details concerning the Engineering Conference can be obtained by addressing Dr. W. L. Everitt, Director of the Conference, Ohio State University, Columbus, Ohio.

Sales

TRADE STUDY ON LAUNDRIES

"Results from Radio," Vol. 2, No. 1, has gone out to all members from the NAB Bureau of Radio Advertising.

The current study, which is the eleventh to be released by the Bureau since its inception a year and a half ago, tells the success story of the Model Laundry in using radio extensively over WIOD, Miami.

With 65% of its total ad budget devoted to radio, Model reports sales up 95% in four years. In a letter to Mr. Richard Porterfield, Carlton-Porterfield Agency, in charge of the account, Model states, ". . . we firmly believe radio has done the job for us." The letter and full details of Model's extensive use of radio are included in the study.

Extra copies of the "Results from Radio" folders are available to NAB members on request.

Legislation

JOHNSON BILL

Senator Johnson (D.-Colo.) on Thursday reintroduced his bill (S. 517) which would amend the Communications Act to prohibit the advertising of alcoholic beverages by radio.

The broadcasting industry was very much interested in this bill at the last session of Congress and undoubtedly will be at the present session. At the last session the bill was favorably reported by the Senate Committee on Interstate Commerce and was on the Senate Calendar. The Johnson Bill, which has the same number that it had at the last session of Congress, has been referred to the Committee on Interstate Commerce.

FEDERAL LEGISLATION

HOUSE

H. R. 2526 (Water, D., Penna.)—To govern practice before Federal administrative agencies. Referred to Committee on Judiciary.

STATE LEGISLATION

California:

A. 229 (Voigt) BOOKING AGENTS AND AGENCIES—An act regulating and licensing booking agents and booking agencies. Referred to Committee on Labor and Capital.

A. 435 (Maloney) CHILD LABOR—Permits minors to work at night in theatrical and radio productions. Referred to Committee on Labor.

A. 436 (Maloney) CHILD LABOR—Permits minors to work at night in theatrical and radio productions. Referred to Committee on Labor.

A. 437 (Maloney) CHILD LABOR—Permits minors to work at night in theatrical and radio productions. Referred to Committee on Labor.

A. 508 (Cronin) EMPLOYMENT AGENCIES—Requires a $2,000 surety bond for all employment agencies. Referred to Committee on Labor.

A. 509 (Cronin) EMPLOYMENT—Requires a $100 fee for all employment agencies and labor contractors. Referred to Committee on Labor.

S. 331 (Biggar) LABOR—MINORS—Permits minors to work evenings in theatrical and radio productions. Referred to Committee on Labor.

S. 332 (Biggar) LABOR—MINORS—Permits minors to work evenings in theatrical and radio productions. Referred to Committee on Labor.

S. 333 (Biggar) LABOR—MINORS—Permits minors to work evenings in theatrical and radio productions. Referred to Committee on Labor.

Colorado:

S. 276 (Hirschfeld) LIBEL—Relating to libel and slander. Referred to Committee on Judiciary.

S. 292 (Hirschfeld) LIBEL—Relating to libel, protecting citizens in their legal rights, fixing penalties and establishing cause of action. Referred to Committee on Judiciary.

S. 293 (Hirschfeld) LIBEL—Relating to libel, protecting citizens in their legal rights and fixing penalties and establishing cause of action. Referred to Committee on Judiciary.

S. 294 (Hirschfeld) LIBEL—Relating to libel, protecting citizens in their legal rights and fixing penalties and establishing cause of action. Referred to Committee on Judiciary.

S. 584 (Elder) MUSIC COMPOSERS LICENSES—An act concerning the regulation and use in public performance of vocal and instrumental music and provides for the licensing of authors, composers and publishers.

Georgia:

H. 10 (Evans, et al.) RADIO COMMISSION—To repeal an Act approved March 30, 1937, establishing the Georgia Radio Commission. Referred to Committee on State of Republic.

S. 8 (Redwine, et al.) RADIO COMMISSION—To repeal an Act approved March 30, 1937, establishing the Georgia Radio Commission. Referred to Committee on State of Republic.

Michigan:

H. 35 (M. O'Brien, et al.) EMPLOYMENT AGENCIES—Amends C. L. 8603 by limiting employment agencies fees from an employee to 10 per cent of first month's salary. Referred to Committee on Labor.

New York:

A. 204 (Crews) EMPLOYMENT AGENCIES—DISCRIMINATION—Prohibits discrimination by employment agencies on account of race, color or religion and authorizes ssupension or revocation of license for violation. Referred to Committee on Judiciary.

A. 214 (Schwartz) EMPLOYMENT AGENCIES—Regulates private fee-charging employment agencies and appropriates $40,000 to labor dept. Referred to Committee on Ways and Means.

S. 175 (Phelps) PROPAGANDA—Prohibits dissemination, circulation or publication of propaganda or statements by book, newspaper, speech, radio or other means of communication, to create hatred, violence or hostility against people of this state by reason of their race, color, religion or manner of worship, and fixes penalties for violations. Referred to Committee on Codes.

North Carolina:

H. 11 (Same as S. 11) (Bryant) REVENUE ACT AMENDMENTS—Amends and supplements the Revenue Act of 1939, Chap. 158. Amends following taxes: Inheritance, License, Franchise, Income, Sales, Intangibles, Compensating Use, General Administration. Referred to Committee on Finance.

S. 11 (Same as H. 11) (McBryde) REVENUE ACT AMENDMENTS—Amends and supplements the Revenue Act of 1939, Chap. 158 of the Public Laws. Amends following taxes: Inheritance, License, Franchise, Income, Sales, Intangibles, Compensating Use, General Administration. Referred to Committee on Finance.

Oklahoma:

H. 14 (Meskovsky, et al.) SALES BELOW COST—To prohibit the selling of items of merchandise below cost as a trade leader. Referred to Committee on Labor and Arbitration.

Tennessee:

S. 201 (Headden, et al.) TAX—RADIO STATIONS—Provides for 3 per cent gross receipts tax on radio stations.

FEDERAL COMMUNICATIONS COMMISSION

"The public interest—not the private—is paramount" in radio broadcasting declared the FCC in renewing the license of the Yankee Network, Inc., station WAAB at Boston with a reprimand for past practices and, at the same time, denying the application of the Mayflower Broadcasting Corp., for a new station in the same city to take over WAAB's present operating facilities of 1410 kilocycles with power of 500 watts night and 1 kilowatt day, unlimited time.

"Under the American system of broadcasting," says the Commission in its decision and order (B-107), "it is clear that responsibility for the conduct of a broadcast station must rest initially with the broadcaster. It is equally clear that with the limitations in frequencies inherent in the nature of radio, the public interest can never be served by a dedication of any broadcast facility to the support of . . . partisan ends. Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented. . . . Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the public of all sides of public issues."

The Commission by unanimous decision (Commissioner Thompson absent), affirmed its Proposed Findings of Fact and Conclusions of May 31 last, which held that the Mayflower Broadcasting Corp. was not shown to be financially qualified and, moreover, made misrepresentations in its application, but observed with respect to the Yankee Network station in the light of subsequent oral argument:

> "The record shows without contradiction that beginning early in 1937 and continuing through September, 1938, it was the policy of Station WAAB to broadcast so-called editorials from time to time urging the election of various candidates for political office or supporting one side or another of various questions in public controversy. In these editorials, which were delivered by the editor-in-chief of the station's news service, no pretense was made at objective, impartial reporting. It is clear—indeed the station seems to have taken pride in the fact—that the purpose of these editorials was to win public support for some person or view favored by those in control of the station.
>
> "The material in the record has been carefully considered and compels the conclusion that this licensee during the period in question has revealed a serious misconception of its duties and functions under the law. Under the American system of broadcasting it is clear that responsibility for the conduct of a broadcast station must rest initially with the broadcaster. It is equally clear that with the limitations in frequencies inherent in the nature of radio, the public interest can never be served by a dedication of any broadcast facility to the support of his own partisan ends. Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented. A truly free radio cannot be used to advocate the causes of the licensee. It cannot be used to support the candidacies of his friends. It cannot be devoted to the support of principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate.
>
> "Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the public of all sides of public issues. Indeed, as one licensed to operate in a public domain the licensee has assumed the obligation of presenting all sides of important public questions, fairly, objectively, and without bias. The public interest—not the private—is paramount. These requirements are inherent in the conception of public interest set up by the Communications Act as the criterion of regulation. And while the day to day decisions applying these requirements are the licensee's responsibility, the ultimate duty to review generally the course of conduct of the station over a period of time and to take appropriate action thereon is vested in the Commission.
>
> "Upon such a review here, there can be no question that The Yankee Network, Inc., in 1937 and 1938 continued to operate in contravention of these principles. The record does show, however, that in response to a request of the Commission for details as to the conduct of the station since September, 1938, two affidavits were filed with the Commission by John Shepard, 3rd, President of The Yankee Network, Inc. Apparently conceding the departures from the requirements of public interest by the earlier conduct of the station, these affidavits state, and they are uncontradicted, that no editorials have been broadcast over Station WAAB since September, 1938, and that it is not intended to depart from this uninterrupted policy. The station has no editorial policies. In the affidavits there is further a description of the station's procedure for handling news items and the statement is made that since September, 1938, 'no attempt has ever been or will ever be made to color or editorialize the news received' through usual sources. In response to a question from the bench inquiring whether the Commission should rely on these affidavits in determining whether to renew the licenses, counsel for The Yankee Network, Inc., stated at the second argument, 'There are absolutely no reservations whatsoever, or mental reservations of any sort, character or kind with reference to those affidavits. They mean exactly what they say in the fullest possible amplification that the Commission wants to give to them.' "
>
> "Relying upon these comprehensive and unequivocal representations as to the future conduct of the station and in view of the loss of service to the public involved in the deletion of this station, it has been concluded to grant the applications for renewal. Should any future occasion arise to examine into the conduct of this licensee, however, the Commission will consider the facts developed in this record in its review of the activities as a whole."

Adds the Commission:

> "One further point must be dealt with in view of certain contentions made in the course of this proceeding. It has been pointed out that The Yankee Network, Inc., is also the licensee of a second regional station in Boston, Station WNAC, and the contention has been made that the applications for renewal for WAAB should, therefore, be denied. This argument raises a serious and troublesome question of policy to which the Commission has given considerable attention and which is presently under consideration in connection with the Commission's investigation into chain broadcasting. The question is peculiarly one which cannot be effectively and fairly dealt with by singling out individual instances for treatment. It should be understood, therefore, that the grant of these applications of The Yankee Network, Inc., for renewal is without consideration of the question of dual ownership. The Commission will reserve its decision on that point until such time as it is prepared to consider a more general policy for application on a country-wide basis."

The renewal grant includes WAAB's main and auxiliary transmitters.

FCC TELEVISION REPORT

The FCC will meet with the National Television Systems Committee on Monday, January 27, at which time the latter will make a progress report on its study of the television situation.

The conference, which is not in the nature of a hearing but will be open to the public, will be held in Hearing Room A of the Interstate Commerce Commission Building, starting at 10 a. m. The various panels assigned to specific studies will report through their respective chairmen.

The National Television Systems Committee, comprising engineers representative of the industry, was created July 31, 1940, by the Radio Manufacturers Association in cooperation with the Commission for the purpose of exploring existing television systems with a view to developing and formulating standards which would be acceptable to the industry as a whole and so expedite the inauguration of a basically sound national television system.

As a preliminary to receiving this over-all report of the National Television Systems Committee, members of the Commission will visit New York Friday, January 24, for the purpose of witnessing various demonstrations of late television developments.

INTERNATIONAL BROADCAST STATIONS

The FCC has extended to July 1 next the time in which international broadcast stations in this country must operate on power of at least 50 KW. This is the minimum power deemed necessary by the Commission to render satisfactory international service, particularly to South America.

This extension has been granted in view of the fact that 11 of these stations have construction permits authorizing installation of new equipment but plead that time has not permitted completion of the work. The single exception is WCAB, Newton Square, Pa., licensed to the WCAU Broadcasting Co., which will be deleted upon erection of a new international broadcast station by the Columbia Broadcasting System to supplant WCAB.

All international stations will be expected to conform to the minimum power requirement during this period, as no further extension of time is contemplated.

LICENSE REVOCATIONS

The FCC has authorized issuance of orders to revoke the licenses of radio broadcast stations WTMC and WDLP, in Ocala and Panama City, Florida, respectively.

False testimony and concealment of ownership are charged.

Investigation disclosed that in both cases the actual operator is John H. Perry, of New York and Florida, who owns the Panama City News-Herald, the Pensacola News-Journal, and the Jacksonville Journal.

Inquiry was instituted when applications were made to transfer control of these stations to Perry properties. Station WTMC, which operates on 1500 kilocycles with 100 watts power, is licensed to the Ocala Broadcasting Co., Inc., of which John T. Alsop, Jr., of Jacksonville, was declared to be the principal owner. Transfer was sought to the Pensacola News-Journal Co.

Station WDLP, operating on 1200 kilocycles with 250 watts power by day and 100 watts at night, is licensed to the Panama City Broadcasting Company, which sought transfer to the Bay County Publishers, Inc., a wholly owned subsidiary of the Pensacola News-Journal Company which publishes the Panama City News-Herald.

The revocation orders allege that the real party in interest from the outset in the present licensees has been Perry, and that his interest in the licensees has been deliberately concealed from the Commission.

UNLICENSED OPERATOR CAUGHT

Field inspectors of the FCC's Huntington, W. Va., office, acting in cooperation with the local United States Marshal, apprehended at Hubbell, that state, a youth who is alleged to have engaged in unlicensed broadcast which caused interference to authorized radio programs.

Using the non-existent call letters WBBQ, this offender transmitted entertainment that "collided" with regular services. Amateurs, particularly, complained of the resultant interference.

The illegal station, which used a transmitter of approximately 25 watts and a steel vertical radiator, was located by means of the Commission's new direction finding equipment.

The operator has been charged with violation of Sections 301 and 318 of the Communications Act.

FROM THE FCC MAIL BAG

A doctor inquires about requirements that broadcast program continuities regarding foods be submitted to medical authorities prior to transmission. The Federal Communications Commission has no such regulations. Existing legislation places the initial responsibility for the selection of program material upon the individual stations. The Commission, however, will consider specific complaints regarding broadcast material in connection with a station's renewal of license. The National Association of Broadcasters has a code of ethics for the guidance of broadcasters, and many of its provisions deal with advertising. The Federal Trade Commission is the Government agency vested with authority to consider matters involving misrepresentations or fraudulent methods of competition in interstate commerce.

Various inquirers are informed that there is no provision in the Communications Act, nor has the Commission promulgated any rule or regulation, specifically concerning the solicitation of new bank accounts by radio, or the broadcast of grain price quotations.

A New York firm wants to know whether an additional charge may be made for broadcasting a program by means of FM simultaneously with the same program over standard broadcast facilities. The provisions of the Communications Act which authorize the Commission to pass on the amount of charges for communications service relate to common carriers only. A person engaged in radio broadcasting is not deemed a common carrier under this statute. Hence the Commission has no say in individual program rate charges.

A letter requests "forms" to be used in making complaint concerning alleged violations of law by a radio station. The Commission does not have or supply forms for this purpose. The person is told that he may summarize and submit to the Commission, in an affidavit executed before a notary public, any facts in his possession to support his complaint. Such affidavit should, among other things, state the type of station referred to, its call letters and location; the name of the owner and operator; the various dates and, as nearly as possible, the definite time the alleged violations were committed. This information should be accompanied by the names and post office addresses of witnesses, together with a brief summary of the facts to which they would testify.

A lawyer who asks about the effect of designating applications for broadcast facilities for hearing on the same day is advised:

> Such action does not in and of itself operate to consolidate the hearings on these two applications, nor does it have the effect of making each applicant an intervenor in the hearing on the other's

application. Section 1.194 of the Commission's Rules of Practice and Procedure provides:

> "The Commission, upon motion, or upon its own motion, will, where such action will best conduce to the proper dispatch of business and to the ends of justice, consolidate for hearing (a) any cases which involve the same applicant or arise from the same complaint or cause, or (b) any applications which by reason of the privileges, terms or conditions requested present conflicting claims of the same nature."

Where the Commission orders a consolidation of the hearing on two or more applications, such order has the effect of permitting the respective applicants to participate in the hearing on the other application or applications.

If participation is desired by either applicant in the hearing on another's application, a petition to intervene or a motion to consolidate the hearings may be presented to the Commission. If it is proposed to file a petition to intervene, attention is called to Section 1.102 of the Commission's Rules of Practice and Procedure and to the Commission's decision dated September 29, 1939, interpreting this rule. (In re Hazlewood, Inc., Docket No. 5698.) In the event of intention to file a motion to consolidate these hearings, the motion should show wherein these applications "present conflicting claims of the same nature," and, also, that consolidation "will best conduce to the proper dispatch of business and to the ends of justice."

It should be pointed out that neither intervention in nor consolidation of hearings on conflicting applications is necessary to a comparative consideration of such applications by the Commission. Comparative consideration can be given by the Commission in such cases notwithstanding the fact that separate hearings are held and the applicants do not intervene in each other's hearing. Nor does consolidation of hearings necessarily mean that simultaneous action on the conflicting applications will be taken by the Commission where a proper dispatch of business and the ends of justice require separate action.

Reply to a number of inquiries states that as of January 1 there were 831 standard broadcast stations licensed and 51 outstanding construction permits.

BROADCAST MEASUREMENTS

During December FCC experts measured 720 broadcast stations with 155 not measured.

Of the 720, 669 stations showed a maximum deviation within 0-10 cycles; 49 stations a maximum deviation of 11-25 cycles; 2 stations with a maximum deviation within 26-50 cycles. No stations showed a deviation over either 20 or 50 cycles.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard by the Commission during the week beginning Monday, January 27. They are subject to change.

Monday, January 27

NEW—Edward J. Doyle, Rochester, N. Y.—C. P., **1340 kc.,** 1 KW night, 1 KW day, unlimited, DA day and night.

Thursday, January 30

NEW—William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—C. P., **1370 kc.,** 250 watts, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following future dates for broadcast hearings. They are subject to change.

February 13

NEW—Edward J. Doyle, Rochester, N. Y.—C. P., **1340 kc.,** 1 KW, unlimited, DA day and night.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), Rochester, N. Y.—C. P., **1340 kc.,** 1 KW, unlimited, DA day and night.

March 4

KFEQ—KFEQ, Inc., St. Joseph, Mo.—C. P., **680 kc.,** 5 KW, unlimited, DA day and night.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—C. P., **680 kc.,** 50 KW, unlimited, DA day and night.

KMBC—Midland Broadcasting Co., Kansas City, Kans.—C. P., **690 kc.,** 50 KW, unlimited, DA night; requests facilities of KGGF, KFEQ and WNAD as proposed by N.A.R.A.

KOMA—KOMA, Inc., Oklahoma City, Okla.—C. P., **690 kc.,** 50 KW, unlimited, DA night.

KGGF—Hugh J. Powell, Coffeyville, Kans.—C. P., **690 kc.,** 5 KW, specified hours, DA night.

March 12

NEW—Thumb Broadcasting Company, Brown City, Mich.—C. P., **600 kc.,** 250 watts daytime.

March 21

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—C. P., **600 kc.,** 500 watts night, 1 KW LS.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Farnsworth Television and Radio Corp., Fort Wayne, Ind.—Granted construction permit for a new research and experimental television broadcast station to operate on frequencies **66000-72000 kc.** (Channel No. 3), 1 KW aural and visual power, A3 and A5 emission (B4-PVB-48).

KGW—Oregonian Publishing Co., Portland, Ore.—Granted construction permit to install directional antenna for day and night use and increase nighttime power from 1 to 5 KW; **620 kc.,** 5 KW day, unlimited time (B5-P-2954).

WSUN—City of St. Petersburg, St. Petersburg, Fla.—Granted modification of license to change hours of operation from specified hours to unlimited time; **620 kc.,** 5 KW, using directional antenna at night (facilities of WFLA) (B3-ML-1045).

WBZ—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Granted reinstatement of construction permit (B1-P-2161 as modified) to install new transmitter and directional antenna system for day and night use and to move transmitter to a new site about 12 miles southeast of Boston (B1-P-2998).

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted modification of license to change hours of operation from L-KOB to unlimited and power from 1 KW night, 5 KW to local sunset, to 5 KW day, 1 KW from local sunset to sunset at KOB and 250 watts after sunset KOB; **1180 kc.** (B3-ML-1037).

KWLC—Luther College, Decorah, Iowa.—Granted construction permit to change frequency from **1270** to **1210 kc.;** increase hours of operation from daytime only share KGCA, to daytime; increase power from 100 to 250 watts; install new transmitter and move transmitter site locally to 0.146 mile from present site.

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted construction permit to move transmitter site; install new equipment; install directional antenna system for night use; change frequency from **1210 kc.** to **1220 kc.;** increase power from 250 watts to 1 KW, unlimited time (B3-P-2985).

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Granted construction permit to increase night power from

1 to 5 KW, and install directional antenna system for night use; **1290 kc.**, unlimited time, 5 KW day (B4-P-2821).

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Granted construction permit to install directional antenna for night use and increase night power from 1 to 5 KW; **1290 kc.**, unlimited time, 5 KW day, subject to approval of antenna and transmitter site (B2-P-2947).

DESIGNATED FOR HEARING

WLAK—J. P. Marchant, D. J. Carey, Melvin Mayer (Transferor), The Tribune Company (Transferee), Lakeland, Fla.—Application for authority to transfer control of Lake Region Broadcasting Co., Inc., licensee of station WLAK, to The Tribune Company; **1310 kc.**, 250 watts, unlimited time. The transfer involves 98/100 of capital stock of licensee corporation for a consideration of $12,500 (B3-TC-255).

Granite District Radio Broadcasting Co., Murray, Utah.—Application for new station to operate on **1500 kc.**, 250 watts, unlimited time; transmitter location and antenna system to be determined subject to Commission approval (B5-P-2750).

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Application for construction permit to move transmitter southeast of Decatur; make changes in equipment; change frequency from **1310 kc.** to **1290 kc.**; increase power from 250 watts to 1 KW night, 5 KW LS; and install directional antenna for night use (B4-P-3028).

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Application for construction permit to change frequency from **560 kc.** to **740 kc.** (under NARBA); increase power from 1 KW night, 5 KW day, to 50 KW; move transmitter site locally to southwest of Alvarado, Calif.; install new transmitting equipment and directional antenna for both daytime and nighttime use (B5-P-2776).

KWBG—The Nation's Center Broadcasting Co., Hutchinson, Kans.—Application for authority to transfer control of corporation from W. B. Greenwald (Transferor) to O. L. Taylor 50%, William Wyse 49.9%, Wesley E. Brown, 0.1% of capital stock, for a cash consideration of $40,000; **1420 kc.**, 100 watts, unlimited time (C. P. for 250 watts) (B4-TC-251).

KFIO—Spokane Broadcasting, Corp., Spokane, Wash.—Granted special temporary authority to operate from local sunset (January, 4:30 p. m., PST) to the conclusion of high school basketball games on January 14, 16, 21, 23, 26, and 30, 1941, in order to broadcast said games only; from 7:15 p. m., PST, to the conclusion of college basketball games on January 17, 18, 21, 22, 24, 25, February 1, 7 and 8, 1941, in order to broadcast said games only.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted special temporary authority to operate unlimited time for the period February 18, 1941 to not later than February 22, 1941, in order to broadcast annual event known as The Fur Rendezvous.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Granted special temporary authority to operate simultaneously with Radio Station WFAM from 7:30 p. m., CST, to the conclusion of high school basketball games on January 17, 24, 31, February 7, 14, 1941, in order to broadcast said games only.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitter units to be installed and operated from the State-Lake Bldg., Chicago, Ill.; Link Transmitter Type No. 50-UTX with 100 watts power for visual and Link Transmitter Type No. 25-UBX 25 watts power to be used for aural; temporary steel tower to be used on roof of said building, in order to conduct tests, for the period January 19, 1941 to not later than February 17, 1941, in accordance with construction permit (File No. B4-PVE-50).

WDBJ—Times-World Corp., Roanoke, Va.—Granted modification of construction permit which authorized installation of directional antenna for night use and increase in power, for approval of transmitter location at present licensed site, and approval of directional antenna as specified under construction permit; **930 kc.**, 5 KW, unlimited time, directional antenna night (B2-MP-1136).

W2XAG—Carman R. Runyon, Jr., Yonkers, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on **117190 kc.**, 5000 watts power, special emission for frequency modulation, with transmitter located at 544 North Broadway, Yonkers, N. Y., and described as: Composite, maximum rated carrier power 5000 watts for a period ending in no event later than March 1, 1941.

W10XR—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate developmental broadcast station W10XR on the frequency **39460 kc.**, using frequency modulation with a maximum swing of 15 kilocycles, as a relay broadcast station in connection with remote program pickup service preliminary to and during the Presidential Inaugural Ceremonies in Washington, D. C., for the period beginning January 18, 1941, to not later than January 20, 1941, in order to permit Commission personnel to observe the performance of this type equipment and to conduct program service during the Inaugural Ceremonies.

KIDW—Lamar Broadcasting Co., Lamar, Colo.—Granted special temporary authority to remain silent for the period ending not later than March 30, 1941 from 9:30 p. m. to midnight MST pending submission of application for change of frequency to comply with the Havana Treaty.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7:15 p. m. to 9:30 p. m., CST, on February 1, 3, 8, 17, 22, 24, from 6:30 p. m. to 9:30 p. m., February 15, from 7 p. m. to 12 p. m., February 19, from 7 p. m. to 11 p. m., February 27, from 10 a. m. to 11 a. m., February 28, from 5 p. m. to 6 p. m., February 28, and from 7 p. m. to 10 p. m., CST, February 28, 1941, in order to broadcast Golden Gloves Finals, High School Sectional Tourney, and Purdue University basketball games only.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from local sunset (January, 4:30 p. m. EST) to 5:15 p. m., EST, January 18 and 25, 1941, in order to broadcast a program of the National Youth Administration only.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from sign off (January, 7:15 p. m., EST) January 25, 1941 to 1 a. m., EST, January 26, 1941, in order to broadcast the Metropolitan Opera performance of "Daughter of the Regiment" for the benefit of the Free Milk Fund for Babies.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Denied special temporary authority to operate from midnight to 1 a. m., CST, for a period not to exceed 30 days, in order to broadcast a variety program.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from 7:30 p. m., EST, to conclusion of addresses following the banquet for Pennsylvania State Commanders of American Legion on January 22 in order to broadcast said addresses only.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted construction permit to install new directional antenna for night use (B2-P-3060).

WBRY—American-Republican, Inc., Waterbury, Conn.—Granted modification of construction permit (B1-P-2756) which authorized changes in directional antenna, installation of new transmitter and increase in power, for extension of commencement date from Dec. 22/40 to Jan. 22/41 (B1-MP-1138).

WRC—National Broadcasting Co., Washington, D. C.—Granted modification of construction permit (B1-P-245) which authorized increase in power and installation of directional antenna for night use, for extension of completion date to March 5/41 (B1-MP-1139).

KLS—Warner Brothers, Oakland, Cal.—Granted modification of construction permit (B5-P-2826 which authorized increase in power, changes in antenna and installation of new transmitter), for installation of new transmitter (B5-MP-1140).

WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-631).

Lehigh Valley Broadcasting Co., Portable-Mobile, area of Allentown, Pa.—Granted construction permit for new relay broadcast station to be used with applicant's broadcast stations WCBA and WSAN; frequencies **1622, 2058, 2150, 2790 kc.**, 3 watts.

Jack R. Butler, West Palm Beach, Fla.—Granted special temporary authority to operate ship transmitter aboard yacht *Duchess II*, call letters WPYW, on frequency **2790 kc.**, for period January 19 to February 9, in order to relay broadcast the Silver Sailfish Derby to station WJNO and make recordings at the studio in West Palm Beach.

National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to transmit to Cuban Station CMQ for rebroadcast by that station Spanish Program entitled "Life of Desi Arnaz with Songs and Music" transmitted by International Broadcast Station WRCA from 9:15 p. m. to 9:30 p. m., EST, on January 21, 1941.

Puerto Rico Advertising Co., Inc.—Denied petition to intervene in the hearing on the application of Caribbean Broadcasting Assn., Inc., San Juan, for a new station to operate on **1500 kc.**, 250 watts, unlimited time, and on its own motion the Commission consolidated the hearing on the Caribbean Broadcasting Assn. application with the application of Puerto Rico Advertising Co., Inc., for a new station in San Juan, requesting the same facilities.

KMBC—Midland Broadcasting Co., Kansas City, Kans.—Granted motion to accept appearance filed late in re application for construction permit to change frequency from **950** to **690 kc.**, and increase power to 50 KW.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted motion to accept appearance filed late in re application for construction permit to change frequency from **1350** to **680 kc.**, and increase power to 50 KW.

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Granted petition for continuance of hearing now scheduled for February 19 for a period of 30 days, on application for construction permit to operate on **600 kc.**, 500 watts night, 1 KW day, unlimited time.

WSAY—Brown Radio Service and Lab., Rochester, N. Y.—Granted petition insofar as consolidation and continuance of hearing in re application of Edward J. Doyle, for a new station in Rochester, N. Y., to use **1340 kc.**, 1 KW, unlimited time; dismissed petition in re intervention, and ordered date for consolidated hearing be fixed at February 13 on Doyle application and WSAY's application for same facilities, and that separate hearing heretofore scheduled be cancelled.

W3XP—Philco Radio & Television Corp., Philadelphia, Pa.—The frequency band authorized for channel No. 13 heretofore authorized for experimental television relay station W3XP, was changed from **234000-240000 kc.** to **230000-236000 kc.**, and the frequency band authorized for channel No. 14 from **240000-246000** to **236000-242000 kc.**—the authorization otherwise to remain the same.

W6XLA—Television Productions, Inc., Los Angeles, Cal.—The frequency band authorized for channel No. 13 heretofore authorized for experimental television relay station W3XP, was changed from **234000-240000 kc.** to **230000-236000 kc.**, and the frequency band authorized for channel No. 14 from **240000-246000** to **236000-242000 kc.**—the authorization otherwise to remain the same.

MISCELLANEOUS

WKGA—The Tribune Company, Tampa, Fla.—The call letters WFLA, formerly used by Florida West Coast Broadcasting Co., Inc., were assigned to the Tribune Company's station replacing WKGA, heretofore authorized. Under grant of modification of license for WSUN (listed above), the facilities of WFLA were granted WSUN.

KLPM—John B. Cooley, Minot, N. Dak.—Adopted order withholding action on petition for rehearing filed by the Enid Radiophone Co. (KCRC), Enid, Okla., directed against the action of the Commission October 22, 1940, granting the application of John B. Cooley (KLPM), Minot, N. Dak., for modification of license to increase power output from 500 watts night, 1 KW day, unlimited time on frequency **1360 kc.**, to 1 KW, unlimited time on that frequency, and withholding action upon the application of Enid Radiophone Co. (KCRC) for construction permit (B3-P-2810) for a period of 30 days from date of this order, within which time petitioner and John B. Cooley (KLPM) shall submit to the Commission a plan for a directional antenna for Station KLPM, which will permit maximum use to be made of the frequency **1360 kc.** (B4-ML-651).

WTJS—Sun Publishing Co., Inc., Jackson, Tenn.—Adopted order withholding action on petitions for rehearing filed by Onondaga Radio Broadcasting Corp. (WFBL), Syracuse, N. Y., and Enid Radiophone Co. (KCRC), Enid, Okla., and withholding action on application of Enid Radiophone Co. (KCRC) for construction permit, for a period of 30 days from the date of this order within which time petitioners and the Sun Publishing Co. (WTJS), shall submit to the Commission a plan of directional antennas for nighttime use for Stations WTJS and KCRC which will permit these stations to operate on the frequency **1360 kc.** with 1 KW power, unlimited time, and at the same time permit maximum use of the frequency **1360 kc.** (B3-P-2525).

Community Broadcasting Co., Inc., Wheeling, W. Va.—Adopted order granting request of The Exponent Co. (WBLK), Clarksburg, W. Va., to withdraw petition for rehearing filed by it directed against the action of the Commission November 26, 1940, granting the application of Community Broadcasting Co., Inc., for construction permit for new broadcast station (which said request was considered as a motion to dismiss). (B2-P-2967)

WWRL—Long Island Broadcasting Corp., Woodside, Long Island, N. Y.—Adopted order extending effective date of provision (3) of Commission order of December 5, 1938, till 60 days from January 22, 1941, thus continuing temporary authority to Station WWRL to operate during the hours formerly used by Station WMBQ.

WCSC—South Carolina Broadcasting Co., Inc., Charlestown, S. C.—Adopted order denying joint petition for reconsideration and grant without hearing filed by The Liberty Life Insurance Co., transferor, and John M. Rivers, transferee, for transfer of control of South Carolina Broadcasting Co., Inc., licensee of Station WCSC (Docket No. 5922). (B3-TC-231)

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchison, Kans.—Denied modification of construction permit (which authorized a change in the transmitter site, changes in equipment, and increase in power from 100 to 250 watts), for an extension of completion date to June 20, 1941; denied on the ground that the licensee corporation under the present control is not financially able to carry out the terms of the construction permit (B4-MP-1112).

APPLICATIONS FILED AT FCC

570 Kilocycles

WWNC—Asheville Citizens-Times Co., Inc., Asheville, N. C.—Construction permit to install new transmitter, directional antenna for night use, increase power from 1 KW to 5 KW, and move transmitter from 20 Battery Park Place, Asheville, N. C., to Emma and Maple Crest Road, Near Emma, N. C. Amended to request power of 1 KW; 5 KW-Local Sunset, change antenna system to vertical antenna and transmitting equipment.

620 Kilocycles

WSUN—City of St. Petersburg, St. Petersburg, Fla.—Modification of license to change hours of operation from specified hours to unlimited time. Requests facilities of WFLA.

640 Kilocycles

WNAD—University of Oklahoma, Norman, Okla.—Construction permit to install new antenna system, change frequency from **1010** to **640 kc.**, and move transmitter .35 mile from Engineering Building, University of Oklahoma, Norman, Oklahoma to East Stadium, Norman, Oklahoma. Amended: To request change in hours of operation from specified hours to daytime.

780 Kilocycles

WTAR—WTAR Radio Corporation, Norfolk, Va.—License to cover construction permit (B2-P-2737) for authority to make changes in directional antenna system, and increase power.

WTAR—WTAR Radio Corporation, Norfolk, Va.—Authority to determine operating power by directional measurement of antenna power.

1050 Kilocycles

KNX—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power on **1070 kc.** under North American Regional Broadcasting Agreement.

1120 Kilocycles

WTAW—Agricultural & Mechanical College of Texas, College Station, Texas.—Modification of construction permit (B3-

MP-1006) for a new transmitter, and increase in power, requesting extension of commencement date from December 22, 1940 to March 29, 1941.

1210 Kilocycles

WKOK—Sunbury Broadcasting Corp., Sunbury, Penna.—Authority to determine operating power by direct measurement.

1310 Kilocycles

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Authority to transfer control of corporation from J. P. Marchant (63 shares), D. J. Carcy (25 shares) and Melvin Meyer (10 shares) to The Tribune Co.

KOCY—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Authority to determine operating power by direct measurement of antenna power on **1340 kc.** under North American Regional Broadcasting Agreement.

WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—Modification of license to increase power from 100 watts to 250 watts.

WBRK—Harold Thomas, Pittsfield, Mass.—Voluntary assignment of license from Harold Thomas to Monroe B. England.

1370 Kilocycles

WBLK—The Exponent Co., Clarksburg, W. Va.—Voluntary assignment of license from The Exponent Co., to Charleston Broadcasting Co.

WTCM—Midwestern Broadcasting Co., Traverse City, Mich.—License to cover construction permit (B2-P-2565) as modified for a new station.

WTCM—Midwestern Broadcasting Co., Traverse City, Mich.—Authority to determine operating power by direct measurement of antenna power.

KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment of construction permit (B5-P-2027) from Lee E. Mudgett to The Everett Broadcasting Company, Inc.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Authority to transfer 49 percent of common stock, of Carolina Advertising Corporation, from A. B. Langley (24½ percent), and Ames Haltiwanger (24½ percent), to Carolina Life Insurance Company.

WHBQ—Broadcasting Station WHBQ, Inc., Memphis, Tenn.—Construction permit to install new transmitter and increase power from 100 watts to 250 watts.

1380 Kilocycles

NEW—A. M. Burton, Nashville, Tenn.—Construction permit for new station on **1380 kc.**, 1 KW, unlimited. Studio site to be determined. Transmitter—near Nashville, Tennessee. Directional antenna day and night use.

1420 Kilocycles

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Transfer of control of corporation from The Exponent Co. to Charleston Broadcasting Co., 47 shares common stock.

KTRI—Sioux City Broadcasting Co., Sioux City, Iowa.—Authority to determine operating power by direct measurement of antenna power on **1450 kc.** under North American Regional Broadcasting Agreement.

1440 Kilocycles

WMBD—WMBD Broadcasting Co., Peoria, Ill.—Construction permit to install directional antenna for night use and increase power from 1 KW; 5 KW day to 5 KW day and night; make changes in vertical antenna. Amended to change name from Peoria Broadcasting Co. to WMBD Broadcasting Co.

1500 Kilocycles

KPLC—Calcasieu Broadcasting Co. (T. B. Lanford, R. M. Dean and L. M. Sepaugh), Lake Charles, La.—Authority to determine operating power by direct measurement of antenna power.

1530 Kilocycles

WALB—The Herald Publishing Co., Albany, Ga.—Modification of construction permit (B3-P-2774) as modified for a new station, requesting authority to install a new transmitter and extend commencement and completion dates from December 19, 1940, and March 19, 1941, to thirty days after grant and 90 days thereafter, respectively.

1550 Kilocycles

WRGA—Rome Broadcasting Corp., Rome, Ga.—Authority to install automatic frequency control equipment.

1560 Kilocycles

NEW—James F. Hopkins, Inc., Ann Arbor, Mich.—Construction permit for a new station on **1560 kc.** (under North American Regional Broadcasting Agreement), 1 KW, unlimited time; install directional antenna for day and night use; transmitter site: corner Washtenaw and Platt Road, Ann Arbor, Mich.; studio site to be determined, Ann Arbor, Mich.

FM APPLICATIONS

NEW—Edwin H. Armstrong, New York, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **43100 kc.**; coverage, 15,610 square miles; population, 12,237,173. Location: Transmitter and studio, Route 9W, Alpine, N. J. (Composite, maximum 40 KW).

NEW—City of New York, Municipal Broadcasting System, New York, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **46700 kc.**; coverage, 3,889 square miles; population, 11,550,274. Location: Transmitter, Centre and Duane Streets, New York, N. Y.; studio, Municipal Building, Centre and Chambers Streets, New York, N. Y. (Western Electric Type 503 A-1, maximum 1 KW).

NEW—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Construction permit for new high frequency broadcast station. Frequency, **48300 kc.**; coverage, 9,600 square miles; population, 2,900,000. Amended re change population from 2,900,000 to 3,900,000.

TELEVISION APPLICATIONS

NEW—Balaban & Katz Corp., Chicago, Ill.—Construction permit for new television broadcast station. Frequencies, **384000-396000 kc.**; power, 10 watts; emission, A3 & A5; location, Portable-Mobile, area of Chicago, Illinois.

NEW—Balaban & Katz Corp., Chicago, Ill.—Construction permit for a new television station. Frequencies, **384000-396000 kc.**; power, 10 watts; emission, A3 & A5; location, 190 North State Street, Chicago, Illinois.

MISCELLANEOUS APPLICATIONS

KEHS—WDAY, Inc., area of Fargo, N. Dak.—License to cover construction permit (B4-PRE-372, which authorized change in frequencies, increase in power, and new equipment).

WDAC—State of Wisconsin, University of Wisconsin, area of Madison, Wis.—License to cover construction permit (B4-PRY-227) for a new relay station.

NEW—The Yankee Network, Inc., Boston, Mass.—Construction permit for new relay broadcast station, frequencies **156750, 158400, 159300, 161100 kc.**, power 20 watts, emission special for frequency modulation. Location: Portable-Mobile, area of Boston, Mass.

NEW—Philco Radio & Television Corp., area of Philadelphia, Pa.—Construction permit to increase power from 15 watts to 125 watts, and install new equipment.

KFDB—Amarillo Broadcasting Corp., area of Amarillo, Tex.—License to cover construction permit (B3-PRY-229, which authorized a new relay broadcast station).

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Drug Profits, Inc.—Alleging misrepresentation in the sale of medicinal preparations designated "Phalene" and "Burtone", a complaint has been issued against J. H. Camp, their distributor, trading as J. H. Camp and as Drug Profits, Inc., Ravenswood, W. Va.

In radio advertisements the respondent represented, according to the complaint, that "Phalene" is a liver tonic; that its use will help remove poisons which cause premature aging; that it is a competent treatment for sick headache, nausea, appetite loss, aching muscles and joints, restless sleep, rundown condition, indigestion and acid conditions, and that "Burtone" is effective for treating bilious attacks, stomach nausea, headaches, indigestion and tired-out feeling, and that it will correct faulty habits of elimination, produce free organic action of liver and lower bowel, and free the body of toxic poisons.

Alleging that the respondent's representations are exaggerated and untrue, the complaint charges that "Phalene" is primarily an irritant laxative; that its effect on the liver would be limited to tending to increase bile secretion, and that it has no therapeutic effect in treating the conditions mentioned in excess of affording temporary relief when such conditions are due to constipation.

The therapeutic property of "Burtone", the complaint continues, is limited to that of a laxative and mild choleretic. The complaint alleges that this preparation has no therapeutic value in treating the conditions mentioned in excess of affording temporary relief when due to constipation. (4446)

Milk Cap Statistical Bureau, Philadelphia, and 12 manufacturers representing more than 75 per cent of the total business of the paper disc milk bottle cap industry, are charged with conspiracy to prevent price competition and restrain trade in violation of the Federal Trade Commission Act in a complaint.

Included also as respondents are George J. Lincoln, Jr., Philadelphia, manager and executive secretary of the bureau, and the bureau's executive committee consisting of Ray W. Blodgett, Belvidere, Ill., George W. Rohrbeck, Detroit, and Robert H. Schulz, Piqua, Ohio.

The respondent manufacturers of milk bottle caps are: Atlas Paper Box Company, trading as Atlas Bottle Cap Company, Chattanooga, Tenn.; Great Lakes Bottle Cap Company, Detroit; Robert S. Leonard Company, Kansas City, Mo.; L. Levingston Company, San Francisco; Fowler E. Macy and Edna B. Macy, trading as Fowler E. Macy Company, Converse, Ind.; Mid-West Bottle Cap Company, Belvidere, Ill.; National Manufacturing Company, Kansas City, Mo.; Ohio Bottle Cap Company, Piqua, Ohio; Piqua Cap Company, Piqua, Ohio; Sealright Company, Inc., Fulton, N. Y.; Smith-Lee Company, Inc., Oneida, N. Y.; and Standard Cap and Seal Corporation, Chicago.

All the respondent manufacturers except Standard Cap and Seal Corporation are members of The Milk Cap Statistical Bureau, a trade association known until 1937 as National Association of Bottle Cap Manufacturers.

Approximately 21 concerns, composing the milk bottle cap industry, including the 12 respondent manufacturers, sell approximately 10,000,000,000 caps annually, valued at approximately $4,500,000, to jobbers and dairies.

The Commission complaint alleges that the respondent bureau, its executive committee, manufacturer members and Standard Cap and Seal Corporation carried out understandings, agreements, combinations and conspiracies pursuant to which the respondent manufacturers fixed minimum prices, maintained uniform prices, and fixed and maintained uniform discounts and other conditions for the sale of their products; fixed and maintained, with dairies, uniform contract terms providing for the dairies' actual yearly requirements of bottle caps at a price dependent upon the quantity contracted for, and furnished the bureau with lists of such dairies under contract.

Pursuant to the agreements, the respondent bureau, according to the complaint, issued a "Jobber Rating Book" for use of the respondent manufacturers, classifying and rating all jobbers purchasing 350,000 or more paper disc milk bottle caps annually, and the respondent manufacturers allegedly abided by the Jobber Rating Books in determining prices and discounts allowed jobbers.

A "Dairy Rating Book", and supplements thereto, classifying and rating the approximately 50,000 dairies in the United States, were issued from time to time by the respondent bureau, according to the complaint, and the respondent manufacturers allegedly abided by the rating books in determining prices at which dairies would be sold. The rating book, it is alleged, classified dairies in groups using 25,000,000 or more, 12,000,000 to 25,000,000, and 5,000,000 to 12,000,000 caps yearly.

The complaint further charges that the respondent manufacturers furnished the bureau with copies of all invoices covering sales; changed, simultaneously, prices and discounts, and, in the event of a price advance, agreed that each respondent manufacturer would have the privilege of shipping customers under contract the same number of bottle caps in the succeeding two months as that customer purchased from the same manufacturer in the prior two months at the prior price.

According to the complaint, the respondent manufacturers, at the time of each price advance, furnished the respondent bureau the lists of customers under contract with them and records showing the quantity of paper disc milk bottle caps which had been shipped to such customers in the prior 60 days. (4448)

Montgomery Ward & Co., Inc., Chicago, has been served with a complaint alleging misleading representation in the sale of devices advertised in its mail order catalogs as "Ward's Posture-Aid Health Belts", "Diab Reducers", and "Du Pont Velutex Perforated Reducers".

The complaint alleges that through various representations, illustrations and the use of the terms "Health" and "Reducers" in the trade names of the devices, the respondent corporation advertises that the devices when worn will reduce excess flesh, correct figure faults, reduce the wearer's diaphragm and abdomen, correct pendulous abdomens, take two to three inches from abdomen and diaphragm, and make reducing easy.

According to the complaint, the wearing of the respondent's devices will not cause a reduction of local or body tissue, and will not effectively remove fat or lessen excess weight. The products allegedly have no value in maintaining or restoring body health. However, the complaint continues, the devices will afford artificial support, lessen the prominence of pendulous abdomens and, by compressing the portion of the body about which they are placed, change the wearer's physical appearance. They will not correct this abdominal condition, according to the complaint, but instead will cause further loss of the functioning of the abdominal muscles. (4447)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

American Cord & Webbing Company—Max Krauss, trading as American Cord & Webbing Company, 394 Broadway, New York, has been ordered to cease and desist from misleading representations in the sale of cloth tape or web used in connection with the manufacture of Venetian blinds. The respondent sells this tape or web to manufacturers or wholesalers of the blinds.

Among the products sold by the respondent, according to Commission findings, are a variety of tapes colored by vat dyes, and some colored by other processes.

The Commission order directs the respondent to cease and desist from representing that products not dyed with vat dyes are vat dyed, and that colors of the respondent's products will not change or fade, or that they are impervious to the effects of sunlight, or will successfully resist the effects of sunlight for specified periods, when in fact the products do fade or change color because of such exposure.

The respondent also is directed to cease using the term "Lintex" to describe a product not composed of linen and the term "Siltex" to refer to a product not composed of silk; and to discontinue advertising, offering or selling articles composed wholly or partly of rayon without clearly disclosing the rayon content and, in the case of products composed partly of rayon and partly of other fibers or materials, naming all such fibers or materials, including the rayon, in the order of their predominance by weight, beginning with the largest single constituent. (4112)

Bowe & Hartman—An order has been issued directing R. G. Bowe and W. W. Hartman, trading as Bowe & Hartman, 101

Summit St., Toledo, to cease and desist from misleading representations in the sale of "Bowe's Tablets".

Advertisements disseminated by the respondents, according to Commission findings, represented that some 20 ailments, including ulcers of the stomach, duodenum and intestines, are due to, or persist because of, hyperacidity or the presence of excess acid in the body, and that the respondents' preparation is a cure or remedy for hyperacidity and consequently for the ailments mentioned.

The Commission order directs the respondents to cease and desist from disseminating advertisements representing that ulcers of the stomach, duodenum or intestines, gas on the stomach, sour stomach, indigestion, heartburn, constipation, nausea, pains around the heart, muscular pains, nervousness, melancholia, colds, headaches, dizziness, fatigue, lack of appetite, bad breath, or insomnia, are caused by, or persist solely because of, hyperacidity; that the respondents' preparation constitutes a cure or remedy for any of these ailments or conditions, or for hyperacidity; or that such preparation possesses any therapeutic value in their treatment in excess of such temporary and palliative relief as it may afford by the neutralization of gastric hyperacidity in those cases where gastric hyperacidity is a contributing factor.

The order also directs the respondents to cease representing that they are manufacturing pharmacists or that they manufacture the preparation they sell. (4373)

Pioneer Specialty Company—An order has been issued directing Harry A. Greenberg, trading as Pioneer Specialty Company and as The Candyland Company, 38 Crosby Ave., Brooklyn, to cease and desist from lottery practices and certain misleading representations in connection with the sale of candy to the consuming public through wholesalers, jobbers and retail dealers.

The respondent is ordered to cease and desist from selling and distributing any merchandise so packed and assembled that sales of such merchandise to the public may be made by means of a game of chance, gift enterprise or lottery scheme; supplying to or placing in the hands of dealers packages or assortments of any merchandise which may be used to conduct a lottery; supplying dealers with lottery devices, either with assortments of merchandise or separately, which devices may be used in selling or distributing such merchandise to the public; packing or assembling in the same package or packages of candy or other merchandise for sale to the public at retail, pieces of candy of uniform size and shape having centers of a different color, together with larger pieces of candy, or other merchandise, or separately, which larger pieces or other merchandise may be given as prizes to purchasers procuring a piece of candy having a center of a particular color; and selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

The Commission order also directs the respondent to cease using the word "Factory" in connection with his trade names, or otherwise representing that the respondent owns or operates a manufacturing plant, or manufactures his products. (4381)

Purex Corporation, Ltd., Southgate, Calif., has been ordered to cease and desist from making misleading representations in the sale of "Purex", a chemical preparation intended for use as a germicide.

The Commission order directs the respondent corporation to cease and desist from representing that a solution containing any amount less than 10 per cent of its preparation is a competent or effective germicide for the treatment of surface cuts or sores; that a solution containing two tablespoons of Purex to each gallon of water used is a competent or effective disinfectant or "disinfectant bath" for use on metal or wood surfaces, except in cases where the surfaces have been previously cleaned and thoroughly washed; or that a solution of these proportions is capable of killing all forms of bacterial life. (4074)

W. E. Robinson & Co., Inc., Bel Air, Md., has been ordered to cease and desist from violation of the brokerage provision of the Robinson-Patman Act.

The respondent, according to findings, has been engaged in the business of field broker, acting as the agent of sellers in transactions of sale and purchase of canned fruits and vegetables between sellers thereof and jobbers, wholesalers, retail chain stores and other purchasers.

Commission findings are that the respondent has effected sales for the sellers both by direct transactions with the purchasers and through corresponding or local brokers employed by the respondent; that for its services to the sellers the respondent has received from the sellers a brokerage fee or commission, usually four per cent of the price paid by the purchaser, and that in instances where such sales are effected through the aid and assistance of local brokers a portion of this brokerage fee is paid by the respondent to such local brokers for such sales assistance.

Further findings are that where the respondent has effected sales for the sellers directly with the purchasers, an allowance or discount in lieu of brokerage is granted to such purchasers by the respondent, such allowance and discount usually being the equivalent of the brokerage paid by the respondent to local or corresponding brokers when sales are effected through them. This allowance or discount, according to the findings, usually amounts to 50 per cent of the brokerage fees or commissions paid by the sellers to the respondent.

The Commission finds further that in connection with the respondent's purchase of canned products for its own account for resale to jobbers, wholesalers, retail chain stores and other purchasers, it has received and accepted from the sellers and has granted and allowed to the purchasers on resale, substantial brokerage fees and commissions or allowances and discounts in lieu thereof.

The order directs that the respondent cease granting or making any allowances or discounts in lieu of brokerage to any purchaser by selling commodities to any such purchaser at a price reflecting a reduction from the prices at which sales of the commodities are currently being effected by the respondent to other customers, such reduction being an amount representing, in whole or in part, brokerage currently being paid by the respondent to corresponding or local brokers for brokerage services or sales assistance rendered to the respondent in effecting sales of such commodities to other purchasers.

The order also directs that the respondent cease granting or allowing, in any manner, directly or indirectly, any commission, brokerage or other compensation or allowance or discount in lieu thereof to any purchaser in such transactions.

The order further directs that the respondent cease and desist from making purchases of commodities for its own account at a price or on a basis which reflects a deduction or reduction, or is arrived at or computed by deducting or subtracting, from the prices at which sellers are selling commodities to other purchasers thereof, any amount representing or reflecting, in whole or in part, brokerage currently being paid by sellers to their brokers on sales of commodities made for such sellers by, or by such sellers through, their brokers.

The order also directs the respondent to cease accepting from sellers in any manner any commission, brokerage or other compensation or allowance and discount in lieu thereof on purchases of commodities made for its own account. (4294)

United Factories, Inc., 13th and McGee Sts., Kansas City, Mo., has been ordered to cease and desist from misleading representations in the sale of oil burners for installation and use in stoves and furnaces.

The Commission order directs the respondent to cease and desist from representing that its oil burner is a new type invention involving a new principle of operation and furnishing more heat at smaller cost than other similar burners; that it burns cheap oil in a new way, performs perfectly, is automatic, or furnishes quick intense heat at the turn of a valve; and that burners are furnished to agents without cost and unconditionally for use in making demonstrations.

Under the order, the respondent is further directed to cease representing that its burner is "guaranteed", unless the terms and conditions of the "guarantee" are set out in immediate conjunction with the word "guarantee" or with any reference to such "guarantee" and the terms and conditions are such that they may reasonably be complied with. (4379)

U. S. Air Seal, Inc., Niles, Ohio, formerly of Girard, Ohio, has been ordered to cease and desist from making misleading representations in the sale of "Air Seal", an automobile accessory compound designed to prevent blow-outs in tires.

Commission findings are that use of the respondent's product will neither cause tires to be immune from blow-outs, nor accomplish other similar results claimed by the respondent.

The Commission order directs U. S. Air Seal, Inc., to cease and desist from representing that use of its product will cause tires to be safe from blow-outs, or will prevent blow-outs caused by large holes, tube punctures or broken beads; that its use will control a blown-out tire by retaining enough air in the tube for safe stopping; that its use will eliminate friction, extend the life of the tube, preserve rubber, or produce a 25 per cent or other appreciable increase in tire mileage, or that the product is superior to similar products used to prevent the escape of air from tubes. (4187)

White King Soap Company—An order has been issued directing White King Soap Company, Los Angeles, to cease and desist from making misleading representations in the sale of a laundry soap and a toilet soap manufactured by its parent company, the Los Angeles Soap Company.

Commission findings are that in advertisements the respondent represented, among other things, that "White King Granulated Soap" is the only soap with which fabrics can be satisfactorily washed in cool water; that cool water washing causes fabrics to be brighter and whiter than hot water washing, and that the use of this soap in washing textiles makes it unnecessary to use bleaching and bluing.

According to Commission findings, "White King Granulated Soap" is not the only soap with which fabrics can be satisfactorily washed in cool water; some fabrics are preferably washed in cool and some in hot water, and washing of textiles with the respondent's soap does not make unnecessary the use of bleaching and bluing.

The Commission's order directs that the respondent cease and desist from these representations and that it also discontinue representing that the use of a jelly made from "White King Granulated Soap" will remove all spots or stains from fabrics; that this soap is superior to other similar soaps; that all fabrics fade or shrink when washed in hot water, and that the use of the respondent's laundry soap prevents fabrics from fading or shrinking.

Concerning its "White King Toilet Soap", the respondent is directed to discontinue representing that this product will keep the skin fresh or supple, or prevent or remove wrinkles in the skin. (3928)

Zone Company—Misrepresentation in the sale of medicinal preparations and devices for use in so-called feminine hygiene, is prohibited under an order issued against Harry S. Benham, 620 Orleans St., Chicago, who trades under the names The Zone Company, Active Merchandisers, Active Medicine, Nu-Mode Company, and American Medicine Company.

The Commission order directs the respondent to cease and desist from disseminating advertisements representing that "Nu-Mode Vaginal Jelly" (also known as "A. M. Vaginal Jelly"), "Nu-Mode Hygiene Tablets", "Vaginal Suppositories and Douche Tablets", and "Speed Nu-Mode Hygiene Douche Tablets" form safe and effective preventives against conception or are a guaranteed method of preventing pregnancy; and that "Nu-Mode Ladies Womb Supporter" is comfortable, efficient, or sanitary, or has therapeutic value.

The order further directs the respondent to cease and desist from representing that "Athlete's Foot Salve" is a cure or remedy for athlete's foot or has therapeutic value in its treatment in excess of temporarily relieving symptoms of itching and in some cases destroying superficial fungi; that "A. M. Wonder Salve" is a cure or remedy for eczema or other forms of itch or rash or has therapeutic value in their treatment in excess of affording temporary relief from symptoms of itching, or that the preparation has any properties effective in preventing infection or in treating ulcers, old sores, leg sores, acne or pimples. (4352)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

Albert Laboratories, Inc., 2535 North California Ave., Chicago, has entered into a stipulation in which it agrees to cease advertising that "Respirine", a medicinal product which formerly contained potassium iodide, is an effective remedy for asthma, bronchial coughs, bronchitis or whooping cough; that it will do any more with respect to these conditions than afford temporary relief from accompanying symptoms; that it relieves symptoms accompanying hay fever or constitutes a treatment for hoarseness, and that the preparation promotes healing, increases the flow of mucus from the nasal cavity, provides instant relief, is unique or distinctly new, represents a discovery, or is safe.

Relative to its agreement to cease representing that its product is safe, the respondent corporation avers that Respirine does not now contain potassium iodide; that that ingredient has not been used since February 1, 1940, and that when Respirine contained potassium iodide it was sold with a proper warning on the label concerning safety. (02709)

Chasers, Inc., 155 East 44th St., New York, stipulated that it will cease advertising that its product "Chasers", a breath lozenge, is the one effective tablet; that it will lastingly kill or permanently overcome bad breath due to tobacco, onions, alcohol or garlic or when due to organic derangements, infections and other conditions, or that it will do more than temporarily dispel such breath odors. The respondent corporation also agrees to desist from representing that its product will kill or effectively overcome or mask all types of unpleasant breath. (02710)

Magay Corporation, 41 East 57th St., New York, stipulated that it will cease advertising "Q-Loid", a medicinal preparation, as being capable of accomplishing results similar to those obtained by treatments administered to patients at the Veterans Administration Hospital, Bronx, N. Y., or by injections of colloidal sulphur; that Q-Loid is an effective arthritis remedy or has any therapeutic value in treating that condition in excess of the possibility of affording temporary symptomatic relief in some forms of arthritis when there is a sulphur deficiency, and that the sale of Q-Loid at any specified price represents a special offer, unless the offer is actually limited to purchasers under certain specified conditions. (02707)

Mitchell Battery Company, 1209-11 West Lake St., Minneapolis, a manufacturer of automobile batteries, has entered into a stipulation that in advertising its products it will cease using an amperage rating as descriptive of its batteries when in fact such rating indicates an electric current strength in excess of the batteries' capability to produce.

The respondent corporation also stipulates that it will desist from the use of an amperage rating or any statement concerning, or method of representing, the electric current productive capacity of its batteries, the effect of which tends to convey the impression that the batteries have such capacity in excess of that actually possessed. (3023)

Paragon Worsted Company, Providence, R. I., a manufacturer of cloth fabrics, entered into a stipulation in which it agrees to cease and desist from selling in commerce any fabric or product composed partly of wool and partly of rayon or other fiber without making complete disclosure of the fiber content on invoices and advertising matter.

Such disclosure, the stipulation continues, is to be made by stating the true names of the fibers present, in the order of their predominance by weight, and their percentages.

The stipulation provides that the respondent need not state the percentages of rayon or fiber other than wool, if the rayon or fiber other than wool are used solely for decoration, are plainly visible as a decoration, and are not more than five per cent of the whole fabric or product by weight. (3022)

S. & M. Tire Company—A stipulation to cease certain representations in the sale of automobile batteries has been accepted from Phil Sieff, Maurice Sieff, Minnie Sieff, and Ann Sieff, copartners trading as S. & M. Tire and Auto Supply Company, 1215 Hennepin Ave., Minneapolis. The respondents agree that in advertising matter they will cease using an amperage rating as descriptive of batteries when in fact such rating indicates an electric current strength in excess of the batteries' capability to produce.

The respondents also stipulate that they will desist from the use of an amperage rating or any statement concerning, or method of representing, the electric current productive capacity of batteries, the effect of which tends to convey the impression that the batteries have such capacity in excess of that actually possessed. (3025)

St. Joseph Sales Company—J. B. Buller, trading as St. Joseph Sales Company, St. Joseph, Mo., entered into a stipulation in which he agrees to cease advertising that hosiery sold by him is knitted from pure silk fiber when in fact certain portions are knitted from fibers other than silk; that hosiery is crepe silk when the twist of the silk fiber does not conform to the standard twist for crepe silk; that the fiber used is lisle when it does not conform to the standards of lisle fiber, and that the regular price is any amount greater than it is in fact. (02705)

Union Oil Company of California, Los Angeles, in a stipulation entered into, agrees to cease representing that by the use of its "Triton Motor Oil" the carbon ping in motors will be removed within 2,000 to 3,000 or any specified number of miles; oil consumption will decrease by 42 or any other percentage, and that conditions causing sticking valves or rings in automobiles will be eliminated or substantially improved. (02706)

Viobin Corporation, 155 North Clark St., Chicago, has made a stipulation in which it agrees to cease certain representations in the sale in commerce of "Rex Wheat Germ Oil".

According to the respondent's stipulation, it referred in advertising matter to a Government bulletin and accompanied the reference by a purported facsimile of "Table No. 1, Public Health Service Reprint No. 1990", when in fact certain words appearing in the original table had been deleted from the purported facsimile with the effect of changing the meaning conveyed by the original table.

The respondent agrees to cease representing, directly or inferentially, by use of "Facsimile" or similar words, that any tabulation or representation is a true or identical copy of the purported original thereof, unless such copy is a facsimile or identical copy of the original without additions or deletions.

The respondent further agrees to cease referring to any authority, governmental or otherwise, in a manner tending to cause the impression that any representation or claim made by the respondent corporation is based upon or supported by such authority, when such is not a fact.

Statements or representations to the effect that its product is superior to all similar products sold in competition therewith, also are to be discontinued by the respondent, according to its stipulation. (3024)

Warwick & Legler, Inc., an advertising agency, 230 Park Avenue, New York, has entered into a stipulation to cease and desist from certain representations in the advertisement of "Tangee Lipstick" and "Tangee Theatrical Lipstick" on behalf of its client, The George W. Luft Company, Long Island City, N. Y., distributor of these cosmetics.

In its stipulation the advertising agency agrees to cease disseminating advertisements representing that Tangee Theatrical Lipstick ends a painted look; cannot make one look painted; contains no pigment or paint, and was created at the request of America's most prominent actresses; and, that either of the lipsticks is permanent. (02708)

FTC CLOSES CASES

The Federal Trade Commission has closed, without prejudice to its right to resume proceedings, should the facts so warrant, its case against Crowell-Collier Publishing Company and its subsidiary, P. F. Collier & Son Corporation, both of 250 Park Ave., New York, and 24 officers and directors of the corporations. These respondents had been charged in a Commission complaint issued in 1940 with violation of the Federal Trade Commission Act in the sale of books and encyclopedias with yearly supplements or revision services.

The respondents had petitioned for dismissal of the Commission complaint, their petition reciting that they had not engaged in the unfair practices alleged for a considerable time prior to issuance of the complaint; that the two corporate respondents had executed agreements to abide by the trade practice conference rules for the Subscription and Mail Order Book Publishing Industry promulgated by the Commission on September 3, 1940, and that they have complied with the rules since the promulgation thereof.

The proceeding has been closed as to the following 24 officers and directors of the two corporate respondents: J. P. Knapp, T. H. Beck, A. E. Winger, J. A. Welch, W. P. Larkin, J. S. Brehm, F. Braucher, G. B. Lane, C. J. Bevan, J. Ducey, D. O'Sullivan, A. B. Pursell, A. H. Lockett, Garden Hazen, H. G. Schackno, P. J. Dennerlein, T. L. Brantley, R. T. Messler, R. G. Smith, C. E. Stouch, A. Untermyer, W. L. Chenery, Mrs. G. Whiting, and J. C. Sterling.

The Commission has also closed its case against P. F. Collier & Son Corporation, 250 Park Ave., New York, which was charged in the complaint with unfair methods of competition in connection with the sale of encyclopedias through sales crews.

The respondent corporation has been dissolved, and the Commission, having considered the matter, has closed the case growing out of the complaint without prejudice to its right, should the facts so warrant, to reopen the case.

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 5, January 31, 1941

THE WEEK IN WASHINGTON

BMI signed a consent decree in the United States District Court for the Eastern District of Wisconsin, in which BMI agreed not to engage in activities which the Justice Department alleged would constitute violations of the Sherman Act. The Department then announced it would proceed criminally against ASCAP under the antitrust laws. (p. 95)

NAB and AAAA committees are continuing their efforts to compose any differences remaining between the two groups in respect to recommended station facilities contract. (p. 98)

FCC officials and members of the National Television Systems Committee on January 24 and 25 saw demonstrations of recent television developments. (p. 100)

District meetings were held in Districts 10, 14, and 17. (p. 102)

The Attorney-General's Committee on Administrative Procedure made public its report last Saturday. (p. 103)

The House of Representatives appropriated $4,259,729 for the FCC for the fiscal year starting next July 1. (p. 105)

BMI Consent Decree

The Department of Justice announced last Monday that Broadcast Music, Inc., had signed a civil decree in the United States District Court for the Eastern District of Wisconsin, in which it agreed not to engage in activities which the Department alleged would constitute violations of the Sherman Act. Following is the Department's statements:

"In order to avoid placing Broadcast Music, Inc., at a competitive disadvantage, the decree will take effect only when similar restraints have been imposed upon the American Society of Composers, Authors and Publishers either by way of consent or litigation.

"In the light of this voluntary action, the Department will withdraw its previously announced prosecution against Broadcast Music, Inc., the National Broadcasting Company and the Columbia Broadcasting System. There is no change in the Department's announced intention promptly to proceed criminally against the American Society of Composers, Authors and Publishers. Negotiations looking to a settlement in that case ended abruptly in late December.

"Under the decree signed Monday, Broadcast Music, Inc., agrees, when the decree become effective, not to engage in the following practices which the Department deems to be in violation of the antitrust laws:

"1. BMI agrees not to exercise exclusive control, as agent for any other person, over the performing right of music of which it does not own the copyright.

"2. BMI agrees never to discriminate either in price or terms among the users of copyrighted music. All BMI compositions will be offered for performance to all users of the same class on equal terms and conditions.

"3. BMI agrees to license music on a pay-when-you-play basis. That is, broadcasters will be enabled to buy BMI music either on a per piece or per program basis, if they desire, and in no case will a broadcaster be required to pay a fee which is based on programs which carry no BMI music.

"4. BMI will never require a license from more than one station in connection with any network broadcast. Licenses will be issued to networks or originating stations.

"5. Manufacturers of electrical transcriptions, or sponsors, or advertisers on whose behalf such electrical transcriptions are made, will, if they so desire, be able to obtain licenses for the use of such transcriptions for broadcast purposes.

"6. BMI agrees never to engage in an all-or-none policy in licensing its music. That is, motion picture exhibitors, restaurants, hotels, radio stations, and all commercial users of BMI music will be able to obtain the right to perform any BMI compositions desired without being compelled to accept and take the entire BMI catalogue.

"7. BMI agrees that it will not attempt to restrict the performance rights of its music for the purpose of regulating the price of recording its music on electrical transcriptions made for broadcast use."

Neville Miller issued the following statement in Washington after the Justice Department had issued the above statement:

"The provisions of the voluntary civil decree signed by BMI today embody both the spirit and intent behind the original organization of BMI. BMI was formed after the broadcasters of America had vainly struggled for ten years to induce the American Society of Composers, Authors and Publishers to discontinue its monopolistic practices. These practices compelled broadcasters to buy popular music as a whole, regardless of how little of it the

(Continued on page 96)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

BMI CONSENT DECREE

(Continued from page 95)

individual broadcaster might want to use, and to pay whatever percentage ASCAP might demand on the receipts of all programs, whether those programs used ASCAP music, other music or no music at all.

"BMI, both in its original resolutions and in all of its contracts, committed itself to offering music to broadcasters on a 'per piece' or 'per program' basis, and also to clearing music at the source, when the termination of the ASCAP monopoly made this course feasible. Having so announced its intentions ever since its inception, BMI has now formally agreed with the Department of Justice to carry out these commitments when the Department of Justice is able to compel ASCAP to adopt similar policies.

"BMI is owned by the broadcasting stations of America. Over 80 per cent of its stock is owned by approximately 670 broadcasting stations, and approximately 20 per cent of its stock is owned by the leading networks. Under the terms of the decree, broadcasters who do not wish to pay for music on a 'per piece' or 'per program' basis are not forced to do so, but may obtain another basis of payment if they so desire. The decree specifically provides that it does not constitute an admission or finding of any violation of law on the part of BMI."

Following is text of the decree:

IN THE DISTRICT FOUR OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF WISCONSIN

JANUARY TERM, 1941

UNITED STATES OF AMERICA, *Plaintiff,*

v.

BROADCAST MUSIC, INC., *Defendant.*

Civil Action File No. ——

CONSENT DECREE

This cause came on to be heard on this —— day of January, 1941, the plaintiff being represented by Thurman Arnold, Assistant Attorney General; J. B. Husting, United States Attorney for the Eastern District of Wisconsin; Victor O. Waters, Special Assistant to the Attorney General; and Warren Cunningham, Jr., Special Attorney; and the defendant being represented by its counsel, and having appeared and filed its answer to the complaint herein.

It appears to the Court that defendant, Broadcast Music, Inc., has consented in writing to the making and entering of this decree, without any findings of fact, upon condition that neither such consent nor this decree shall be construed as an admission or adjudication that said defendant has violated any law.

It further appears to the Court that this decree will provide suitable relief concerning the matters alleged in the complaint filed herein and that by reason of the aforesaid consent of defendant, Broadcast Music, Inc., and its acceptance by plaintiff it is unnecessary to proceed with the trial of the action, or to take testimony therein, or that any adjudication be made of the facts.

Now, therefore, upon motion of plaintiff, and in accordance with said consent, it is hereby

ORDERED, ADJUDGED AND DECREED

I. The Court has jurisdiction of the subject-matter set forth in the complaint and of the parties hereto with full power and authority to enter this decree and the complaint states a cause of action against defendant, Broadcast Music, Inc., under the Act of Congress of July 2, 1890, entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies" and the acts amendatory thereof and supplemental thereto.

II. Defendant, Broadcast Music, Inc., its officers, directors, agents, servants, employees and all persons acting or claiming to act on its behalf are hereby perpetually enjoined and restrained from entering into or carrying out, directly or indirectly, any combination or conspiracy to restrain interstate trade and commerce, as alleged in the complaint, by doing, performing, agreeing upon, entering upon or carrying out any of the acts or things hereinafter in this paragraph II prohibited:

(1) Defendant, Broadcast Music, Inc., shall not, with respect to any musical composition, acquire or assert any exclusive performing right as agent, trustee or otherwise acting on behalf of any copyright owner or other owner of the performing right, or pursuant to any understanding or agreement with such owner to pay for such right a share of, or an amount measured by, the receipts or revenues of said defendant. Nothing contained in this sub-paragraph (1) shall be construed as preventing defendant, Broadcast Music, Inc., from acquiring or asserting exclusive performance rights (a) in any musical composition of which said defendant shall also own or acquire the copyright; (b) in any musical composition concurrently with the exclusive right to publish such composition in the United States of America; (c) in any musical composition as a purchaser, assignee or licensee (but not as agent, trustee or otherwise on behalf of another) in consideration of the payment or agreement to pay, as the sole compensation for such performing rights, a fixed sum stated in the contract of purchase, assignment or license; or (d) in any musical composition, as a purchaser, assignee or licensee (but not as agent, trustee or otherwise on behalf of another) in consideration of the payment or agreement to pay, as the sole compensation for such performing rights, an amount determinable by reference to the number of licensed performances of such composition at a fixed per performance price and basis stipulated in such contract.

(2) Defendant, Broadcast Music, Inc., shall not enter into, recognize as valid or perform any performing license agreement which shall result in discriminating in price or terms between licensees similarly situated; provided, however, that differentials based upon applicable business factors which justify different prices or terms shall not be considered discrimination within the meaning of this sub-paragraph; and provided further that nothing contained in this sub-paragraph shall prevent price changes from time to time by reason of changing conditions affecting the market for or marketability of performing rights.

(3) Defendant, Broadcast Music, Inc., shall not require, as a condition to any offer to license the public performance for profit of a musical composition or compositions for radio broadcasting, a license fee of which any part shall be (a) based upon a percentage of the income received by the broadcaster from programs in which no musical composition or compositions licensed by said defendant for performance shall be performed, or (b) an amount which does not vary in proportion either to actual performances during the term of the license of the musical compositions licensed by said defendant for performance, or to the number of programs

on which such compositions or any of them shall be performed; provided, however, that nothing herein contained shall prevent said defendant from licensing a radio broadcaster, on either or both of the foregoing bases, if desired by such broadcaster, or upon any other basis desired by such broadcaster.

With respect to any existing or future performing license agreement with a radio broadcaster, defendant, Broadcast Music, Inc., shall not, if required by such broadcaster, refuse to offer either or both of the following bases of compensation which may be specified by the broadcaster:

> (i) in respect of sustaining programs a per program license fee, expressed in terms of dollars, requiring the payment of a stipulated amount for each program in which musical compositions licensed by said defendant shall be performed;
>
> (ii) in respect of commercial programs, a per program license fee, either expressed in terms of dollars, requiring the payment of a stipulated amount for each program in which musical compositions licensed by said defendant for performance shall be performed, or, at the option of defendant, the payment of a percentage of the revenue derived by the licensee for the use of its broadcasting facilities in connection with such program.

In the event that defendant shall offer to license the public performance for profit of a musical composition or compositions for radio broadcasting upon one or more of the foregoing per program bases, and shall also offer to license such performance on a basis of compensation which shall not vary in direct proportion to the number of programs on which musical compositions licensed by defendant shall be performed, defendant shall establish, in good faith, a relationship between such per program basis and such other basis, justifiable by applicable business factors, so that there will be no frustration of the purpose of this sub-paragraph to afford radio broadcasters alternative bases of license compensation.

(4) Defendant, Broadcast Music, Inc., shall not license the public performance for profit of any musical composition or compositions except on a basis whereby, insofar as network radio broadcasting is concerned, the issuance of a single license, authorizing and fixing a single license fee for such performance by network radio broadcasting, shall permit the simultaneous broadcasting of such performance by all stations on the network which shall broadcast such performance, without requiring separate licenses for such several stations for such performance.

(5) With respect to any musical composition in defendant's catalog of musical compositions licensed for radio broadcasting and which is or shall be lawfully recorded on an electrical transcription or other recordation intended for broadcasting purposes, said defendant shall not refuse to license the public performance for profit by designated radio broadcasting stations of such composition by a single license to any manufacturer, producer, or distributor of such transcription or recordation or to any advertiser or advertising agency on whose behalf such transcription or recordation shall have been made who may request such license, which single license shall authorize the broadcasting of the recorded composition by means of such transcription or recordation by all radio stations enumerated by the licensee, on terms and conditions fixed by said defendant, without requiring separate licenses for such enumerated stations.

(6) Defendant, Broadcast Music, Inc., shall not, in connection with any offer to license by it the public performance for profit of musical compositions, refuse to offer a license, at a price or prices to be fixed by said defendant, for the performance of such individual musical compositions or catalogues of musical compositions the use of which shall be requested by the prospective licensee.

(7) Defendant, Broadcast Music, Inc., shall not assert or exercise any right or power to restrict from public performance for profit by any licensee of said defendant any copyrighted musical composition in its licensed catalogue in order to exact additional consideration for the performance thereof, or for the purpose of permitting the fixing or regulating of fees for the recording or transcribing of such composition; provided, however, that nothing in this sub-paragraph shall prevent said defendant from restricting performances of a musical composition in order reasonably to protect the value of the public performance for profit rights therein or to protect the dramatic performing rights therein or as may be reasonably necessary in connection with any claim or litigation involving the performing rights in any such composition.

III. The terms of this decree shall be binding upon, and shall extend to each and every one of the successors in interest of defendant, Broadcast Music, Inc., and to any and all corporations, partnerships, associations and individuals who or which may acquire the ownership or control, directly or indirectly, or all or substantially all of property, business and assets of defendant, Broadcast Music, Inc., whether by purchase, merger, consolidation, reorganization or otherwise. None of the restraints or requirements herein imposed upon the Defendant shall apply to the acquisition of or licensing of the right to perform musical compositions publicly for profit outside of the United States of America, its territories and possessions.

IV. For the purpose of securing compliance with paragraph II of this decree, and for no other purpose, duly authorized representatives of the Department of Justice shall, on the written request of the Attorney General or an Assistant Attorney General and on reasonable notice to defendant, Broadcast Music, Inc., made to the principal office of said defendant, be permitted (a) reasonable access, during the office hours of said defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said defendant, relating to any of the matters contained in this decree, (b) subject to the reasonable convenience of said defendant and without restraint or interference from it, and subject to any legally recognized privilege, to interview officers or employees of said defendant, who may have counsel present, regarding any such matters; and said defendant, on such request, shall submit such reports in respect of any such matters as may from time to time be reasonably necessary for the proper enforcement of this decree; provided, however, that information obtained by the means permitted in this paragraph shall not be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department of Justice except in the course of legal proceedings in which the United States is a party or as otherwise required by law.

V. The provisions of sub-paragraph (4) of paragraph II of this decree shall not become effective until nine months after the effective date of the other provisions of said paragraph.

None of the provisions of paragraph II of this decree shall become effective until 90 days after plaintiff shall have delivered to defendant, Broadcast Music, Inc., a certified copy of a consent decree or other final decree of a court of competent jurisdiction, not subject to further review, by which restraints and requirements in terms substantially identical with those imposed herein shall be imposed upon American Society of Composers, Authors and Publishers; provided, however, that if said defendant shall be of the opinion that the restraints and requirements so imposed against American Society of Composers, Authors and Publishers are not substantially identical with those imposed herein, and shall apply to the Court within 20 days after receipt of a certified copy of said decree, for a determination of that question, no provision of said paragraph II shall become effective until the Court shall have determined that such restraints and requirements are substantially identical with those imposed herein.

VI. Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this decree to make application to the Court at any time after the delivery to the defendant of a certified copy of a decree against American Society of Composers, Authors and Publishers complying with the provisions of Paragraph V hereof for such further orders and directions as may be necessary or appropriate in relation to the construction of or carrying out of this decree, for the modification hereof upon any ground, for the enforcement of compliance herewith and the punishment of violations hereof. Jurisdiction of this cause is retained for the purpose of granting or denying such applications as justice may require and the right of the defendant to make such application and to obtain such relief is expressly granted.

United States District Judge.

We hereby consent to the entry of the foregoing decree.

For the complainant:

(Signed) B. J. Husting,
United States Attorney,
Eastern District of Wisconsin.

(Signed) Thurman Arnold,
Assistant Attorney General.

(Signed) Victor O. Waters,
Special Assistant to the Attorney General.

(Signed) Warren Cunningham, Jr.,
Special Attorney.

For the defendant: Broadcast Music, Inc.

Godfrey Goldmark,
Counsel.

BMI

THE ROCK BOTTOM ISSUE

The consent decree which BMI signed in Milwaukee is of such a nature that no doubt can be left in the minds of the public as to the fundamental issues in the controversy between ASCAP and the broadcasting industry.

In spite of the printed statement on the BMI license contracts that NBC and CBS "have declared their approval of the principle of clearance at the source," ASCAP speakers have insisted vehemently even up to the last few days that opposition of the networks to this principle was the real basis of the difficulty. In light of the consent decree it will be impossible for them to squirt out that particular smoke screen any longer.

ASCAP propaganda has sought to minimize the importance of the question of a per-use form of contract and has challenged the sincerity of the official BMI statement, printed on its license contracts, "that such a basis of payment was the ultimate objective of BMI" and that BMI would offer that form of contract when the establishment of a free competitive market in the field of popular music made it possible. Following the refusal of ASCAP in December to sign a consent decree embodying an agreement to offer such a form of license, the signature by BMI of the present decree sets forth clearly the fundamental difference between ASCAP and the broadcasters on this issue.

The great underlying issue also becomes unmistakable, even to the general public. The changes which ASCAP has sought to avoid are only changes which would deprive it of the monopolistic control which it has exercised over the popularization of music, but the broadcasters in working for "freedom of music" are in fact fighting for an even greater goal—the freedom of radio.

It is obvious, even to the ignorant, that the American system of broadcasting as a private enterprise can continue only if the broadcasters are permitted to make a fair profit and that the only alternative would be some form of government operation such as they have in Europe. The general public, however, has been slow to grasp the fact that this larger issue is involved in the present controversy. Every broadcaster has known that the ASCAP monopoly was in cold fact a continuing threat to his existence. The present status of the affair with the Department of Justice must at last awaken every man in the street to the real significance of the fight which BMI and the broadcasters are making.

There has been a tendency to say, "I can't believe that ASCAP really wants to wipe out the broadcasting industry."

The broadcaster could only reply, "Well, their policies certainly worked in that direction."

Now BMI has accepted for itself terms which make monopoly impossible, terms even more stringent than those which ASCAP refused to accept in December.

And ASCAP, as if to remove any lingering doubt, is making clear the fundamental nature of the struggle in the words of one of its most influential members, Irving Caesar, president of the Song Writers Protective Association and a member of the ASCAP Board of Directors. Last summer Mr. Caesar was quoted in a short newspaper item as pointing with favor to the position of the song writers under the British radio system. This month he returned to the same attack in a big way with a vitriolic, vituperative indictment of BMI and the radio industry delivered before a meeting of the Song Writers Protective Association.

Mr. Caesar has been quoted as saying, "For my own part I'll take my chances on government-run, non-commercial radio."

There lies the basic substance of the matter. Freedom of radio is the stake.

The radio is not only a means of entertainment; it is also one of the most important means for the spread of information and the expression of opinion. It will remain a fair and open forum only so long as it remains a private enterprise. In fighting for the existence of their industry, the broadcasters are fighting for a principle which is as vital to American democracy as freedom of speech and freedom of the press.

BMI FEATURE TUNES
February 3-10

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. BUGLE WOOGIE
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. ANYWHERE
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT

The records of sheet music sales, phonograph record sales, and the records earning the biggest money in the coin machines all give the answer to ASCAP's propaganda which has sought to turn the public against BMI tunes. These records prove the influence of radio in popularizing music. They also prove that the music furnished by BMI is more pleasing to the public than the music of any other publishing house. Among the fifteen best sheet music sellers listed by *Variety* the top nine contain seven of BMI's own publications and two others licensed through BMI. On the coin machine list "Frenesi" ranks No. 1 and songs published by BMI appear at 2nd, 5th, 6th, and 10th places. No other publisher is represented by more than one song. BMI's "There I Go" and "I Give You My Word" are credited with having been on the list for eight and seven weeks respectively, a longer time than that shown by any other number. Among the ten best selling records as shown by *Billboard* six are records of BMI's publication or of music licensed through BMI.

BMI's sheet music sales are running around 130,000 copies a week. The leaders at present, together with their sales up to the end of last week, are "There I Go" (140,000), "I Hear a Rhapsody" (120,000), "I Give You My Word" (72,000), and "So You're the One" (60,000).

Notice

M. E. Tompkins, Vice President and General Manager of Broadcast Music, Inc., sends the following memorandum to all BMI member stations:

> "We are informed that some stations are refraining from playing stock orchestrations of works in our catalogue of E. B. Marks compositions because of the fact that these works have been arranged or orchestrated by persons who are now members of ASCAP. These stock orchestrations are covered by Marks' indemnity to us and by our indemnity to you, and we see no reason why stations should avoid their performance. In all cases we are advised by E. B. Marks & Company that these orchestrations were made for hire and are the sole property of Marks, and our investigation discloses that this is the fact."

Coin Operators Support BMI

The BMI booth was a conspicuous landmark in the annual exhibition of the Coin Machine Industries held recently at the Hotel Sherman in Chicago. The operators of coin phonographs, music dealers, record distributors, and the proprietors of restaurants, grills, and other amusement places which rely upon coin phonographs for entertainment thronged the booth. They expressed warm and practically unanimous support of BMI. Several hundred added their names to the already impressive list of those who have requested notice of all new records of BMI music.

The automatic phonograph industry has two reasons to support BMI in its effort to establish an open market for music:

1. ASCAP's efforts to obtain a revision of the copyright law which would permit it to tax coin phonographs and its announced intention of levying a sixty-dollar-a-year tax on the machines;
2. The number of taverns and small night clubs which use phonographs or employ small orchestras one or two nights a week or for other circumstances are brought, even under the present law, within the range of ASCAP persecution.

Next to radio, the hundreds of thousands of coin phonographs are probably the most important means of popularizing music and the support of this industry is of great importance to BMI. The fact that BMI music is popular with the patrons of the phonographs has been well demonstrated by the number of records of BMI music which have appeared week after week on the lists of the biggest money makers in the coin machines.

BMI's exhibition at the coin machine show was welcomed by all parts of the industry as a demonstration of BMI's good will toward the phonograph operators. The number of delegates and visitors who requested releases of BMI records and printed music, the number who read the BMI and NAB pamphlets, and especially those who came back to ask for more of the pamphlets so that they might distribute them among their friends—all gave evidence that the automatic phonograph industry reciprocates BMI's good will in a very practical way.

Thus Saith the Preacher

Local minister wrote ASCAP that he had seen statement in newspaper that ASCAP would make no charge for use of its music in church services and was also willing to permit such services to be broadcast even though radio stations had no ASCAP license. ASCAP replied that church was at liberty to use ASCAP music and have same broadcast, *but, of course,* the minister was to announce during the service that music was being used by courtesy of ASCAP. Minister called manager of radio station on telephone to read him ASCAP letter. Said the dominie, "I'm going to write those fellows and tell them what I think. I'm going to give them hell".

Which illustrates ASCAP's failure in its efforts to use sacred music as a commercial shillelagh.

75 Per Cent Non-ASCAP

According to a report from WIS, in Columbia, S. C., the average South Carolina music lover is 75 per cent non-ASCAP. This was proved on January 22nd by no less a personage than the world famous pianist, Alec Templeton. Templeton played a concert with the Southern Symphony on that date.

During the course of Templeton's part of the program, he asked the audience to name four selections for him to use in a special improvisation. These selections were to include a popular number, a piano solo, a semi-classic, and a classical number. Immediately the audience shouted, "Frenesi—Frenesi!" This indicates the way the radio industry can popularize a tune. For the classical selection Templeton used music from Tannhauser, which is in public domain and was broadcast over WIS on January 18th from the Metropolitan Opera.

The semi-classic number was the Blue Danube Waltz—also in PD. The only ASCAP number in the group was the piano solo, "Nola," made familiar by Vincent Lopez over a period of many years. Thus, three out of four or 75 per cent of this particular group of songs were non-ASCAP tunes.

Sales

STATION FACILITIES CONTRACT

Numerous meetings, both joint and separate, of the NAB and AAAA committees will have been held by the end of this week in a final effort to compose any differences remaining between the two groups in respect of the Station Facilities Contract recommended by the NAB January 7. Col. Harry C. Wilder, WSYR, Chairman of the NAB committee, reports that it now seems likely that some alternative provisions may be recommended to stations for the purpose of meeting certain agency views.

Col. Wilder added that the meetings of time-buyers and station managers this week revealed a spirit of harmonious cooperation.

It is believed that where on local accounts stations bill weekly or have special terms of payment, a separate local contract form might be desirable. The current AAAA negotiations pertain only to a station contract form for national spot business placed by agencies. The negotiations may result in making it advisable for stations to print a separate contract form for use on local business.

After a number of joint meetings, much progress has been made on the standard invoice form. The Fiscal Committee of AAAA and the Accounting Committee of the NAB will shortly confer on final details.

Engineering

TELEVISION DEMONSTRATIONS

Recent television developments were demonstrated to FCC officials and members of the National Television Systems Committee on January 24 and 25. Visits were made to the New York television laboratories of Du Mont, Bell Telephone, CBS, RCA and Scophony. Besides Chairman James L. Fly, the FCC officials present were Commissioners Norman Case, Paul Walker, William H. Bauer, head attorney, E. K. Jett, Chief Engineer, A. D. Ring, Assistant Chief Engineer, Nathan David of the legal staff and George Gillingham, director of information.

The Du Mont laboratories demonstrated their 629 line 15 frames per second transmission received on a 20-inch tube.

RCA demonstrated a new large screen home receiver. The screen on this receiver was 18 x 13½ inches. The picture was produced by a new 5-inch projection tube. The image of the tube was passed through a lense to a mirror on the cover of the receiver and from there was reflected to the screen standing perpendicular at the front of the receiver.

RCA demonstrated in the New York Theatre, television reproduction an a screen 15 x 20 feet. RCA also demonstrated relay television from camp Upton, 68 miles from New York. The scenes at Camp Upton were passed through 2 relay points.

The Bell Telephone Laboratories demonstrated the relay of television programs by means of coaxial cable. The programs were relayed from the Bell laboratories to Philadelphia and back again, a total distance of approximately 200 miles. The receiver was switched between the direct line and the picture relayed to Philadelphia in order to show the amount of quality lost in the transmission.

Columbia Broadcasting System demonstrated their color television both direct pick-up and pick-up from film.

Scophony, one of the leading television companies of England, demonstrated its mechanical system of reception on a 4-foot screen and on a larger screen of 9 x 12 feet. The Scophony mechanical system employs a system of revolving mirrors for moving a beam of light over the reception screen.

This series of demonstrations was a prelude to the report to be given the FCC by the National Television Systems Committee on January 27.

As reported in the NAB Reports for September 13 on page 4594, it will not be necessary to file an application for license renewal until after the provisions of the North American Agreement have been carried out.

NTSC REPORT

The report of the National Television Systems Committee was given to the FCC on Monday, January 27.

Chairman James L. Fly and Commissioners T. A. M. Craven, Paul Walker and Norman Case received the report. Chairman Fly opened the procedure by saying that former hearings on television found the industry's opinion divided on various significant standards. This division of opinion was enough to throw doubt on the adequacy of standards which could then be formulated and it seemed that further experimentation and study was necessary. Chairman Fly continued that Mr. James S. Knowlson and Mr. W. G. R. Baker of RMA took the lead in forming the National Television Standards Committee. Chairman Fly said he thought that the industry could justly take pride in the manner in which it turned to the solution of the problem of forming television standards. Chairman Fly continued that a hearing would be scheduled later at which argumentation and cross examination would be allowed on the various ramifications of television standards, and that today the reports of the NTSC would be received without argument or cross examination.

Chairman Fly then called on Mr. Baker, Chairman of the NTSC to render the television report. Dr. Baker outlined the organization of the NTSC and outlined its rules of procedure. He said that 60 meetings were held by the various panels of the NTSC and that approximately 5,000 man-hours had gone into carrying out the work of the Committee. Dr. Baker then called on the nine panel chairmen in turn to give a report on the work of their panels. Dr. Baker then turned over to the FCC the main report of the NTSC. At the end of the Conference, Chairman Fly complimented the NTSC on its work.

The report of the NTSC to the FCC reveals that the standards recommended are very little different from the old RMA standards. The main difference seems to be that Frequency Modulation is recommended for the sound channel rather than Amplitude Modulation. Following is the report of the NTSC to the FCC:

The National Television System Committee recommends herewith transmission standards for commercial television broadcasting. The Committee recognizes the coordinate importance of standardization and the commercial application of technical developments now in the research laboratories. These standards will make possible the creation, in the public interest, of a nationally coordinated television service and at the same time will insure continued development of the art.

Monochromatic transmission systems other than those embodied in these standards should be permitted to operate commercially, when a substantial improvement would result, provided that the transmission system has been adequately field tested and that the system is adequately receivable on receivers responsive to the then existing standards.

This Committee believes that, although color television is not at this time ready for commercial standardization, the potential importance of color to the television art requires that—

(a) A full test of color on the Group A channels be permitted and encouraged, and that

(b) After successful field test, the early admission of color to the Group A channels on a commercial basis coexistent with monochromatic television be permitted employing the same standards as are herewith submitted except as to lines and frame and field frequencies. The presently favored values for lines, frame and field frequencies for such a color system are, respectively, 343, 60, and 120.

These transmission standards are recommended for commercial television broadcasting on the following channels:

No. 1.	50-56 Mc.
No. 2.	60-66 Mc.
No. 3.	66-72 Mc.
No. 4.	78-84 Mc.
No. 5.	84-90 Mc.
No. 6.	96-102 Mc.
No. 7.	102-108 Mc.

I: The Television Channel

1. The width of the standard television broadcast channel shall be six megacycles per second.

2. It shall be standard to locate the picture carrier 4.5 megacycles per second lower in frequency than the unmodulated sound carrier.

3. It shall be standard to locate the unmodulated sound carrier 0.25 megacycles per second lower than the upper frequency limit of the channel.

4. The standard picture transmission amplitude characteristics shall be that shown in Drawing I.

II: Scanning Specifications

5. The standard number of scanning lines per frame period in monochrome shall be 441, interlaced two to one.

6. The standard frame frequency shall be 30 per second and the standard field frequency shall be 60 per second in monochrome.

7. The standard aspect ratio of the transmitted television picture shall be 4 units horizontally to 3 units vertically.

8. It shall be standard, during the active scanning intervals, to scan the scene from left to right horizontally and from top to bottom vertically, at uniform velocities.

III: Picture Signal Modulation

9. It shall be standard in television transmission to use amplitude modulation for both picture and synchronizing signals, the two signals occupying different amplitude ranges.

10. It shall be standard that a decrease in initial light intensity cause an increase in radiated power.

11. It shall be standard that the black level be represented by a definite carrier level, independent of light and shade in the picture.

12. It shall be standard to transmit the black level at 75 per cent (with a tolerance of plus or minus 2.5 per cent) of the peak carrier amplitude.

IV: Sound Signal Modulation

13. It shall be standard to use frequency modulation for the television sound transmission.

14. It shall be standard to pre-emphasize the sound transmission in accordance with the independence-frequency characteristics of a series inductance-resistance network having a time constant of 100 microseconds.

V: Synchronizing Signals

15. It shall be standard in television transmission to radiate the synchronizing waveform shown in Drawing II.

16. It shall be standard that the time interval between the leading edges of successive horizontal pulses shall vary less than one half of one per cent of the average interval.

17. It shall be standard in television studio transmission that the rate of change of the frequency of recurrence of the leading edges of the horizontal synchronizing signals be not greater than 0.15 per cent per second, the frequency to be determined by an averaging process carried out over a period of not less than 20, nor more than 100, lines, such lines not to include any portion of the vertical blanking signal. (See Note A.)

VI: Transmitter Ratings

18. It shall be standard to rate the picture transmitter in terms of its peak power when transmitting a standard television signal.

19. It shall be standard in the modulation of the picture transmitter that the radio frequency signal amplitude be 15 per cent or less of the peak amplitude, for maximum white. (See Note B.)

20. It shall be standard to employ an unmodulated radiated carrier power of the sound transmission not less than 50 per cent nor more than 100 per cent of the peak radiated power of the picture transmission.

21. It shall be standard in the modulation of the sound transmitter that the maximum deviation shall be plus or minus 75 kilocycles per second.

VII: Polarization

22. It shall be standard in television broadcasting to radiate horizontally polarized waves:

Note A: It is recommended that as progress in the art makes it desirable, the maximum rate of change of frequency of the transmitted horizontal synchronizing signals for studio programs be reduced and that limits be set for transmissions originating elsewhere than in the studio.

Note B: It is the opinion of the N.T.S.C. that a picture transmitter not capable of a drop in radio frequency signal amplitude to 15 per cent or less of the peak amplitude would be unsatisfactory since it would not utilize to the best advantage the available radio frequency power. At the same time the N.T.S.C. is aware of the practical situation that it may not be possible for all of the first picture transmitters to meet this standard. It should be possible in picture transmitters for the lower frequency channels in Group A to meet this standard, although it may not be possible for picture transmitters for the higher frequency channels in Group A to meet it at first. After the first operation on the higher frequency channels and as designs progress it should be possible to meet it.

It is requested that the Federal Communications Commission take cognizance of this situation.

Respectfully submitted,

W. R. G. Baker, *Chairman.*

District Meetings

RESOLUTION

The broadcasters of the 17th NAB District, embracing stations of Washington, Oregon and the territory of Alaska in official session at Portland on this 22nd day of January, Nineteen Hundred and Forty-one resolve:

Whereas, for the past three years, C. W. "Chuck" Myers (KOIN-KALE), Portland, has served this district in the capacity of District Director on the Board of the National Association of Broadcasters, and whereas, at Mr. Myers' specific request that he be relieved of further duties in this connection, a new Director for the 17th District has this day been selected to succeed Mr. Myers for the ensuing two-year term and whereas, Mr. Myers during the term of his membership upon the Board, and prior thereto, in other industry capacities has faithfully, constructively, able and diligently served the interests of this District and has contributed in a large measure to the solution of industry problems of a national character, and has at all times evidenced a deep personal interest and given attention to problems of individual broadcasters within this District, now therefore, be it resolved by the broadcasters of the 17th NAB District that we hereby express to "Chuck" Myers our deep personal and official appreciation for his splendid service and express for him our hope of continued success and well-being.

Motion by: Harvey Wixson (KHQ-KGA), Spokane, Washington.

Seconded by: John G. Bauriedel (KUIN), Grants Pass, Oregon.

Unanimously carried.

The following registered at the Seventeenth District meeting in Portland, January 22:

James C. Wallace, KAST; Frank H. Loggan, KBND; J. Elroy McCaw, KELA; W. Carey Jennings, H. Q. Cox, Abe Bercooth, Paul H. Connet, Chester L. Blomsness, Bob Prigmore, James A. Mount, Ralph W. Rogers, Donald W. Ween, Jr., and Bill Mock, KGW-KEX; Harvey Wixson, KHQ-KGA, R. W. Britton, KGBU; Tom Olsen, KGY; Loren B. Stone, H. J. Quilliam, KIRO; Harrison A. Miller, Dick Ross, J. A. Murphy, KMO-KIT; Barney Kenworthy, Marvin E. Johnston, KODL; H. M. Swartwood, Jr., C. W. Myers, Joseph Samgaetes, Harry H. Buckendahl, Charles G. Conche, Harvey S. Benson, Ted W. Cooke, KOIN-KALE; Ted Kooreman, KALE; Birt F. Fisher, Peter Lyman, W. W. Warren, H. M. Feltis, KOMO-KJR; Sheldon F. Sackett, KOOS-KVAN; Glenn McCormick, Day Foster, Frank Hill, KORE; Marshall H. Pengra, KRNR; Robert E. Priebe, KRSC; H. A. Reed, KSLM; John G. Bauriedel, KUIN; Jerry Jensen, KUJ; S. W. McCready, KVAN; Vernice Irwin, Earl Irwin, KVI; Rogan Jones, KVOS; Ralph R. Cronise, KWIL; C. O. Chatterton, KWLK; Florence Wallace, KXA; T. W. Symons, Jr., KFPY-KXL; T. W. Symons, III, KXL; Harry R. Spence, Fred S. Goddard, KXRO; John Kutner; Paul H. Raymer, F. C. Brokaw, Paul H. Raymer Co.; Gerald King, Standard Radio; Carl Haverlin, BMI; Johnnie Walker, Doris Quinn, Music Clearance, Inc.; W. McKinley Sillerman, SESAC.

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DISTRICT 10

Fifty-three representatives of Nebraska, Iowa, and Missouri stations defied a mid-west blizzard to attend the 10th District meeting at Omaha on Saturday, the 25th.

Director Johnny Gillen, Jr., WOW, received expressions of deep regret from seven other broadcasters who had planned to be on hand, but who could not make it into Omaha on account of the snow storm.

Principal topic of discussion, as at other District meetings, was the music situation. Carl Haverlin, Station Relations Manager of BMI, answered many questions relative to the use of the Catalog and protection against possible use of music for which no license is held by the station. Every station present reported a most encouraging and gratifying audience reaction to the music being played on their station since the 1st of January.

Other industry problems were discussed, including certain phases of the labor situation, the unit plan of volume measurement, and great stress was laid upon the coming 19th annual convention of NAB to be held in St. Louis. St. Louis is in the 10th District and all of the broadcasters agreed to fully discharge their obligations as hosts. Director Gillen appointed committees to look after the various details. It was a splendid and rousing meeting.

The list of those present follows:

Rev. W. A. Burk, WEW; William Brandon, WHO-WOC; Arthur B. Church, KMBC; George Crocker, KFNF; Russ David, KSD; Dietrich Dirks, KTRI; Beuford Eaves, KGNF; F. C. Eighmey, KGLO; Ralph Evans, WHO-WOC; Jack Falvey, KBIZ; Dean Fitzer, WDAF; E. T. Flaherty, KSCJ; Ralph Foster, KGBX-KWTO; Paul Boyer, KORN; Earl H. Gammons, WCCO; John J. Gillin, Jr., Howard Peterson, William Ruess, Bill Wiseman, WOW; Edward W. Hamlin, KSD; Merle S. Jones, KMOX; H. J. Kaufman, WDAF; Jack Luther, KORN; Craig Lawrence, KSO-KRNT; W. I. LeBarron, KGNF; Buryl Lottridge, WOC; William B. Quarton, WMT; J. C. Rapp, J. D. Rankin, Jr., Owen Saddler, R. H. Sawyer, KMA; Orville Rennie, Duane L. Watts, KHAS; Randall Ryan, Elbert A. Read, KFNF; Elizabeth Sammons, KSCJ; Vernon H. Smith, KOWH; Robert F. Schuetz, NBC; E. C. Woodward, KFNF; Frank E. Pellegrin, KOIL-KFAB-KFOR; J. M. Lowman, KOIL; Foster May, WOW; Clifford T. Johnson, KOIL; Woody Woods, WHO; Hale Bondurant, WHO; Carl Haverlin, BMI; C. E. Arney, Jr., NAB; Gustav M. Hagenah, SESAC; W. C. Hutchings, Associated Music Publishers, Inc.; Alex Sherwood, Standard Radio; Luther Hill, KSO-KRNT-WMT.

DISTRICT 14

The broadcasters of Colorado, Utah, Idaho, Wyoming and Montana met in a District session in Denver on Monday, January 27th.

Director Eugene P. O'Fallon, KFEL, called the session to order with 31 representatives of broadcasters and allied industries in attendance. There were 20 stations of the 27 NAB members in the District represented. As in previous district meetings, music questions received detailed attention and similar reports of satisfactory audience reaction to the music being offered by radio was announced.

The following resolution was adopted:

"Resolved: That the broadcasters of the Fourteenth District vote renewed confidence in BMI, and congratulate those responsible for its progress on a job well done."

Following is a list of those present:

E. G. Beehler, KGEK; Frank Bishop, KFEL; S. S. Fox, KDYL; H. E. Green, KFKA; William C. Grove, KFBC; Donald Hathaway, KDFN; L. L. Hilliard, KGKY; Rex Howell, KFXJ; Frank E. Hurt, KFXD; Don McCaig, KFEL; J. H. McGill, KGHF; Holly Moyer, KFEL; Eugene P. O'Fallon, KFEL; R. H. Owen, KOA; W. D. Pyle, KVOD; Curtis Ritchie, KGHF; Glen Shaw, KSL; O. P. Soule, KTFI-KSEI; Hugh B. Terry, KLZ; W. E. Wagstaff, KDYL; Ray B. White, KPOF; Ed Yocum, KGHL; Lloyd E. Yoder, KOA; H. L. McCracken, KYAN-KVRS; C. E. Arney, Jr., NAB; Leonard Callahan, Gustav Hagenah, SESAC; Carl Haverlin, BMI; William H. Pickens, Transradio; Alex Sherwood, Standard; R. B. Hudson, Rocky Mountain Radio Council.

GILBERT NEWSOME

Anyone knowing the whereabouts of Gilbert Newsome, announcer, is requested to communicate immediately with Station WGH, Norfolk, Virginia.

Legal

ADMINISTRATIVE PROCEDURE

The Attorney General's Committee on Administrative Procedure last Saturday made public its report which it has transmitted to the Attorney General.

The Committee's Report, which is a thousand pages in length, is based upon detailed studies of the individual agencies. The Committee finds that the agencies are so diverse in character that in many instances they must be dealt with individually rather than in terms of general recommendations. Accordingly the Committee has included in its Report a group of detailed technical recommendations for changes in each of the individual agencies which it has studied. (Not available as we go to press.) In addition the Committee has made a series of general recommendations, applicable to all agencies and which have been embodied in a proposed bill accompanying the Report.

The principal general recommendations contained in the Report and in the proposed bill are as follows:

1. *Creation of an Office of Federal Administrative Procedure.*

An Office of Federal Administrative Procedure is to be established to review the procedures and practices of administrative agencies. The new Office would be composed of a Director appointed by the President, with the advice and consent of the Senate, an Associate Justice of the United States Circuit Court of Appeals for the District of Columbia to be designated by the Chief Justice of that Court, and the Director of the Administrative Office for the United States Court who is appointed by the Supreme Court of the United States. The Director of the Office of Federal Administrative Procedure would make a continuing study of the work of the administrative agencies, receive complaints from members of the public, and from time to time would make such recommendations to the agencies and to the Congress as might be desirable to achieve as much uniformity in administrative procedure as possible.

2. *Separation of Judicial and Prosecutive Functions.*

A new corps of officers is to be created to hear and decide cases in the administrative agencies. These officers would be known as "hearing commissioners." They would be nominated by the administrative agency and would be appointed, after investigation, by the Office of Federal Administrative Procedure. To assure their independence, these "hearing commissioners" would be given a 7-year term of office, and would be removable for cause only by the Office of Federal Administrative Procedure. Their salaries would also be fixed by law at $7500 a year.

The functions of the "hearing commissioners" would be analogous to those of trial judges. In each case heard by a "hearing commissioner" his decision would be final unless appealed to the head of the agency. The Committee recommends that on appeal the findings of fact of the "hearing commissioners" be left undisturbed unless clearly erroneous. A major objective of the Committee's recommendations is to limit further agency review of the decisions of "hearing commissioners" so as to make it possible for the agency heads themselves to examine and decide cases on appeal, and thus to abolish review attorneys.

The Committee recommends further steps to effect an internal separation of the functions of judge and prosecutor. The "hearing commissioners" are to be a separate unit entirely divorced from any investigative or prosecutive activities. Persons within an agency who investigate or present cases will have no part in the decision and will not act as consultants for agency heads who decide cases on appeal. It is also recommended that the agency heads divorce themselves as far as possible from the initiation of action by delegating that function to responsible officers in the agency who will have no part in the deciding.

3. *Agency Rules and Regulations.*

The Committee recommends that the procedure for the issuance of rules and regulations be regularized, and that persons affected by proposed rules and regulations be given a fuller opportunity to participate in the drafting. The Committee's proposed bill provides that, except in special cases, rules and regulations adopted by administrative agencies shall not take effect until 45 days after publication so that all persons may, meanwhile, submit their views and comments. In addition, any person affected by a rule or regulation is to have the right to petition for an amendment to the regulation, and each agency is to report to Congress on its disposition of such petitions.

Although the Committee recommends the extension of the use of hearings prior to the issuance of rules and regulations in many specified situations, it states that a ragid requirement of hearings in all cases before regulations are issued is not desirable. It urges agencies, however, to allow the broadest possible participation, by consultation and otherwise, of the public in rule-making processes. It observes that the great majority of agencies now use hearings, conferences, and consultations, even though they are often not required by law.

To eliminate unnecessary uncertainties, the Committee recommends that all agencies be empowered to issue declaratory or advance rulings. Any interested person who wishes to know his rights and duties in a specific situation may request a ruling of the agency and, after the ruling has been issued, it is to be binding on both the agency and the interested person and is to be reviewable in the courts to the same extent as any final order.

4. *Simplification of Administrative Procedures.*

The Committee recommends that the agencies simplify administrative procedure by extending the use of conferences and other informal methods to settle controversies. Agencies are urged to delegate routine matters, and to make available responsible officers for the settlement of disputes, so that delays and red tape may be diminished. The Committee condemns protracted and expensive hearings, and proposes that devices such as stipulations, pre-hearing conferences and written evidence be used to expedite formal proceedings.

The Committee also discusses methods for keeping the public informed of the activities of administrative agencies, and recommends that each agency facilitate dealings with the public by making clear to the public what its policies, structure and organization are, and by accompanying its decisions with opinions.

5. *Court Review.*

The Committee finds that, under present statutes and decisions, there is adequate provision for court review of agency decisions, both on the law and on the facts. The Committee finds that further extension of court review would result in needless litigation, and would place an undue and improper burden upon the courts.

The Committee recommends against the creation of special administrative courts. After thorough study, it feels that the creation of special administrative courts is not feasible or desirable. It suggests that such a separation would create confusion for the persons who deal with agencies, and that such separation is not necessary to achieve impartial and objective decisions. The Committee believes that the creation of independent "hearing commissioners" and the recommended internal separation of functions within the agencies will provide adequate safeguards.

The Committee finds that the administrative process is not a new one, but that it has been used since the beginning of American government. A great majority of the agencies studied were created before 1930, and some are as old as the Federal government itself. The thirty-three agencies and departments studied by the Committee are: Division of Public Contracts, Department of Labor, Walsh-Healey Act; Veterans Administration; Federal Communications Commission; United States Maritime Commission; Federal Alcohol Administration; Federal Trade Commission; Administration of the Grain Standards Act, Department of Agriculture; Railroad Retirement Board; Federal Reserve System; Department of Commerce; Bureau of Marine Inspection and Navigation; Administration of the Packers and Stockyards Act, Department of Agriculture; Post Office Department; Federal Control of Banking, Comptroller of the Currency and Federal Deposit Insurance Corporation; Administration of the Fair Labor Standards Act of 1938 (Wage and Hour Division, Children's Bureau); War Department; Social Security Board; Railway Labor National Mediation Board, National Railroad Adjustment Board); National Labor Relations Board; Civil Aeronautics Authority; Department of the Interior; United States Employees' Compensation Commission; Administration of Internal Revenue Laws (Bureau of Internal Revenue, Board of Tax Appeals, Processing Tax Board of Review); Bituminous Coal Division, Department of Interior; Interstate Commerce Commission; Federal Power Commission; Security and Exchange Commission; Administration of Customs Laws (Bureau of Customs, United States Tariff Commission).

At the conclusion of the Report, the Committee has included over 130 pages of detailed technical recommendations for changes in the individual agencies. In addition, the Committee has accompanied its Report with appendices, over 400 pages in length, describing important phases of administrative procedure.

The Committee was appointed on February 24, 1939 by former Attorney General Murphy at the request of the President. The present membership of the Committee is: Mr. Dean Acheson of Washington, D. C.; Chairman; the Honorable Francis Biddle, Solicitor General of the United States; Professor Ralph F. Fuchs, Washington University Law School, St. Louis; Dean Lloyd K. Garrison, University of Wisconsin Law School; Chief Justice D. Lawrence Groner, United States Court of Appeals for the District of Columbia; Professor Henry H. Hart, Jr., Harvard Law School; Mr. Carl McFarland, Washington, D. C., former Assistant Attorney General; Judge James W. Morris, United States District Court for the District of Columbia; Professor Harry Shulman, Yale Law School; Dean E. Blythe Stason, University of Michigan Law School; Mr. Arthur T. Vanderbilt of New Jersey, former President of the American Bar Association. Professor Walter Gellhorn of the Columbia Law School has served as Director of the Committee's staff.

The Committee was instructed by the President to make a thorough study of existing administrative practices and procedures "with a view to detecting any existing deficiencies and pointing the way to improvements." As part of its study, the Committee's staff prepared 27 monographs on existing procedures and practices of those Federal agencies which affect private interests. These were widely published, and in June and July, 1940, the Committee held public hearings at which it obtained the comments and opinions of the public and the bar. The Committee's recommendations are based upon this material.

Mr. Chief Justice Groner and the Messrs. McFarland, Stason and Vanderbilt have submitted statements of additional views and recommendations.

Legislation

FEDERAL LEGISLATION

HOUSE

H. R. 2598 (Lanham, D-Texas) COPYRIGHT—To provide a uniform fee for the registration of copyrights. Referred to the Committee on Patents.

HOUSE RESOLUTION

H. Res. 74 (Geyer, D-Calif.) Requesting the Attorney General of the United States to investigate the facts and circumstances connected with the granting of United States citizenship to W. J. Cameron, of Dearborn, Michigan. Referred to Committee on Immigration and Naturalization.

H. Res. 79 (Myers, D-Penna.) To appoint a special committee to investigate the alleged disagreement between the National Association of Broadcasters and the American Society of Composers, Authors, and Publishers (ASCAP). Referred to Committee on Rules.

SENATE

S. 517 (Johnson, D-Colo.) LIQUOR ADVERTISING—To prohibit the paid advertising of alcoholic beverages by radio in certain circumstances, and for other purposes. Referred to Committee on Interstate Commerce.

STATE LEGISLATION

Arizona:

H. 13 (Moschammer) SALES TAX—INCREASE—Amends the present sales tax law by raising the rates for all types of business to two per cent gross; includes manufacturing, transportation, mining, etc., which now carry one per cent or less. Referred to Taxation Committee 1/14/41. Referred to Judiciary, Ways and Means, and Efficient Government Committees 1/15/41.

California:

A. 434 (Maloney) EMPLOYMENT AGENCIES—An act relating to employment agency licenses. Referred to Committee on Judiciary Codes.

A. 796—MUSIC—COPYRIGHTS—Prohibits pooling of music copyrights. Referred to Committee on Judiciary General.

A. 797—MUSIC—COPYRIGHTS—Prohibits pooling of music copyrights. Referred to Committee on Judiciary General.

A. 798—MUSIC—COPYRIGHTS—Prohibits pooling of music copyrights. Referred to Committee on Judiciary General.

A. 1578 (Tenney) COPYRIGHTS—Assists in effectuating the intent and enforcement of the Federal Copyright Law. Referred to Committee on Judiciary General.

Connecticut:

H. 90 (Wadhams) RADIO ADVERTISING—LIQUOR—Prohibiting the sale of any brand of alcoholic liquor which has been advertised over any radio broadcasting station since July 1, 1941. Referred to Committee on Private Corporations.

Idaho:

H. 65 (Murphey) MUSICAL COPYRIGHTS—Requiring registration of copyrights and performing rights for musical compositions with secretary of state, and prescribing his duties in proceedings affecting them.

Massachusetts:

H. 1721 (Pet: O'Neill, Jr.) MUSIC—Provides that the sale of music and use thereof for private and public entertainment be placed under the jurisdiction of the department of Labor and Industries. Referred to Committee on Constitutional Law.

Michigan:

H. 76 (Stanley, et al.) MUSICAL COPYRIGHTS TAX—Levys a 25% tax on the gross receipts from persons in this State of license holders of musical copyrights other than true or original composers. Referred to Committee on Private Corporations

New Hampshire:

H. 183 (Mayo) PRIVATE EMPLOYMENT AGENCIES—Relating to the licensing of private employment agencies. Referred to Committee on Revision of Statutes.

H. 207 (Tuttle) LIQUOR—SALE—Prohibiting the sale of brands of liquor and beverages advertised over the radio. Referred to Committee on Liquor Laws.

New York:

A. 474 (Same as S. 311) (Bennigan) INCITEMENT TO HATRED—MISDEMEANOR—Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship, by any form of communication. Referred to Committee on Codes.

S. 311 (Coughlin) CENSORSHIP—Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship, by any form of communication. Referred to Committee on Codes.

Oregon:

H. 174 (Wells et al.) LIBEL—Amends section 81-2533 prohibiting certain libelous publications during election campaigns.

Pennsylvania:

H. 79 (Cohen) RADIO BROADCASTING—Prohibits the recording of any broadcast performance or rendition without the permission and consent of the person or persons whose performance or rendition is so recorded.

Washington:

H. 32 (Pennock) PUBLIC EMPLOYMENT AGENCIES—An act to regulate public employment agencies prescribing maximum charges. Referred to Committee on Labor and Labor Statistics.

Wisconsin:

S. 43 (Cashman) COPYRIGHTED MUSIC—An act to create Section 177.01 (8) of the Statutes, relating to copyrighted music. Referred to Committee on Judiciary.

NEW YORK LEGISLATION

Harold E. Smith, WABY, Albany, has accepted an appointment as legislative contact man at the New York capital. (NAB Reports, p. 32.)

FEDERAL COMMUNICATIONS COMMISSION

FCC APPROPRIATION

The House of Representatives on Thursday passed that part of the Independent Offices Appropriation Bill taking care of the FCC appropriation for the fiscal year 1942.

The total appropriation as passed by the House was for $4,259,729. Included in this amount was $1,920,000 for national defense activities which will allow the Commission to continue to perform the national defense functions for the performance of which during the fiscal year 1941 the Commission received allocation of appropriation from the President's emergency fund.

The House Appropriation's Committee, in reporting out the Independent Offices Bill, had the following to say in connection with the FCC:

"For salaries and expenses of the regular activities of this agency there is recommended $2,315,229, which is the Budget estimate and

$138,889 more than the 1941 appropriation. The amount recommended reflects an actual increase over 1941 of $271,260, owing to the fact that nonrecurring items totaling $132,871 have been deducted from the 1942 base figure. This increase will be used primarily for the establishment of two new field offices for accounting purposes, the operation of two new mobile laboratories, placement of the telephone regulation personnel on a full-year basis, the reallocation of personnel approved by the Civil Service Commission, and $74,600 for the purchase of technical equipment consisting of operator examination units, portable frequency meters, and mobile laboratories.

"The committee have allowed the Budget estimate of $1,920,000 to carry on the work of expansion, modernization, and operation of radio monitoring and direction-finding equipment and the investigation of subversive activities in connection with national security and defense, for which $1,600,000 was allocated from the 'Emergency fund for the President, War,' for the fiscal year 1941."

TELEVISION REPORT SPEEDS FORMAL HEARING

Following its conference this week with the National Television Systems Committee, the FCC has announced that it will hold a formal hearing March 20, for the purpose of considering the various engineering standards that have been suggested, and also to determine when television broadcasting shall be placed upon a commercial basis.

Commission Chairman James Lawrence Fly stated that the work of the National Television Systems Committee, sponsored by the Radio Manufacturers Association in cooperation with the Commission, will be most helpful to the Commission in these considerations. Said Chairman Fly: "I believe that the results of the Committee's work, which were presented to the Commission in the informal conference, form a basis upon which the Commission can move to the definitive questions of standardization and commercialization." He is particularly optimistic about the possibilities of television as demonstrated to the Commission several days previously in New York.

At the informal conference this week reports by the National Television Systems Committee only were received. No questions other than those of a purely engineering character were involved. It was not an occasion for other parties to be heard, or to cross-examine the Committee and panel chairmen. However, at the March 20 hearing, all interested parties will be afforded full opportunity to themselves propose standards, to comment upon standards which have been proposed by others, to cross-examine various witnesses, and, generally, to be heard upon all the pertinent problems in connection with the standardization and commercialization of television.

The Commission will issue a more specific notice as to suggested rules for consideration, and the procedure for the scheduled hearing.

Chairman Fly expressed the hope that the intervening time will be utilized by those interested to study the alternative standards with a view to ironing out differences in the industry so far as may be feasible. He also holds it desirable that field testing, which is currently under way, be brought to some fairly definite conclusion, in order that the differing standards for television may be presented on the basis of practical operation.

FM TECHNICAL REQUIREMENTS WAIVED

As the result of a conference with manufacturers of high frequency (FM) broadcast equipment, the FCC has waived certain technical requirements to expedite operation and, incidentally, announces its 30th FM grant on a commercial basis—for a new station at Syracuse, N. Y. More than 600,000 residents within a 6,800-square-mile area of that city will be served by the Central New York Broadcasting Corp. on 46,300 kilocycles.

Since high frequency broadcast stations are rated on the basis of specified service and the actual power may vary widely for the same service area in the same location, the Commission's rules do not specify or standardize power rating. However, standardization of the maximum power rating and operating range of the transmitters would be of mutual assistance to the manufacturer and broadcaster. Since the Commission has agreed to standardize the power in connection therewith it became desirable to waive two rules—Section 3.241, relating to maximum power rating, to permit maximum power of four times the operating power between 12,500 and 25,000 watts until a 25,000 watt transmitter can be developed and placed on the market; and Section 3,245, relating to transmitter performance requirements, to permit manufacturers more time to meet the 2 per cent limit on the combined audio frequency harmonics generated by the transmitting system.

Because proposed FM service in the Philadelphia and New York areas makes assignment of adjacent channels desirable, the Commission has modified the construction permit granted the WCAU Broadcasting Co., in the former city, to specify 46,900 kilocycles (instead of 46,700), and that of the Columbia Broadcasting System, Inc., New York, to specify 46,700 kilocycles (instead of 48,700). The call letters W67PH assigned to the Philadelphia station necessarily must be changed to W69PH to indicate the new frequency assignment. Call letters for the Columbia Broadcasting System station have not yet been assigned.

SECTION 3.92 OF RULES SUSPENDED

The FCC suspended requirements of Section 3.92 with respect to station identification announcements applicable to all radio broadcast stations carrying the President's birthday celebration program for the period 11:15 p. m. to 12:15 a. m. EST, January 30 and 31.

WAIVER OF SECTIONS 3.241 AND 3.245 OF FM RULES

Section 3.241, of the FCC rules, relating to maximum power rating, was waived, to permit maximum power of four times the operating power between 12,500 and 25,000 watts until a 25,000 watt transmitter can be developed and placed on the market; and Sec. 3.245, relating to transmitter performance requirements, to permit manufacturers more time to meet the 2 per cent limit on the combined audio frequency harmonics generated by the transmitting system, was also waived.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled before the Commission in broadcast cases during the week beginning Monday, February 3. They are subject to change.

Monday, February 3

NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla. —C. P., **1420 kc.,** 250 watts night, 250 watts day, unlimited.

NEW—Atlantic Broadcasting Corp., Miami, Fla.—C. P., **1280 kc.,** 500 watts night, 1 KW day, unlimited.

NEW—Seaboard Broadcasting Corp., Tampa, Fla.—C. P., **1530 kc.,** 1 KW night, 1 KW day, unlimited.

NEW—Robert V. Lee, Bradenton, Fla.—C. P., **1500 kc.,** 250 watts night, 250 watts day, unlimited.

Tuesday, February 4

To Be Held in the U. S. Court Building, San Juan, Puerto Rico

NEW—Puerto Rico Advertising Co., Inc., Arecibo, P. R.—C. P., **1200 kc.,** 250 watts, unlimited.

NEW—Puerto Rico Advertising Co., Inc., San Juan, P. R.—C. P., **1500 kc.,** 250 watts, unlimited.

NEW—Caribbean Broadcasting Association, Inc., San Juan, P. R.—C. P., **1500 kc.,** 250 watts, unlimited.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Renewal of license, **780 kc.,** 1 KW night, 2½ KW day, unlimited.

Wednesday, February 5

WCSC—The Liberty Life Insurance Co. (Transferor) and John M. Rivers (Transferee), Charleston, S. C.—Transfer of control of South Carolina Broadcasting Co., Inc.; **1360 kc.,** 500 watts night, 1 KW day, unlimited.

Thursday, February 6

WOOD—King-Trendle Broadcasting Corp. (Assignor), WOOD Broadcasting Corp. (Assignee), Grand Rapids, Mich.—Voluntary assignment of license; **1270 kc.,** 500 watts, unlimited, S-WASH.

FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings. They are subject to change.

March 3

Television

NEW—R. B. Eaton, Des Moines, Iowa.—C. P., **66000-72000 kc.,** 46 watts night, 46 watts day, visual; 100 watts day, aural; unlimited.

NEW—William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—C. P., **1370 kc.,** 250 watts, unlimited time.

March 17

WDGY—Dr. George W. Young, Minneapolis, Minn.—C. P., **1100 kc.,** 5 KW night, 10 KW day, unlimited, DA night. Present assignment: **1180 kc.,** 1 KW night, 5 KW day, limited-KOB.

March 18

WAGA—Liberty Broadcasting Corporation, Atlanta, Ga.—C. P., **590 kc.,** 1 KW night, 5 KW day, DA night, unlimited. Present assignment: **1450 kc.,** 500 watts night, 1 KW day, unlimited.

March 19

NEW—Butler Broadcasting Corporation, Hamilton, Ohio.—C. P., **1420 kc.,** 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Central New York Broadcasting Corp., Syracuse, N. Y.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **46300 kc.;** 6,800 square miles; 600,100 population (B1-PH-50).

WWJ—The Evening News Association, Detroit, Mich.—Granted modification of construction permit (B2-P-2880 to make changes in directional antenna nighttime) for approval of new directional antenna specifications (B2-MP-1132).

KVOX—Robert K. Herbst (Transferor), David C. Shepard, John W. Boler, and Howard Johnson (Transferee), KVOX Broadcasting Co. (Licensee), Moorehead, Minn.—Granted consent to transfer control of KVOX Broadcasting Company from Robert K. Herbst to David C. Shepard, Howard Johnson and John W. Boler, representing all the issued and outstanding capital stock (250 shares of common, par value $100 per share) for a cash consideration of $25,000 and $15,000 in time on the station. The value of time used will be computed at prevailing rates and not less than $2,000 per year shall be used; station operates on **1310 kc.,** 250 watts, unlimited time (B4-TC-241).

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of license to move main studio from 131 Market St., Newark, N. J., to 1440 Broadway, New York City (B1-ML-1041).

RENEWAL OF TELEVISION STATION LICENSES

The Commission granted the following applications for renewal of television broadcast station licenses:

W2XAB, Columbia Broadcasting System, Inc., New York; W2XBT, W2XBU, W2XBS, National Broadcasting Co., Inc., New York City; W6XDU, Don Lee Broadcasting System, Los Angeles; W2XVT, Allen B. DuMont Labs., Inc., Passaic, N. J.; W9XZV, Zenith Radio Corp., Chicago.

The following licenses for television stations expiring Feb. 1, 1941, were extended to March 1, 1941, pending action on applications for renewals:

W3XE, Philco Radio & Television Corp., Philadelphia; W3XP, Philco Radio and Television Corp., Portable; W2XI, General Electric Co., New Scotland, N. Y.; W3XAD and W3XEP, RCA Manufacturing Co., Inc., Camden, N. J.

The following licenses for television stations expiring Feb. 1, 1941, were extended to March 1, 1941, pending receipt of applications for renewals:

W2XB, W2XH, General Electric Co., Schenectady, N. Y.; W9XUI, State University of Iowa, Iowa City, Iowa.

MISCELLANEOUS

National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to rebroadcast over the NBC Blue

Network of affiliated stations and international stations WRCA and WNBI program material originating on army plane flying over Los Angeles, Calif., and navy plane flying over Anacostia, D. C., as part of program "One Nation Indivisible" to be broadcast on January 20, 1941, between 9 p. m. and 10 p. m., EST.

National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to rebroadcast over WRC, WMAL and the Red and Blue Networks of affiliated standard broadcast stations, international broadcast stations WRCA and WNBI, and experimental station W2XWG, conversations and orders transmitted from one plane to another and from planes to the ground control stations, as a special feature in the coverage of U. S. Army aircraft maneuvers over Washington on Inauguration Day, January 20, 1941; communications between planes and ground to be on Government frequencies and program reception to be effected by NBC receiving equipment located on the Washington Monument and on the Dome of the Capitol Building, Washington, D. C.

The Tribune Company, Tampa, Fla.—Petition (1) for partial removal of condition in its construction permit; (2) for grant of application of City of St. Petersburg (WSUN) for modification of license; (3) for grant of application for transfer of control of Lake Region Broadcasting Co. (WLAK), Lakeland, Fla., from individual stockholders to the Tribune Company; and (4) for assignment of call letters WFLA in place of call letters WKGA to new station of the Tribune Company, Tampa, denied except as to request for grant of WSUN application and except as to request for change in call letters; granted as to these matters only.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to operate with power of 250 watts from 8 to 10 p. m., EST, January 20, 1941, in connection with rebroadcast of President Roosevelt's Inaugural Address and ceremonies only.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with radio station WOSU from 1 p. m. to 3 p. m., EST, on January 20, 1941, in order to broadcast Inaugural ceremonies of President Roosevelt only.

WRUL—World Wide Broadcasting Corp., Scituate, Mass.—Granted license to cover construction permit which authorized increase in power from 20 KW to 50 KW and changes in equipment of international broadcast station (B1-LIB-12).

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 9 p. m. to 11 p. m., CST, on January 18, 1941, instead of from 7:50 p. m. to 9:50 p. m., CST, as authorized January 4, 1941, in order to broadcast basketball game only.

Chilton Radio Corp., Dallas, Tex.—Granted petition for leave to amend application for new station to request some frequency other than **1370 kc.,** and to use power of 1 KW day only, instead of 100 watts unlimited time.

William H. Rines, Portland, Maine.—Granted motion for dismissal without prejudice of application for construction permit to operate on **560 kc.,** 1 KW night, 5 KW day, unlimited time, DA night and day.

R. B. Eaton, Des Moines, Ia.—Granted motion and sup. motion to take depositions in re application for new television station.

Wm. D. Hudson & Violet Hutton Hudson, Clarksville, Tenn.—Granted motion to continue hearing now scheduled for Jan. 30, for approximately 30 days.

KOWH—World Publishing Co., Omaha, Nebr.—Dismissed without prejudice petition to intervene in the hearing on application of KFEQ, St. Joseph, Mo., for construction permit to operate on **680 kc.,** 5 KW, unlimited time, DA day and night.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted motion to accept technical amendment to application for construction permit.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted motion to amend application for construction permit to operate on **690 kc.,** so as to request unlimited time instead of specified hours.

WSAY—Brown Radio Service & Lab. (Gordon P. Brown, Owner), Rochester, N. Y.—Granted motion for order to take depositions in re application for construction permit to operate on **1340 kc.,** 1 KW, unlimited time, DA day and night.

WJNO—WJNO, Inc., W. Palm Beach, Fla.—Granted construction permit to use formerly licensed composite transmitter and install vertical antenna as an auxiliary unit at 511 Datura St., W. Palm Beach.

KFH—Radio Station KFH Co., Wichita, Kans.—Granted modification of construction permit (B4-P-2462) for extension of completion date from Feb. 18 to July 18/41.

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Granted license to cover construction permit (B3-P-2570) which authorized increase in night power to 5 KW; **890 kc.,** unlimited time, DA night; also granted authority to determine operating power by direct measurement of antenna input.

WFIG—J. Samuel Brody, Sumter, S. C.—Granted authority to determine operating power by direct measurement of antenna input.

KXYZ—Harris County Broadcast Co., Houston, Tex.—Granted authority to determine operating power by direct measurement of antenna input.

KRNR—News-Review Co., Roseburg, Ore.—Granted authority to determine operating power by direct measurement of antenna input.

KLX—Tribune Building Co., Oakland, Cal.—Granted authority to determine operating power by direct measurement of antenna input.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna input.

WCMI—Ashland Broadcasting Co., Ashland, Ky.—Granted authority to determine operating power by direct measurement of antenna input.

KMMJ—KMMJ, Inc., Grand Island, Neb.—Granted authority to install automatic frequency control unit.

KOCY—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Granted authority to install automatic frequency control unit.

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Granted authority to install automatic frequency control unit.

WDEF—Joe W. Engel, Chattanooga, Tenn.—Granted license to cover construction permit (B3-P-2485) which authorized a new station to operate on **1370 kc.,** 250 watts, unlimited time (B3-L-1515); also granted authority to determine operating power by direct measurement of antenna input (B5-Z-641).

KAQX—Central States Broadcasting Co., Portable-Mobile, Area of Omaha, Neb.—Granted modification of construction permit (B4-PRY-210), which authorized a new relay broadcast station, to extend completion date from Dec. 18/40 to Feb. 18, 1941 (B4-MPRY-27).

KAQW—Central States Broadcasting Co., Portable-Mobile, Area of Omaha, Neb.—Granted modification of construction permit (B4-PRY-209), which authorized a new relay broadcast station, to extend completion date from Dec. 18/40 to Feb. 18, 1941 (B4-MPRY-29).

KSTP—KSTP, Inc., St. Paul, Minn.—Granted license to cover construction permit (B4-P-1828) which authorized move of transmitter, installation of new equipment and directional antenna, and increase in power to 50 KW; **1460 kc.** (B4-L-1206); also granted authority to determine operating power by direct measurement of antenna power (B4-Z-455).

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Granted license to cover construction permit (B5-P-2632) which authorized installation of new transmitter, increase in power to 5 KW, installation of directional antenna for day and night use, and move of transmitter; **620 kc.** (B5-L-1311); also granted authority to determine operating power by direct measurement of antenna input (B5-Z-636).

WMRN—The Marion Broadcasting Co., Marion, Ohio.—Granted license to cover construction permit (B2-P-2862) which authorized a new station to operate on **1500 kc.,** 250 watts, unlimited time (B2-L-1314); also granted authority to determine operating power by direct measurement of antenna input (B2-Z-639).

WKNE—Twin State Broadcasting Corp., Keene, N. H.—Granted license to cover construction permit (B1-P-2415) for move of transmitter and studio, installation of new transmitter, increase in power from 1 to 5 KW, and installation of directional antenna for day and night use; **1260 kc.** (B1-L-1309); also granted authority to determine operating power by direct measurement of antenna input (B1-Z-635).

WDAY—WDAY, Inc., Fargo, N. Dak.—Granted license to cover construction permit (B4-P-2530) for increase in night power to 5 KW. and installation of directional antenna for night use; **940 kc.** (B4-L-1310); also granted authority to determine operating power by direct measurement of antenna input (B4-Z-635).

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-630).

WAWT—Alabama Polytechnic Institute, University of Alabama, Etc., Portable-Mobile (area of Birmingham, Ala.).—Granted license to cover construction permit (B3-PRY-211) which authorized a new relay broadcast station to be used with applicant's standard broadcast station WAPI; frequencies **1622, 2058, 2150, 2790 kc.,** 25 watts (B3-LRY-214).

WGNB—WGN, Inc., Chicago, Ill.—Granted license to cover construction permit (B4-PRE-347) for new relay broadcast station; frequencies **156750, 158400, 159300, 161100 kc.,** 50 watts, special emission for frequency modulation with a maximum band width not to exceed 200 kilocycles. Station to be used with applicant's standard broadcast station WGN (B4-LRE-339).

WDEL—WDEL, Inc., Wilmington, Del.—Request to withdraw petition for rehearing directed against the action of the Commission November 26, 1940, granting without hearing the application of WCOP, Boston, Mass., for construction permit to operate unlimited time on **1120 kc.,** with 500 watts power, was considered as a motion to dismiss, and granted, and the petition filed by WDEL for rehearing was dismissed.

The May Department Stores Co., Los Angeles, Cal.—Granted extension of time in which to supply the experimental program for television broadcast station W6XMC (CP only), for a period of 60 days from January 14, 1941.

WCAU Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit for high frequency broadcast station so as to specify the channel **46900 kc.** instead of **46700 kc.,** and the call letters W67PH heretofore assigned were changed to W69PH.

Columbia Broadcasting System, Inc., New York City.—Granted modification of construction permit for high frequency (FM) broadcast station so as to specify the channel **46700 kc.** instead of **48700 kc.,** heretofore assigned. Call letters for this station have not yet been assigned.

APPLICATIONS FILED AT FCC

550 Kilocycles

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Modification of construction permit (B2-P-2578) as modified for new equipment, increase in power, and antenna, requesting a new transmitter and extension of completion date from January 28, 1941 to 180 days after grant.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Construction permit to install a new transmitter.

600 Kilocycles

KFSD—Airfan Radio Corporation, Ltd., San Diego, Calif.—Modification of construction permit (B5-P-2259) for new transmitter and antenna, increase in power and move of transmitter, requesting approval of vertical antenna and site at approximately 5.25 miles North of 4th Street and Broadway, San Diego, California, and install a new transmitter.

620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Construction permit to increase power from 500 watts, 1 KW local sunset, to 5 KW day and night; install new equipment and directional antenna for day and night use. Amended to make changes in directional antenna for day and night use.

690 Kilocycles

NEW—Fred Jones, Mary Eddy Jones, and W. E. Hightower, d b as Fred Jones Broadcasting Co., Tulsa, Okla.—Construction permit for new station on **690 kc.,** Class II, 50 KW, unlimited. Amended re directional antenna.

900 Kilocycles

WFMD—Monocacy Broadcasting Co., Frederick, Md.—License to cover construction permit (B1-P-2243) for change in hours of operation and directional antenna for night use.

WFMD—Monocacy Broadcasting Co., Frederick, Md.—Authority to determine operating power by direct measurement of antenna power.

WBEN—WBEN, Incorporated, Buffalo, N. Y.—Construction permit to move auxiliary transmitter from RFD No. 2, Shawnee Road, near Martinsville, New York, to corner Bush Road and Beaver Island Parkway, Grand Island, New York.

920 Kilocycles

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Construction permit to increase power from 1 KW to 1 KW, 5 KW—Local Sunset, change hours of operation from daytime to unlimited time, install a new transmitter, install directional antenna for day and night use and move of transmitter.

1000 Kilocycles

NEW—Cuyahoga Valley Broadcasting Company, Cleveland, Ohio.—Construction permit for a new station on **1000 kc.,** 1 KW, daytime. Amended to change frequency from **1000 kc.** to **1270 kc.,** Class III-B, transmitter site at Stillson and Campbell, Cleveland, Ohio, changes in equipment and antenna.

1020 Kilocycles

KYW—Westinghouse Electric and Manufacturing Co., Philadelphia, Pa.—License to cover construction permit (B2-P-2904) as modified for changes in equipment and increase in power.

KYW—Westinghouse Electric and Manufacturing Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement.

1050 Kilocycles

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Modification of construction permit (B4-MP-896) for change of power and hours of operation from 5 KW, limited time, to 1 KW, 5 KW, Local Sunset, unlimited time, and installation of directional antenna for night use, requesting changes in directional antenna for night use.

1060 Kilocycles

KTHS—KTHS Broadcasting Co., Inc., Hot Springs National Park, Arkansas.—Construction permit to install new transmitter, and directional antenna for night use; change frequency from **1040 kc.** to **1060 kc.;** increase power from 10 to 50 KW and hours of operation from shares KRLD to unlimited time. Amended to change name from Hot Springs Chamber of Commerce to KTHS Broadcasting Co., Inc.; change type of requested transmitter; and change power of amplifier from 100 watts, 250 watts local sunset, to 100 watts.

1120 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—Modification of construction permit (B1-P-2758) for increase in power from 250 watts, 1 KW local sunset, to 5 KW day and night; install directional antenna for day and night use, and new transmitter, requesting approval of directional antenna for day and night use.

1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Voluntary assignment of license from Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI), to Voice of Alabama, Inc.

1200 Kilocycles

WJOB—F. L. Adair and O. E. Richardson, Hammond, Ind.—Modification of license to change hours of operation from unlimited day, share WFAM night, to unlimited time.

KGEK—Elmer G. Beehler, Sterling, Colo.—Authority to determine operating power by direct measurement of antenna power on **1230 kc.,** under NARBA.

1210 Kilocycles

KWIL—Central Willamette Broadcasting Co., Albany, Ore.—License to cover construction permit (B5-P-2949) for a new station.

KWIL—Central Willamette Broadcasting Company, Albany, Ore.—Authority to determine operating power by direct measurement of antenna power.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Authority to install automatic frequency control equipment.

1280 Kilocycles

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Modification of construction permit (B4-P-2689) for changes in directional antenna, increase in power, further requesting approval of new transmitter, changes in antenna system, approval of transmitter site at 9 E. Twp. 6 N.NE¼ of NE¼ of Sec. 16, Fitchburg, Wis., and studio site at 110 East Main St., Madison, Wis.

1290 Kilocycles

WEBC—Head of the Lakes Broadcasting Company, Duluth, Minn.—Authority to determine operating power by direct measurement of antenna power.

1310 Kilocycles

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Modification of construction permit (B2-P-2459) for move of transmitter, increase in power, new transmitter and antenna, requesting approval of vertical antenna and approval of transmitter site at Ferndale, Mich. Amended to give transmitter site as Ferndale, Mich.

KARM—Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, Fresno, Calif.—Voluntary assignment of license from Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, to KARM, The George Harm Station.

1420 Kilocycles

NEW—Chattahoochee Broadcasting Co., Columbus, Ga.—Construction permit for a new station on **1420 kc.** (Class IV station), 250 watts, unlimited time. Amended to change applicant from Arthur Lucas and Wm. K. Jenkins, d/b as Chattahoochee Broadcasting Co. (a partnership), to Chattahoochee Broadcasting Company (a corporation).

NEW—Tri-State Broadcasting Corp., Wheeling, W. Va.—Construction permit for new station, **1420 kc.** (Class IV), 100 watts, unlimited.

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Modification of construction permit (B5-P-2458) for a new station, requesting approval of vertical antenna, approval of transmitter site at 1124 S. 34th St., San Diego, Calif., and studio site at 1375 Pacific Blvd., Pacific Square, San Diego, Calif., and install a new transmitter.

1430 Kilocycles

WOKO—WOKO, Inc., Albany, N. Y.—Authority to make changes in automatic frequency control apparatus.

FM APPLICATIONS

NEW—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit (B1-PH-46) for a new high frequency broadcast station, for approval of transmitter, changes in antenna and change population from 11,800,000 to 11,900,000. Amended to change location of studio from Newark, N. J., to New York, N. Y.

NEW—Wodaam Corporation, New York, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **45300 kc.**; coverage, 8,500 square miles. Amended re to change frequency from **45300** to **46700 kc.**, population from 11,417,000 to 11,431,600; change type of transmitter, and location of transmitter from Carlstadt, N. J., to New York, N. Y., and changes in antenna.

NEW—New Jersey Broadcasting Corp., New York, N. Y.—Construction permit for a new high frequency broadcast station. Frequency, **47900 kc.**; coverage, 8,900 square miles; population, 10,400,000. Amended re change coverage from 8,900 to 8,500 square miles, population from 10,400,000 to 11,500,000, and make antenna changes.

NEW—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PH-52) for a new high frequency broadcast station, requesting approval of transmitter, changes in antenna, and change population from 11,010,372 to 11,814,746.

WJIM—WJIM, Inc., Lansing, Mich.—Construction permit for new high frequency broadcast station. Frequency, **45100 kc.**; coverage, 5,341 square miles; population, 421,000.

TELEVISION APPLICATIONS

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Modification of construction permit (B4-PVB-20, which authorized a new television station) requesting approval of transmitter site and antenna: 720 East Capital Drive, Milwaukee, Wisconsin. Amended: re: antenna changes.

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for new television (relay) broadcast station. Frequencies, **300000-306000** and **306000-312000 kc.**; power, 25 watts visual; emission, A-5; location, portable-mobile (area of Milwaukee County, Wis.). (To be used with television station W9XMJ.)

MISCELLANEOUS APPLICATIONS

WEGQ—Broadcasting Service Organization, Inc., Boston, Mass.—Construction permit for reinstatement of station equipment changes, and increase power from 5 watts to 15 watts.

NEW—Eugene J. Roth, tr/as Mission Broadcasting Company, San Antonio, Tex.—Construction permit for new relay broadcast station. Frequencies, **1622, 2058, 2150, 2790 kc.**; power, 25 watts; emission, A-3; hours of operation, unlimited; location, portable-mobile, area of San Antonio, Tex.

WAWT—Alabama Polytechnic Institute, University of Alabama, and Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Voluntary assignment of construction permit B3-PRY-211 to Voice of Alabama, Inc.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Voluntary assignment of license from Hot Springs Chamber of Commerce to KTHS Broadcasting Co., Inc.

KDAS—Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, Fresno, Calif.—Voluntary assignment of license from Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, to KARM, The George Harm Station.

KDAC—Gilbert H. Jertberg, Executor of the Estate of George Harm (deceased), Fresno, Calif.—Voluntary assignment of license from Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, to KARM, The George Harm Station.

NEW—Piedmont Publishing Company, Winston-Salem, N. C.—Construction permit for new relay broadcast station. Frequencies, **1622, 2058, 2150, 2790 kc.**; power, 100 watts; emission, A3.

NEW—The Evening News Association, Detroit, Mich.—Modification of construction permit (B2-PH-21) for approval of transmitter, antenna changes, and change population from 5,641,981 to 2,498,000. Amended re change type of transmitter.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Dr. Jane Blanchard—Charging misrepresentation in the sale of a medicinal preparation, a complaint has been issued against Jane Blanchard Geary, trading as Dr. Jane Blanchard, 2817 East St. (N. S.), Pittsburgh.

According to the complaint, the respondent advertises her product designated "Dr. Blanchard's Female Compound and Regulator," as a competent and reliable regulator of conditions peculiar to women, and as being safe and harmless.

The complaint charges, however, that the preparation's therapeutic properties are limited to those of an alcoholic stimulant and irritant laxative; that it is not safe and harmless in that contains the drug aloes in quantities sufficient to be harmful, and that the respondent's advertisements are false because they fail to reveal that use of the preparation under conditions prescribed in the advertisements or under customary conditions may cause colitis and produce pelvic congestion.

Use of the title "Dr." by the respondent is misleading as she is not a medical doctor, the complaint alleges. (4449)

STIPULATIONS

The following stipulations have been entered into by the Commission during the past week:

Foot Pep Sales—A. Greenberg, Sol Bassan, and H. Greenberg, trading as Foot-Pep Laboratories, and Foot-Pep Sales, 930 West Roosevelt Road, Chicago, in a stipulation entered into with the Federal Trade Commission, agree to cease advertising that their preparation "Foot-Pep" is a competent remedy or effective treatment for athlete's foot; that it has any therapeutic value in treating this ailment in excess of affording temporary symptomatic relief and that it stops acidity, penetrates skin pores, stimulates foot circulation, peps up normal feet, and soothes corns, bunions or callouses. The respondents also agree to cease representing, by use of the word "Laboratories" in their trade name, that they maintain or control a laboratory. (02713)

Alvin L. Keeny, Route No. 1, New Freedom, Pa., a dealer in mink breeding stock, in a stipulation has agreed to cease representing that he personally has substantial resources to assure the sale, at a profit, of mink raised from breeding stock sold by him; that he has obtained or is able to obtain any specific amount for a mink pelt in excess of the amount actually obtained, or that mink pelts are worth any specified amount in excess of such amount obtained. The respondent also agrees to cease overstating the possible profits attainable by persons selling mink raised from stock sold by him. (02712)

Meyer Brothers Drug Company, 217 South Fourth St., St. Louis, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease advertising that its product "Ratskill" is the most effective exterminator to use against rats, and that the Department of Agriculture has said that red squill is the most successful of all rat poisons. The respondent, according to its stipulation, advertised its product as "a red squill rat externimator."

Old Indian Medicine Company—Charles K. Wilson, trading as Old Indian Medicine Company, and as Wa-Hoo Medicine Company, 845 Western Ave., Toledo, Ohio, has entered into a stipulation with the Federal Trade Commission in which he agrees to cease and desist from certain representations in the sale of medicinal preparations.

The respondent stipulates that he will cease representing that "Wa-Hoo Bitters" is a tonic or effective treatment or competent remedy for ailments of the blood, nerves, stomach, liver or kidneys, and is efficacious as a treatment or remedy for rheumatism, impure blood, gastritis, sour or bloated stomach, liver or kidney complaint, indigestion, dyspepsia, catarrhal troubles, nervousness, salt rheum, scrofula, skin diseases or any other affliction or condition aside from constipation.

The respondent further agrees to cease representing by statements such as "Old Indian Remedy" or "Old Indian Root and Herb Tonic" or otherwise, that the formula for the preparation was originated or used by American Indians prior to the time of their introduction to or acquaintances with generally recognized medical science.

The respondent also agrees to desist from representing fictitious prices as customary prices. (3027)

Rogers Peet Company, operating a number of men's furnishing stores in New York City, has entered into a stipulation in which it agrees to cease certain representations in the sale of robes.

The respondent agrees to cease and desist from failing to disclose that such products are composed of rayon, either in whole or in part, as the case may be, such disclosure to be made clearly in invoices and all advertising matter.

The respondent corporation also stipulates that it will cease using the terms "Pure Silk" or "Silk Faille" or the word "Silk" or similar words, alone or in conjunction with other words, as descriptive of products which are not silk exclusively or which contain any metallic weighting.

If, according to the stipulation, a product consists of weighted silk, either in whole or in part, then the words "Silk," "Pure Silk" or "Silk-Faille," if used to refer to its silk content, shall be immediately accompanied by full and conspicuous disclosure of the presence of metallic weighting, together with its proportion or percentage, in all tags and advertising matter.

The stipulation gives the following as illustrative examples of the disclosure provided for: "Silk, Weighted, 20%," "Silk with 20% Metallic Weighting," "Silk Weighted up to 20%," and "Silk Weighted not over 20%." (3026)

Sumlar Company—A. Marks, trading as The Sumlar Company, 1 Sickles St., New York, has entered into a stipulation in which he agrees to cease certain representations in the sale of "Kloronol," a nose drop medicinal preparation.

The respondent agrees to cease disseminating advertisements (1) which represent that continuous use of Kloronol is safe, or that it may be continuously used without harm in certain pathological conditions such as sinusitis; (2) which advertisements fail to reveal that its continued or frequent use may cause nervousness, restlessness or sleeplessness, and (3) which fail to reveal that persons ill of high blood pressure, heart disease, diabetes or thyroid trouble, should not use the preparation except on competent advice.

The stipulation provides, however, that such advertisement need contain only a statement that the preparation should be used only as directed on the label, if and when such label either contains an appropriate warning or specifically directs attention to such a warning statement in the accompanying labeling.

The respondent also agrees to cease representing that the product is "new" or "rare." (02711)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Apex Lamp Works—B. Solomon, trading as Apex Lamp Works, 146 West 25th St., New York, to cease and desist from making misleading representations in the sale of a lamp shade or reflector known as "Ampliflector."

Commission findings are that the respondent advertised her product as being a new and amazing light discovery which cuts light bills from 25 to 50 per cent, and as an advancement in the science of light reflectors providing extreme concentration of light rays. The respondent also made other representations of the product's merit and efficiency.

The respondent, according to findings, discontinued such advertising in 1938 and continued selling the reflectors until a year later.

The Commission finds that the respondent's reflector does not reduce lighting costs; that, like many other reflectors, it is instrumental in directing and increasing light on a given working plane, and is merely an adaptation of a well-known principle of light diffusion.

The Commission order directs the respondent to cease and desist from various representations made concerning the product. (3629)

Cheshill Manufacturing Company—Selling a chain door lock equipped with a so-called safety bell and advertised as a burglar alarm, Edward Shill and Sanford C. Chesick, trading as The Cheshill Manufacturing Company, 501 Seventh Ave., New York, have been ordered to cease and desist from misrepresentation in the sale of this product, known as "Safety Bell Chain Lock."

The order directs the respondent to cease using the word "manufacturing" or any similar word as part of their trade name unless they actually own, operate and control a factory in which their product is made, and to cease representing that they are manufacturers of the "Safety Bell Chain Lock" device, and that it is patented or that an application for a patent is pending, when such is not a fact. (4123)

Group Sales Corporation, 215 West 39th St., New York, a jobber or wholesaler of silk and rayon piece goods, has been ordered to cease and desist from misrepresentation of its products.

Through its use in circular advertisements distributed to retail customers of the well-known names of manufacturers such as H. R. Mallinson, Cheney Bros., Belding, Schwarsenbach, and others, and of accompanying representations, the respondent, according to Commission findings, advertises that the piece goods which it sells are composed entirely of so-called "name goods," when in fact a substantial portion of the products so advertised consist of materials having no recognized quality and made by manufacturers who do not have a wide or favorable reputation. Most of the respondent's merchandise, the findings continue, has been obtained, not directly from manufacturers, but from commission merchants, dress manufacturers, garment makers and jobbers.

The Commission order directs that the respondent cease representing, or aiding retailers to represent, through the device of so-called "name sales" of groups of piece goods, that groups of its silk and rayon piece goods constitute "name goods," unless all or a majority of the goods included in such groups have been actually produced and widely advertised by a nationally known manufacturer.

The order further directs that in the event such groups of goods include pieces not produced and widely advertised by a nationally known manufacturer, disclosure of that fact is to be made.

The respondent is further ordered to cease representing as new, wanted, up-to-date, stylish or seasonable, any fabric which is not such in fact; representing that the quality, character or origin of a fabric is other than what is actually the fact, and that any product has been obtained by the respondent directly from the manufacturer, when such is not a fact. (2922)

Home Diathermy Company, Inc.—A cease and desist order which it issued last November against Home Diathermy Company, Inc., 1780 Broadway, New York, has been modified directing cessation of misleading representations in the sale of a "Home Diathermy" device.

The modified order directs the respondent to cease and desist from misrepresentation of the therapeutic value and merit of its product, as did the original order, but the modified order changes that part of the original order which prohibited the dissemination of advertisements which failed to reveal that unsupervised use of the device by unskilled persons may result in serious and irreparable injury.

Under the modified order, now in effect, the respondent is directed to cease disseminating advertisements which fail "to conspicuously reveal that the device may be safely used only after a competent medical authority has determined, as a result of diagnosis, that diathermy is indicated and has prescribed the frequency and amount of application of such diathermy treatments and the user has been adequately instructed in the method of operating such device by a trained technician."

Otherwise the modified order is the same as the original order. (3653)

McAfee Candy Company—Orders have been issued against a Georgia candy manufacturer and a New York distributor of smoking pipes, directing them to cease and desist from the use of lottery methods in the sale of their products.

The respondents are: Joe B. Hill and C. O. McAfee, trading as McAfee Candy Co., and as Liberty Candy Co., 651 Poplar St., Macon, Ga., and S. M. Frank & Co., Inc., and its subsidiary, Wm. Demuth & Co., Inc., both of 133 Fifth Ave., New York.

The order against the Macon, Ga., firm directs that it cease and desist from supplying to or placing in the hands of others candy or any other merchandise so packed and assembled that its sale to the public may be made by means of a lottery; from supplying others with candy or other merchandise, together with push or pull cards, punch boards or other lottery devices, which devices may be used in selling or distributing such candy or other merchandise to the public; from supplying to or placing in the hands of others, punch boards, push or pull cards, or other lottery devices, either with assortments of candy or other merchandise or separately, which devices may be used in selling or distributing such candy or other merchandise to the public; and from selling or otherwise disposing of any merchandise by means of a game of chance, a gift enterprise, or lottery scheme. (4114)

The two New York pipe companies are directed to cease and desist from selling or distributing pipes or any other merchandise so packed and assembled that their sale to the public may be made by means of a lottery; from supplying others with push or pull cards, pull tabs, punch boards or other lottery devices, either with assortments of merchandise or separately, which devices may be used in selling or distributing such pipes or other merchandise to the public; and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4393)

New York Premium Novelty Company—Alexander Weiler and Lilly Greenspan Weiler, trading as New York Premium Novelty Co., 168 Avenue A, New York, has been ordered to cease and desist from using lottery methods in the sale of jewelry, cosmetics, cigarette lighters, clocks and other merchandise.

Commission findings are that the respondents distributed between 800,000 and 1,00,000 advertising circulars, each containing a pull card device and picturizations of their merchandise. By means of their sales plan, the findings continue, the respondents have done an annual business of between $25,000 and $30,000, of which 60 per cent has been outside New York State.

The Commission order directs the respondents to cease supplying to or placing in the hands of others, or transporting to agents, distributors, or the public, punch boards, push or pull cards, or other devices, which may be used in selling or distributing their merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme. (3579)

National Proprietaries, Inc., 767 North Milwaukee Ave., Chicago, has been ordered to cease and desist from misrepresentation in the sale of "Nuga-Tone," advertised as having substantial value in treating nervous disorders.

The preparation, according to Commission findings, does not possess any value in the treatment of nervous disorders and is not safe, as it contains several drugs in quantities sufficient to produce serious and irreparable injury if used under conditions prescribed in the advertisements or under usual conditions.

The Commission order directs the respondent to cease and desist from disseminating advertisements which represent that Nuga-Tone possesses any therapeutic value in the treatment of nervous disorders or which fail to reveal that use of the preparation may result in chronic poisoning, irritation of the kidneys, nervous irritability, neuritis, or other conditions. (4271)

Spors Company—Frank Spors, trading as Spors Company and as Quality Products Company, Le Center, Minn., has been ordered to cease and desist from disseminating advertisements representing that his preparation designated as "Corn-Go" and "Liquid Corn-Go" will remove bunions or has any value in their treatment; will prevent recurrence of corns or callouses, or that the preparation's action in removing calluses or corns accomplishes anything other than a temporary removal. (4397)

FTC DISMISSES CASES

The Federal Trade Commission has dismissed a complaint charging 10 card clothing manufacturers and the Card Clothing Manufacturers' Association, New York, with unfair competition in violation of the Federal Trade Commission Act in the sale of their product.

The manufacturer respondents include: Ashworth Brothers, Inc., Fall River, Mass., also trading as American Card Clothing Co., Philadelphia; Benjamin Booth Co., Philadelphia; Charlotte Manufacturing Co., Charlotte, N. C.; Davis & Furber Machine Co., North Andover, Mass.; Howard Brothers Manufacturing Co., Worcester, Mass.; J. Sherlock, trading as Methuen Napper Clothing Co., Methuen, Mass.; Merrimac Card Clothing Co., Andover, Mass.; Standard Card Clothing Co., Stafford Springs, Conn.; Wickwire-Spencer Steel Co., New York, all members of the respondent association, and Frederick C. Redman, Lowell, Mass., trading as Redman Card Clothing Co.

The respondent manufacturers' product, card clothing, is a tough, close-woven fabric studded with steel teeth, used principally by textile manufacturers in combing out wool and cotton preparatory to spinning.

The Commission has closed its case against Aero Industries Technical Institute, Inc., Los Angeles, which conducts a vocational school in modern aircraft construction and allied fields. The respondent had been charged with violation of the Federal Trade Commission Act in the sale of home study or correspondence courses. The Commission closed the case without prejudice to its right to resume proceedings, should future facts so warrant.

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 6, February 7, 1941

REALLOCATION

Order Your Crystals!
Order Engineering Service!
File for Construction Permits!

The FCC reallocation order of January 31 leaves the industry with less than 60 days in which to prepare for the shifts. To accomplish the reallocation as scheduled on March 29, requires the utmost of cooperation between the FCC, the broadcast stations and the equipment manufacturers. The FCC reallocation release number 47182 issued January 31, outlines the course of procedure to follow.

There are two possible bottlenecks apparent at present in carrying out the reallocation. Grinding the hundreds of new crystals will be a difficult task for the manufacturers to accomplish before March 29. It is therefore of the utmost importance that stations make immediate arrangements for securing new crystals. Some stations may be able to obtain crystals from present tenants of their new frequency. Correspondence in connection with this should be carried out with all speed so that if crystals cannot be obtained this way, the manufacturer of crystals will be given the maximum possible notice. Stations should be sure to notify the manufacturer whether a directional antenna is to be used or not.

Deliveries on equipment other than crystals are slow and therefore, stations are urged to ascertain their needs and place orders immediately.

Each consulting engineering firm will be called on to change over several directional antennas. It will not be possible for each firm to be at the transmitter of each client on the night of the change. The FCC in its release provides for changing most of the directionals on a skeleton proof of performance basis. Under this plan the consultants can start immediately resetting directionals during test periods and then record the new settings. On the shift night the station engineer can set all the coils and condensers to the previously marked positions. This

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Justice Department Files Criminal Action Against ASCAP

The Department of Justice on Wednesday, February 4, filed in the United States District Court for the Eastern District of Wisconsin at Milwaukee a criminal information against the American Society of Composers, Authors and Publishers. The information charged that the Society was an unlawful combination in restraint of trade in violation of the Sherman antitrust law. Specifically, it alleged that the following practices of the Society and its members constituted illegal conduct:

(1) The members of the Society assign exclusively to the Society all public performance rights to the copyrighted music composed or published by the respective members thus eliminating all competition among the members in the exploitation of the public performance rights to their music.

(2) The Society is governed by a self-perpetuating board of directors which supervises all of the business of the Society and determines the method of distributing the revenues of the Society among the members and the amount to be received by each member.

(3) Membership in the Society is conditioned, among other requirements, upon the regular publication by the candidate for membership of not less than five musical compositions.

(4) Performance licenses for the Society's music are available only on an all-or-none basis. Licenses authorizing the performance of single compositions or groups of compositions are not available.

(5) The fees collected for these licenses are fixed arbitrarily by the Society to all commercial users of music. In the case of radio broadcasters, this fee is based upon a percentage of the gross revenue of the music user, whether or not such revenue is derived from programs in which music controlled by the Society is used.

(6) The Society has discriminated as to both price and terms among various commercial users of music so that some users have received more favorable treatment at the hands of the Society than others who are similarly situated.

(7) The members of the Society have exercised their privilege of restricting from public performance popular and current musical compositions so as to deprive the listening public of the opportunity of hearing the restricted music and have used this privilege for the purpose of enhancing recording fees received by the members for the recording rights to their respective catalogues of music.

(8) Prior to December 31, 1940, the Society did not offer blanket licenses to radio networks, but required that each station in the network obtain a separate license. Radio stations affiliated with a network have no control over the copyrighted musical compositions

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

JUSTICE DEPARTMENT FILES CRIMINAL ACTION AGAINST ASCAP

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which they receive from the originating station in the network. Nevertheless these radio stations have had to accept a license from the Society upon any terms and conditions imposed by the Society or subject themselves to numerous infringement suits.

Commenting on the Department's action, Thurman Arnold, Assistant Attorney General in charge of the Anti-trust Division, stated:

> "In plain language, ASCAP is charged with exploiting composers by preventing them from selling their music except on terms dictated by a self-perpetuating board of directors. That board has the power arbitrarily to determine on what basis various members of ASCAP shall share in the royalties from ASCAP compositions.
>
> In addition to discriminating against composers, ASCAP has begun using its monopoly power to charge the users of music for songs they do not play. This is done by compelling the user to pay a percentage of his gross receipts on programs where other music is used or where no music is used. By this method, anyone who does not belong to ASCAP is excluded from the market. These practices we consider not only illegal but unjustifiable on any ground of fair dealing. Our proceeding is aimed only to compel ASCAP to stop such practices. Therefore, the Department will continue to hold the door open to proposals from ASCAP which will eliminate these abuses. It does not desire to prevent ASCAP from protecting the copyright privileges of its members."

Others Named in Complaint

These officers and directors of ASCAP were named as defendants:

Gene Buck, president; Louis Bernstein and Otto A. Harbach, vice presidents; George W. Meyer, secretary; Gustave Schirmer, treasurer; J. J. Bregman, assistant secretary; Irving Caesar, assistant treasurer, and Mav Dreyfus, Fred E. Ahlert, Saul Bornstein, George Fischer, Walter Fischer, Raymond Hubbell, Oley Speaks, Deems Taylor, Will von Tilzer, John Mercer and Oscar Hammerstein 2d; E. C. Mills, chairman of the administrative committee, and John G. Paine, general manager.

These corporations, which have officers, agents or representatives on the board of directors of ASCAP, also were named defendants:

Shapiro, Bernstein & Co., Inc.; Irving Berlin, Inc.; Bregman Vocco & Conn, Inc.; Chappell & Co., Inc.; I. B. Harms Company; J. Fischer & Bros.; Carl Fischer, Inc.; Mill Music, Inc.; Words and Music, Inc.; Robbins Music Corporation; Leo Feist, Inc.; Miller Music, Inc.; G. Schirmer, Inc.; Boston Music Company; Willis Music Company; Harms, Inc.; M. Witmark & Sons; Remick Music Corporation; Harry von Tilzer Music Publishing Company.

All members of ASCAP, in addition to the defendants listed, are named as co-conspirators, the information states, also including these by name: Jerome Kern, Edgar Leslie, Jack Mills, Herman Starr, John O'Connor and J. J. Robbins.

The information was filed after a comprehensive investigation of the activities of the Society and its members which has been conducted by the Department for several months. Negotiations for a settlement between representatives of the Society and the Department respectively, ended abruptly late in December.

The case is in charge of Victor O. Waters, Special Assistant to the Attorney General, and Warren Cunningham, Jr., Special Attorney.

REALLOCATION

(Continued from page 115)

scheme can probably be worked in the majority of cases. Inasmuch as the time is very short, it is imperative that stations immediately place orders with their consulting engineers for realigning the directional antennas.

If a station's transmitter has duplicate crystals, it will be permissible to operate with one crystal for the old frequency and one for the new frequency in the transmitter during the change-over period.

Stations should immediately place orders with the manufacturers for changing frequency monitors to the new frequencies. The FCC has made arrangements with the monitor manufacturers so that an order can be placed for the change without sending in the monitor at that time. The manufacturers will schedule the work and notify each station when to send their monitor in. In this way each station can use its monitor on the old frequency as long as possible. The FCC has authorized operation without a monitor for the required time if the monitor is returned on schedule from the manufacturer. During the period the station is without a monitor frequent checks should be made by the station's monitoring service. A check at least twice a week is suggested. A station's good standing will not be jeopardized if due precautions have been taken and good faith has been shown if they accidentally are found off frequency during the period. Stations should ask their monitor manufacturers for a recalibration schedule without delay.

The equipment necessary to change frequency only requires no further authority from the FCC but any change of tower location and antenna system changes requires a CP in the regular order. The requirements to obtain a CP are not affected by change of requirements due to the reallocation order and must be filed in the usual manner. Stations have full authority without filing for a CP for changing monitor crystals, changing the transmitter crystals, retuning the transmitter and retuning the antenna system provided that if a directional antenna is in use the pattern on the new frequency is the same as on the old and further provided that the physical aspects of the antenna system are not to be changed.

In cases where CP's are required in connection with the reallocation, the FCC is geared to handle them promptly. A note should be appended to the application stating that it is in connection with and in accordance with the reallocation order. If an application is in such form as not to require detailed study, then the FCC, if so requested, will wire the applicant permission to proceed with the construction.

Most engineers have placed the minimum time necessary for placing the agreement into effect at three months. Inasmuch as we now have less than two months in which to do the job, it is absolutely essential that all stations:

1. Place orders for equipment immediately.
2. Place orders for engineering services immediately.
3. File any necessary applications for construction permits immediately.

FCC release number 47182 issued January 31 should be read carefully by every broadcaster. It reads as follows:

NOTICE TO ALL STANDARD BROADCAST STATION LICENSEES MANUFACTURERS OF FREQUENCY CONTROL EQUIPMENT FREQUENCY MONITOR SERVICES AND CONSULTING RADIO ENGINEERS

The Commission today released the frequency assignments for all standard broadcast stations to be effective 0800 GMT (3:00 a.m. EST) March 29, 1941, pursuant to the North American Regional Broadcasting Agreement (NARBA). On this date every standard broadcast station must be operated on the frequency given in the list.

In all, some 795 of the 883 broadcast stations must change frequency. The Commission requests the cooperation of broadcast licensees and manufacturers of frequency control equipment to supply the necessary equipment to facilitate the change of frequency on this date. It is urged that every broadcast licensee immediately place an order for the necessary new oscillators or modification of existing oscillators to enable it to operate on the specified frequency. Licensees should specify in the order for crystals whether a directional antenna is employed by the station.

Manufacturers are requested to give prior consideration to orders from station licensees using directive antennas in accordance with the receipt of orders for new oscillators. Each station should be supplied with only two crystals, one for the transmitter and another for the frequency monitor when there are unfilled orders with the manufacturer.

An exchange of crystals is recommended in so far as feasible. The NAB has agreed to cooperate with any licensees in coordinating this work.

All stations are hereby authorized to test on the new frequency prior to March 29 during the experimental period (1 a.m. to 6 a.m. local standard time). Licensees are requested to cooperate to avoid unnecessary interference while testing during this period. Every licensee should make arrangements to adust the equipment so as to operate on the new frequency prior to March 29. Most stations using nondirective antennas should require not over a few hours to adjust the equipment throughout to the new frequency after the new crystals are obtained. In some cases where high power transmitters and complicated antenna coupling arrangements are used, two or more test periods may be required.

The procedure in general should be to connect the new crystal in accordance with the design of the transmitter and adjust each successive stage, beginning with the first buffer, for optimum operation on the new frequency. Clips or other markings should be made on each tuning capacitor and inductance so that the old frequency can be returned to in the minimum of time.

At stations employing non-directive antennas, this process may be carried on through the antenna systems, and any station in good operating condition should have no great difficulty in adjusting the frequency to the new assignments. By this means every adjustment may be made ("get all set") well before March 29 and on the morning of March 29 at 3 a.m. EST, the permanent shift to the new frequency will be made. The frequency should be checked with a frequency monitoring service when the adjustments are first completed and if possible on the morning of March 29.

Each commercial frequency monitoring service is requested to cooperate by making their service available during the entire test period for a week or more before and after March 29, 1941.

General monitoring throughout the broadcast band should be carried on when scheduled checking permits, so as to advise licensees of any off frequency operation. The Commission will have its monitoring stations in operation to advise of any off frequency operation but cannot assist in making adjustments similar to a commercial service.

Stations employing directional antennas in which no substantial change in the directional pattern is required should proceed as follows:

1. Change frequency and adjust each power stage as instructed above.
2. Roughly adjust the antenna coupling and phasing in accordance with the new calculated values.
3. Exercise care to mark all inductances and capacitors so that the original position can be returned to in a short time.
4. As soon as the rough adjustments are made in the phasing and coupling equipments, turn on the power and check the field pattern in pertinent directions.

It may be necessary to purchase new fixed capacitors which should be temporarily connected in the circuit during tests and dropped out when returning to the old frequency.

The Commission will accept proof of the directive antenna operation from readings made on the radial through the monitoring points (direction in which protection is required) and a few readings in other directions.

All told, the final readings need not be in excess of some 8 or 10 in most cases. In every case, readings on appropriate selected points should be made before the frequency change and repeated after the change. Two or three measurements on the radial through th monitoring points should be made, as well as a few checks in the non-protective direction to determine the radiation efficiency.

The usual regional or clear channel station employing a two or three element directive antenna in which the suppression is not excessive, should be able to complete the entire adjustment during two or three test periods. If greater time is required in cases of high directivity or complicated antenna systems, appropriate arrangements should be made by the licensee. The time to change the equipment back from the new frequency to the old 30 kilocycles or less removed should not in any case exceed 30 minutes, if the matter is engineered in a proper manner.

Those stations having engineers familiar with the technique of adjustment of the different circuits should experience no difficulty in making all required adjustments in changing to the new frequency. Those stations employing directive antennas necessarily require the services of engineers competent to calculate and adjust directive antennas and equipped with the necessary field intensity measuring equipment. It is believed that station engineers will have no difficulty in shifting the equipment including directional antennas to the new channels on March 29 once they have been previously fully adjusted. These data on the radiation field together with the frequency check should be supplied to the Commission upon completion and prior to March 29, 1941.

In case any station is not able, due to any causes, to change to the new frequency on March 29, the Commission must be notified and the station will be required to cease operation until such station can change frequency.

All stations which must return their frequency monitors to the manufacturer to readjust the frequency should do so in the following manner:

1. Notify the manufacturer it is desired to return the monitor at once.
2. Obtain a shipment schedule from the manufacturer.

3. The Commission authorizes operation without a monitor if above schedule is followed.

The manufacturers are requested to make a schedule on the recalibration of the frequency monitors so that a great number will not be received when they cannot be handled except at a certain rate on schedule.

Stations determining power by the direct method may continue the direct method when accurate resistance measurements have been made on the new frequency and supplied to the Commission. Readings taken on the old frequency which also cover the new frequency will suffice. Stations operating by the indirect method should continue to so operate. However, attention is called to the fact that all stations must operate by direct method by June 1, 1941.

Licenses and Construction Permits

It should be emphasized that the approval which has been given by the Commission to the lists of stations, pursuant to the agreement, does not in itself authorize operation by licensees on the frequencies or with the power specified. Action by the Commission resulting in the issuance of station licenses in accordance with the Communications Act is required before such operation is authorized. There are now pending before the Commission, applications for renewal of license for all standard broadcast stations which were in operation on October 1, 1940. The Commission, upon consideration of these applications, will issue renewal licenses effective at 3:00 a.m. EST, March 29, 1941. Such applications, if approved, will be granted in part, specifying the new frequencies in lieu of the former frequencies, and issued subject to such further conditions with respect to directional antennas as may be required in order to carry out the Agreement.

The foregoing does not mean that all pending applications for renewal of license will be granted. In instances where the Commission, in the normal course, because of complaints or investigations pending against the station, or for other reasons, may determine to hold hearings or conduct other proceedings with respect to the licensees, the Commission procedures regularly applicable in such cases will be followed. In instances where outstanding construction permits require modification in order to comply with the terms of the Agreement, the Commission will institute appropriate procedures for modification of such construction permits.

In order to comply with the assignments permissible under the Agreement, new construction is involved in some instances. Licensees whose applications for renewal are granted subject to a condition, and who accept the condition, must file applications for construction permits to carry out the construction involved for consideration in regular order by the Commission. That is, if a station now operates on frequency A with 1 kw power and under the assignment provided in the Agreement must operate under frequency B but requires a directional antenna to limit the radiation in some direction to less than the equivalent of 1 kw, the station must file an application and be granted authority to put in the necessary equipment with required antenna. The application should be filed as soon as possible and prior to March 29 and the construction proceeded with as rapidly as possible; but in any event the station will be required to shift frequency from frequency A to frequency B at the first operation after 3 a.m. EST March 29. Where construction cannot be completed by that date, such station will be required to operate without directional antenna at a sufficiently low power to avoid interference with other stations.

Some station assignments are listed with a power in excess of that now contained in the station's license. In no case is any station authorized to operate with any power other than that contained in the license or otherwise ordered by the Commission. Applications must be filed with the Commission in order to take advantage of the power increases specified under the listings and such applications will be considered in the order of their filing. The listing does not necessarily mean that the listed station or existing licensee will receive the power specified. The Commission will determine according to the requirements of the Communications Act of 1934.

LICENSES FOR REALLOCATION

The FCC has sent this notice to standard broadcast station licensees and holders of standard broadcast station construction permits:

The Commission today issued a separate order to each of 795 standard broadcast station licensees, as to whose frequency assignments a change is contemplated in keeping with the North American Regional Broadcasting Agreement and the Recommendations adopted by the Commission's Resolution of January 31, 1941, looking to the granting of renewal of license applications specifying frequencies and conditions of operation consistent with the Agreement.

Under the Agreement all stations must shift simultaneously to appropriate frequencies at 3:00 a.m., EST, March 29, 1941. Section 307(e) of the Communications Act of 1934, as amended, provides, that the Commission may not grant renewals of existing station licenses more than 30 days prior to the expiration of such licenses. The Recommendations provide that the other governments parties to the Agreement may give notice on or before March 1, 1941, of their acceptance of said Recommendations, and that in the absence of notification prior to March 1, 1941, the Recommendations are to be considered as approved and accepted by such governments. For these reasons no final action with respect to pending renewal applications will be taken prior to March 1, 1941. The Commission desires, however, to anticipate the placing into effect of the Agreement so far as possible.

The Commission's order in each case specifies the frequency and conditions of operation proposed to be authorized. It further provides that the station licensee may give notice to the Commission of any objections it may have to the frequency assignment and other conditions of operation proposed affecting such station on or before February 18, 1941. Upon receipt of any such notice the Commission will afford appropriate opportunity for a hearing.

Although the orders permit the filing of objections and provide for hearing, it should be observed that the proposed changes were made public September 11, 1940, and opportunity was then and thereafter given to interested parties to make their views known. The purpose of the further opportunity now afforded is to permit the final examination of any remaining objections under the standard of public interest, convenience and necessity. Stations not filing objections will be deemed to have consented to such changes and the orders provide that the Commission will then consider the applications for renewal of such stations as applications for renewal on the new frequencies and subject to the new conditions.

There are outstanding standard broadcast station construction permits looking to the issuance of licenses for operation after March 29, 1941. Before any license covering such construction permits may be issued provision must be made consistent with the terms of the Agreement for the use of a frequency, and in some instances installation of directional antennas or modification of directional antennas presently provided for in said construction permits. The holder of any such construction permit should file as promptly as possible an application for modification of the construction permit to specify a frequency and conditions of operation consistent with the terms of the Agreement.

The Commission also announced that although the Recommendations are not yet legally in effect, pending the response of other governments, no action will be taken by the Commission in a manner inconsistent with the provisions of the Agreement, the Recommendations or the appended lists.

This, of course, will not preclude action where there are no questions of a signal of sufficient intensity to cause interference consequences in another country, nor the granting of authorizations for operation effective after March 29, 1941, which may be notified as changes under the Agreement.

Radio's Moving Day

The entire radio industry is rapidly getting in step for March 29 when 90 per cent of United States stations will come in on new dial locations on over 50,000,000 radio receivers.

Suggestions to stations will be consolidated in a broadside soon to be mailed from headquarters.

Advantages to all stations concentrating on an identical point of view will be obvious to all station managers. There are basically three points which must be understood by the radio public and the servicemen who will setup the push buttons of 10,000,000 radio sets:

(1) Reallocation is another forward step in the constant improvement in radio broadcasting.

(2) Reallocation will bring better over-all program reception in the United States.

(3) Reallocation results from careful, long time planning and consultation between governments. It required over 3 years for reallocation to become effective.

Prior to the arrival of the broadside it is suggested that managers complete arrangements with power companies, gas companies and telephone companies for envelope stuffer enclosures in March bills, in line with the "Good News" bulletin of February 1.

It would also be helpful during the coming week for the cause of reallocation if managers will notify the local radio trade that they have complete information in their office on the new frequencies.

Many servicemen and dealers will want to publish a log for advance distribution to their customers.

Editors of trade papers going to servicemen and dealers have pointed out in their columns that for the first time in a great many years servicemen and dealers have log information, which is really news.

REALLOCATION FREQUENCY LIST

NAB DISTRICT 1

Connecticut	Present Frequency in kc.	New Frequency Mar. 29, 1941
WICC—Bridgeport	600	600
WNAB	CP 1420	1450
WDRC—Hartford	1330	1360
WTHT	1200	1230
WTIC	1040	1080
WNBC—New Britain	1380	1410
WELI—New Haven	930	960
WNLC—New London	1500	1490
WATR—Waterbury	1290	1320
WBRY	1530	1590

Maine	Present Frequency in kc.	New Frequency Mar. 29, 1941
WRDO—Augusta	1370	1400
WABI—Bangor	1200	1230
WLBZ	620	620
WCOU—Lewiston	1210	1240
WCSH—Portland	940	970
WGAN	560	560
WAGM—Presque Isle	1420	1450

Massachusetts	Present Frequency in kc.	New Frequency Mar. 29, 1941
WAAB—Boston	1410	1440
WBZ	990	1030
WCOP	1120	1150
WEEI	590	590
WHDH	830	850
WMEX	1470	1510
WNAC	1230	1260
WORL	920	950
WSAR—Fall River	1450	1480
WHAI—Greenfield	1210	1240
WHYN—Holyoke	CP 1370	1400
WOCB—nr. Hyannis	1210	1240
WLAW—Lawrence	680	680
WLLH—Lowell	1370	1400
WNBH—New Bedford	1310	1340
WBRK—Pittsfield	1310	1340
WESX—Salem	1200	1230
WBZA—Springfield	990	1030
WMAS	1420	1450
WSPR	1140-CP 1240	1270
WMAW—Worcester	CP 1200	1230
WORC	1280	1310
WTAG	580	580

New Hampshire	Present Frequency in kc.	New Frequency Mar. 29, 1941
WLNH—Laconia	1310	1340
WFEA—Manchester	1340	1370
WMUR	CP 610	610
WHEB—Portsmouth	740	750
WKNE—Keene	1260	1290

Rhode Island	Present Frequency in kc.	New Frequency Mar. 29, 1941
WFCI—Pawtucket	CP 1390	1420
WEAN—Providence	780	790
WJAR	890	920
WPRO	630	630

Vermont	Present Frequency in kc.	New Frequency Mar. 29, 1941
WCAX—Burlington	1200	1230
WSYB—Rutland	1500	1490
WQDM—St. Albans	1390	1420
WDEV—Waterbury	550	550

NAB DISTRICT 2

New York	Present Frequency in kc.	New Frequency Mar. 29, 1941
WABY—Albany	1370	1400
WOKO	1430	1460
WMBO—Auburn	1310	1340
WBTA—Batavia	CP 1500	1490
WNBF—Binghamton	1500	1490
WARD—Brooklyn	1400	1430
WBBC	1400	1430
WBBR	1300	1330
WCNW	1500	1600
WVFW	1400	1430
WBEN—Buffalo	900	930
WBNY	1370	1400
WEBR	1310	1340
WGR	550	550
WKBW	1480	1520
WSVS	1370	1400
WCAD—Canton	1220	1250
WENY—Elmira	1200	1230
WGBB—Freeport	1210	1240
WHCU—Ithaca	850	870
WJTN—Jamestown	1210	1240
WKNY—Kingston	1500	1490
WHNY—Newburgh	1220	1250
WABC—New York City	860	880
WBNX	1350	1380
WEAF	660	660
WEVD	1300	1330

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WHN	1010	1050
WINS	1180	1000
WJZ	760	770
WLTH	1400	1430
WMCA	570	570
WNEW	1250	1280
WNYC	810	830
WOV	1100	1130
WQXR	1550	1560
WHLD—Niagara Falls	1260	1290
WSLB—Ogdensburg	1370	1400
WHDL—Olean	1420	1450
WMFF—Plattsburg	1310	1340
WKIP—Poughkeepsie	1420	1450
WHAM—Rochester	1150	1180
WHEC	1430	1460
WSAY	1210	1240
WAGE—Salina	CP 620	620
WNBZ—Saranac Lake	1290	1320
WGY	790	810
WFBL—Syracuse	1360	1390
WOLF	1500	1490
WSYR	570	570
WHAZ—Troy	1300	1330
WTRY	950	980
WIBX—Utica	1200	1230
WATN—Watertown	CP 1210	1240
WWNY	CP 1270	1300
WFAS—White Plains	1210	1240
WWRL—Woodside	1500	1600

NAB DISTRICT 3

Delaware

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WDEL—Wilmington	1120	1150
WILM	1420	1450

New Jersey

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WCAP—Asbury Park	1280	1310
WBAB—Atlantic City	1200	1490
WFPG	1420	1450
WSNJ—Bridgeton	1210	1240
WCAM—Camden	1280	1310
WAAT—Jersey City	940	970
WHOM	1450	1480
WHBI—Newark	1250	1280
WOR	710	710
WPAT—Paterson	CP 900	930
WBRB—Red Bank	1210	1240
WTNJ—Trenton	1280	1310
WAWZ—Zarephath	1350	1380

Pennsylvania

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WCBA—Allentown	1440	1470
WSAN	1440	1470
WFBG—Altoona	1310	1340
WCED—Du Bois	CP 1200	1230
WEST—Easton	1200	1400
WERC—Erie	CP 1500	1490
WLEU	1420	1450
WIBG—Glenside	970	990
WHJB—Greensburg	620	620
WSAJ—Grove City	1310	1340
WHP—Harrisburg	1430	1460
WKBO	1200	1230
WAZL—Hazleton	1420	1450
WJAC—Johnstown	1370	1400
WGAL—Lancaster	1500	1490
WKST—New Castle	1250	1280
WKPA—New Kensington	1120	1150
KYW—Philadelphia	1020	1060
WCAU	1170	1210
WDAS	1370	1400
WFIL	560	560
WHAT	1310	1340
WIP	610	610
WPEN	920	950
WTEL	1310	1340
KDKA—Pittsburgh	980	1020
KQV	1380	1410
WCAE	1220	1250
WJAS	1290	1320
WWSW	1500	1490
WEEU—Reading	830	850
WRAW	1310	1340
WARM—Scranton	CP 1370	1400
WGBI	880	910
WQAN	880	910
WPIC—Sharon	780	790
WKOK—Sunbury	1210	1240
WMBS—Uniontown	1420 CP 590	590
WBAX—Wilkes Barre	1210	1240
WBRE	1310	1340
WRAK—Williamsport	1370	1400
WORK—York	1320	1350

NAB DISTRICT 4

District of Columbia

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WINX—Washington	1310	1340
WJSV	1460	1500
WMAL	630	630
WOL	1230	1260
WRC	950	980
WWDC	CP 1420	1450

Maryland

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WBAL—Baltimore	1060	1090
WCAO	600	600
WCBM	1370	1400
WFBR	1270	1300
WITH	CP 1200	1230
WTBO—Cumberland	800	820
WFMD—Frederick	900	930
WJEJ—Hagerstown	1210	1240
WBOC—Salisbury	1500	1490

North Carolina

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WISE—Asheville	1370	1400
WWNC	570	570
WBT—Charlotte	1080	1110
WSOC	1210	1240
WDNC—Durham	1500	1490
WCNC—Elizabeth City	1370	1400
WFNC—Fayetteville	1340	1370
WGNC—Gastonia	1420	1450
WGBR—Goldsboro	1370	1400
WBIG—Greensboro	1440	1470
WGTC—nr. Greenville	1500	1490
WHKY—Hickory	1370	1400
WMFR—High Point	1200	1230
WFTC—Kinston	1200	1230
WPTF—Raleigh	680	680
WRAL	1210	1240
WCBT—Roanoke Rapids	CP 1200	1230
WEED—Rocky Mount	1420	1450
WSTP—Salisbury	1500	1490
WMFD—Wilmington	1370	1400
WGTM—Wilson	1310	1340
WAIR—Winston-Salem	1310	1340
WSJS	1310-CP 600	600

South Carolina

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WAIM—Anderson	1200	1230
WCSC—Charleston	1360	1390
WTMA	1210	1250
WCOS—Columbia	1370	1400
WIS	560	560
WOLS—Florence	1200	1230
WFBC—Greenville	1300	1330
WMRC	1500	1490
WORD—Spartanburg	1370	1400
WSPA	920	950
WFIG—Sumter	1310	1340

Virginia

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WCHV—Charlottesville	1420	1450
WBTM—Danville	1370	1400

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WFVA—Fredericksburg	1260	1290
WSVA—Harrisonburg	550	550
WLVA—Lynchburg	1200	1230
WMVA—Martinsville	CP 1420	1450
WGH—Newport News	1310	1340
WTAR—Norfolk	780	790
WPID—Petersburg	1210	790
WBBL—Richmond	1210	1240
WMBG	1350	1380
WRNL	880	910
WRVA	1110	1140
WDBJ—Roanoke	930	960
WSLS	1500	1490
WLPM—Suffolk	1420	1450
West Virginia		
WJLS—Beckley	1210	1240
WHIS—Bluefield	1410	1440
WCHS—Charleston	580	580
WGKV	1500	1490
WBLK—Clarksburg	1370	1400
WMMN—Fairmont	890	920
WSAZ—Huntington	1190-CP 900	930
WLOG—Logan	1200	1230
WAJR—Morgantown	1200	1230
WPAR—Parkersburg	1420	1450
WBRW—Welch	1310	1340
WKWK—Wheeling	CP 1370	1400
WWVA	1160	1170
WBTH—Williamson	1370	1400

NAB DISTRICT 5

Alabama		
WHMA—Anniston	1420	1450
WAPI—Birmingham	1140	1170 (See note 1)
WBRC	930	960
WSGN	1310	1340
WMSL—Decatur	1370	1400
WAGF—Dothan	1370	1400
WJBY—Gadsden	1210	1240
WBHP—Huntsville	1200	1230
WALA—Mobile	1380	1410
WMOB	1200	1230
WCOV—Montgomery	1210	1240
WSFA	1410	1440
WMSD—Muscle Shoals City	1420	1450
WJHO—Opelika	1370	1400
WHBB—Selma	1500	1490
WJRD—Tuscaloosa	1200	1230
Florida		
WMFJ—Daytona Beach	1420	1450
WPER—Deland	CP 1310	1340
WFTL—Fort Lauderdale	1370	1400
WFTM—Fort Myers	1210	1240
WRUF—Gainesville	830	850
WJAX—Jacksonville	900	930
WJHP	1290	1320
WMBR	1370	1400
WLAK—Lakeland	1310	1340
WIOD—Miami	610	610
WQAM	560	560
WKAT—Miami Beach	1500-CP 1330	1360
WTMC—Ocala	1500	1490
WDBO—Orlando	580	580
WLOF	1200	1230
WDLP—Panama City	1200	1230
WCOA—Pensacola	1340	1370
WFOY—St. Augustine	1210	1240
WSUN—St. Petersburg	620	620
WTSP	1370-CP 1350	1380
WSPB—Sarasota	1420	1450
WTAL—Tallahassee	1310	1340
WDAE—Tampa	1220	1250
WFLA	940	970
WJNO—West Palm Beach	1200	1230
Georgia	Present Frequency in kc.	New Frequency Mar. 29, 1941
WGPC—Albany	1420	1450
WALB	CP 1530	1590
WGAU—Athens	1310	1340
WAGA—Atlanta	1450	1480
WATL	1370	1400
WGST	890	920
WSB	740	750
WGAC—N. of Augusta	1210	1240
WMWH	CP 1420	1450
WRDW	1500	1490
WMOG—Brunswick	1500	1490
WRBL—Columbus	1200	1230
WMJM—Cordele	1500	1490
WBLJ—Dalton	1200	1230
WGGA—Gainesville	CP 1210	1240
WKEU—Griffin	1500	1450
WLAG—La Grange	CP 1210	1240
WBML—Macon	1420	1240
WMAZ	1180	940
WMGA—Moultrie	1370	1400
WRGA—Rome	1500	1490
WSAV—Savannah	1310	1340
WTOC	1260	1290
WPAX—Thomasville	1210	1240
WRLC—Toccoa	CP 1420	1450
WGOV—Valdosta	1420	1450
WAYX—Waycross	1200	1230
WDAK—West Point	1310	1340
Puerto Rico		
WPRA—Mayaguez	780	790
WPAB—Ponce	1340	1370
WPRP	1420-CP 1480	1520
WKAQ—San Juan	1240-CP 620	620
WNEL	1290	1320

NAB DISTRICT 6

Arkansas		
KLCN—Blytheville	1290	1320
KFPW—Fort Smith	1370	1400
KTHS—Hot Springs	1040	1090 (See note 2)
KWFC	1310	1340
KBTM—Jonesboro	1200	1230
KARK—Little Rock	890	920
KGHI	1200	1230
KLRA	1390	1420
KELD—No. of El Dorado	1370	1400
KOTN—Pine Bluff	1500	1490
KUOA—Siloam Springs	1260	1290
Louisiana		
KALB—Alexandria	1210	1240
WJBO—Baton Rouge	1120	1150
KVOL—Lafayette	1310	1340
KPLC—Lake Charles	1500	1490
KMLB—Monroe	1200	1230
WNOE—New Orleans	1420	1450
WDSU	1250	1280
WJBW	1200	1230
WSMB	1320	1350
WWL	850	870
KRMD—Shreveport	1310	1340
KTBS	1450	1480
KWKH	1100	1130
Mississippi		
WCBI—Columbus	1370	1400
WJPR—Greenville	1310	1340
WGRM—Greenwood	1210	1240
WGCM—Gulfport	1210	1240
WFOR—Hattiesburg	1370	1400
WJDX—Jackson	1270	1300
WSLI	1420	1450
WAML—Laurel	1310	1340
WSKB—McComb	1200	1230
WCOC—Meridian	880	910
WQBC—Vicksburg	1360	1390

Tennessee	Present Frequency in kc.	New Frequency Mar. 29, 1941
WOPI—Bristol	1500	1490
WAPO—Chattanooga	1420-CP 1120	1150
WDEF	CP 1370	1400
WDOD	1280	1310
WHUB—Cookeville	1370	1400
WTJS—Jackson	1310-CP 1360	1390
WJHL—Johnson City	1200-CP 880	910
WKPT—Kingsport	1370	1400
WBIR—Knoxville	CP 1210	1240
WNOX	1010	990
WROL	1310-CP 620	620
WHBQ—Memphis	1370	1400
WMC	780	790
WMPS	1430	1460
WREC	600	600
WLAC—Nashville	1470	1510
WSIX	1210	1240
WSM	650	650

NAB DISTRICT 7

Kentucky		
WCMI—Ashland	1310	1340
WLBJ—Bowling Green	1310	1340
WHLN—Harlan	CP 1420	1450
WHOP—Hopkinsville	1200	1230
WLAP—Lexington	1420	1450
WAVE—Louisville	940	970
WHAS	820	840
WINN	1210	1240
WOMI—Owensboro	1500	1490
WPAD—Paducah	1420	1450
Ohio		
WAKR—Akron	1530	1590
WJW	1210	1240
WICA—Ashtabula	940	970
WHBC—Canton	1200	1230
WCKY—Cincinnati	1490	1530
WCPO	1200	1230
WKRC	550	550
WLW	700	700
WSAI	1330	1360
WCLE—Cleveland	610	610
WGAR	1450	1480
WHK	1390	1420
WTAM	1070	1100
WBNS—Columbus	1430	1460
WCOL	1200	1230
WHKC	640	640
WOSU	570	570
WHIO—Dayton	1260	1290
WING	1380	1410
WLOK—Lima	1210	1240
WMAN—Mansfield	1370	1400
WMRN—Marion	CP 1500	1490
WPAY—Portsmouth	1370	1400
WIZE—Springfield	1310	1340
WSTV—Steubenville	1310	1340
WADC—Talmadge	1320	1350
WSPD—Toledo	1340	1370
WTOL	1200	1230
WFMJ—Youngstown	1420	1450
WKBN	570	570
WHIZ—Zanesville	1210	1240

NAB DISTRICT 8

Indiana	Present Frequency in kc.	New Frequency Mar. 29, 1941
WHBU—Anderson	1210	1240
WTRC—Elkhart	1310	1340
WEOA—Evansville	1370	1400
WGBF	1250	1280
WGL—Fort Wayne	1370	1450
WOWO	1160	1190
WIND—Gary	560	560
WHIP—Hammond	1480	1520
WJOB	1200	1230
WFBM—Indianapolis	1230	1260
WIBC	1050	1070
WIRE	1400	1430
WISH	CP 1280	1310
WKMO—Kokomo	CP 1420	1400
WLBC—Muncie	1310	1340
WGRC—New Albany	1370	1400
WKBV—Richmond	1500	1490
WFAM—South Bend	1200	1230
WSBT	1360-CP 930	960
WBOW—Terre Haute	1200	1230
WAOV—Vincennes	1420	1450
WBAA—West Lafayette	890	920
Michigan		
WELL—Battle Creek	1420	1400
WBCM—Bay City	1410	1440
WHDF—Calumet	1370	1400
WJBK—Detroit	1500	1490
WJR	750	760
WMBC	1420	1400
WWJ	920	950
WXYZ	1240	1270
WKAR—East Lansing	850	870
WDBC—Escanaba	CP 1500	1490
WFDF—Flint	1310-CP 880	910
WASH—Grand Rapids	1270	1300
WGRB	CP 1200	1230
WLAV	1310	1340
WOOD	1270	1300
WJMS—Ironwood	1420	1450
WIBM—Jackson	1370	1450
WKZO—Kalamazoo	590	590
WJIM—Lansing	1210	1240
WMPC—Lapeer	1200	1230
WDMJ—Marquette	1310	1340
WKBZ—Muskegon	1500	1490
WCAR—Pontiac	1100	1130
WHLS—Port Huron	1370	1450
WEXL—Royal Oak	1310	1340
WSOO—Sault Ste. Marie	1200	1230
WHAL—Saginaw	CP 950	980
WSAM	1200	1230
WTCM—Traverse City	CP 1370	1400

NAB DISTRICT 9

Illinois		
WMRO—Aurora	1250	1280
WJBC—Bloomington	1200	1230
WKRO—Cairo	CP 1500	1490
WCAZ—Carthage	1070	1080
WDWS—Champaign	1370	1400
WAAF—Chicago	920	950
WBBM	770	780
WCBD	1080	1110
WCFL	970	1000
WCRW	1210	1240
WEDC	1210	1240
WENR	870	890
WGES	1360	1390
WGN	720	720
WJJD	1130	1160
WLS	870	890
WMAQ	670	670
WMBI	1080	1110
WSBC	1210	1240
WHFC—Cicero	1420	1450
WDAN—Danville	1500	1490
WSOY—Decatur	1310	1340
WTMV—East St. Louis	1500	1490
WGIL—Galesburg	1500	1400
WEBQ—Harrisburg	1210	1240
WJPF—N. of Herrin	1310	1340
WCLS—Joliet	1310	1340
WMBD—Peoria	1440	1470
WTAD—Quincy	900	930
WROK—Rockford	1410	1440
WHBF—Rock Island	1240	1270
WCBS—Springfield	1420	1450
WTAX	1210	1240

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WDZ—Tuscola	1020	1050
WILL—Urbana	580	580

WISCONSIN

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WHBY—Appleton	1200	1230
WATW—Ashland	1370	1400
WEAU—Eau Claire	1050	1070
KFIZ—Fond du Lac	1420	1450
WTAQ—Green Bay	1330	1360
WCLO—Janesville	1200	1230
WKBH—La Crosse	1380	1410
WHA—Madison	940	970
WIBA	1280	1310
WOMT—Manitowoc	1210	1240
WMAM—Marinette	570	570
WIGM—Medford	CP 1500	1490
WEMP—Milwaukee	1310	1340
WISN	1120	1150
WTMJ	620	620
WIBU—Poynette	1210	1240
WRJN—Racine	1370	1400
WJMC—Rice Lake	1210	1240
WHBL—Sheboygan	1300	1330
WLBL—Stevens Point	900	930
WDSM—Superior	1200	1230
WSAU—Wausau	1370	1400
WFHR—Wisconsin Rapids	1310	1340

NAB DISTRICT 10

IOWA

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WOI—Ames	640	640
KFGQ—Boone	1370	1400
WMT—Cedar Rapids	600	600
WOC—Davenport	1370	1450
KWLC—Decorah	1270	1240
KRNT—Des Moines	1320	1350
KSO	1430	1460
WHO	1000	1040
KDTH—Dubuque	CP 1340	1370
WKBB	1500	1490
KVFD—Fort Dodge	1370	1400
WSUI—Iowa City	880	910
KFJB—Marshalltown	1200	1230
KGLO—Mason City	1210-CP 1270	1300
KBIZ—Ottumwa	CP 1210	1240
KFNF—Shenandoah	890	920
KMA	930	960
KSCJ—Sioux City	1330	1360
KTRI	1420	1450

MISSOURI

	Present Frequency in kc.	New Frequency Mar. 29, 1941
KFVS—Cape Girardeau	1370	1400
KFUO—Clayton	830	850
KFRU—Columbia	630-CP 1370	1400
KWOS—Jefferson City	1310	1340
WMBH—Joplin	1420	1450
KCMO—Kansas City	1450	1480
KITE	1530	1590
KMBC	950	980
WDAF	610	610
WHB	860	880
KWOC—Poplar Bluff	1310	1340
KDRO—Sedalia	1500	1490
KFEQ—St. Joseph	680	680
KMOX—St. Louis	1090	1120
KSD	550	550
KWK	1350	1380
KXOK	630	630
WEW	760	770
WIL	1200	1230
KGBX—Springfield	1230	1260
KWTO	560	560

NEBRASKA

	Present Frequency in kc.	New Frequency Mar. 29, 1941
KORN—Fremont	1370	1400
KMMJ—Grand Island	740	750
KHAS—Hastings	1200	1230
KGFW—Kearney	1310	1340
KFAB—Lincoln	770	1110
KFOR	1210	1240
WJAG—Norfolk	1060	780
KGNF—North Platte	1430	1460
KOIL—Omaha	1260	1290
KONB	CP 1500	1490
KOWH	660	660
WOW	590	590
KGKY—Scottsbluff	1500	1490

NAB DISTRICT 11

MINNESOTA

	Present Frequency in kc.	New Frequency Mar. 29, 1941
KATE—Albert Lea	1420	1450
KDAL—Duluth	1500	1490
WEBC	1290	1320
KGDE—Fergus Falls	1200	1230
WMFG—Hibbing	1210	1240
KYSM—Mankato	1500	1230
WCCO—Minneapolis	810	830
WDGY	1180	1130
WLB	760	770
WLOL	1300	1330
WTCN	1250	1280
KVOX—Moorhead	1310	1340
WCAL—Northfield	760	770
KROC—Rochester	1310	1340
KFAM—St. Cloud	1420	1450
KSTP—St. Paul	1460	1500
WMIN	1370	1400
WHLB—Virginia	1370	1400
KWLM—Willmar	1310	1340
KWNO—Winona	1200	1230

NORTH DAKOTA

	Present Frequency in kc.	New Frequency Mar. 29, 1941
KFYR—Bismarck	550	550
KDLR—Devils Lake	1210	1240
WDAY—Fargo	940	970
KFJM—Grand Forks	1410	1440
KRMC—Jamestown	1370	1400
KGCU—Mandan	1240	1270
KLPM—Minot	1360	1390
KOVC—Valley City	1500	1490

SOUTH DAKOTA

	Present Frequency in kc.	New Frequency Mar. 29, 1941
KABR—Aberdeen	1390	1420
KFDY—Brookings	780	790
KGFX—Pierre	630	630
KOBH—Rapid City	1370	1400
WCAT	1200	1230
KELO—Sioux Falls	1200	1230
KSOO	1110	1140
KUSD—Vermillion	890	920
KWAT—Watertown	1210	1240
WNAX—Yankton	570	570

NAB DISTRICT 12

KANSAS

	Present Frequency in kc.	New Frequency Mar. 29, 1941
KVAK—Atchison	1420	1450
KGGF—Coffeyville	1010	690
KGNO—Dodge City	1340	1370
KTSW—Emporia	1370	1400
KIUL—Garden City	1210	1240
KVGB—Great Bend	1370	1400
KWBG—Hutchinson	1420	1450
KCKN—Kansas City	1310	1340
KFKU—Lawrence	1220	1250
WREN	1220	1250
KSAC—Manhattan	580	580
KOAM—Pittsburg	790	810
KSAL—Salina	1120	1150
WIBW—Topeka	580	580
KANS—Wichita	1210	1240
KFBI	1050	1070
KFH	1300	1330

OKLAHOMA

	Present Frequency in kc.	New Frequency Mar. 29, 1941
KADA—No. of Ada	1200	1230
KVSO—Ardmore	1210	1240

	Present Frequency in kc.	New Frequency Mar. 29, 1941
KASA—Elk City	1210	1240
KCRC—Enid	1360	1390
KSWO—Lawton	CP 1120	1150
KBIX—Muskogee	1500	1490
WNAD—Norman	1010	690
KOCY—Oklahoma City	1310	1340
KOMA	1480	1520
KTOK	1370	1400
WKY	900	930
KHBG—Okmulgee	1210	1240
WBBZ—Ponca City	1200	1230
KGFF—Shawnee	1420	1450
KOME—Tulsa	1310	1340
KTUL	1400	1430
KVOO	1140	1170

NAB DISTRICT 13

TEXAS

KRBC—Abilene	1420	1450
KFDA—Amarillo	1200	1230
KGNC	1410	1440
KNOW—Austin	1500	1490
KTBC	1120	1150
KFDM—Beaumont	560	560
KRIC	1420	1450
KBST—Big Spring	1500	1490
KNEL—Brady	1500	1490
KGFI—Brownsville	1500	1490
KBWD—Brownwood	CP 1350	1380
WTAW—College Station	1120	1150
KEYS—Corpus Christi	CP 1500	1490
KRIS	1330	1360
KAND—Corsicana	1310	1340
KRLD—Dallas	1040	1080
WFAA	800	820
WRR	1280	1310
KDNT—Denton	1420	1450
KFPL—Dublin	1310	1340
KROD—El Paso	1500-CP 600	600
KTSM	1350	1380
KFJZ—Fort Worth	1240	1270
KGKO	570	570
WBAP	800	820
KLUF—Nr. Galveston	1370	1400
KPRC—Houston	920	950
KTRH	1290	1320
KXYZ	1440	1470
KSAM—Huntsville	1500	1490
KOCA—Kilgore	1210	1240
KPAB—Laredo	1500	1490
KFRO—Longview	1340	1370
KFYO—Lubbock	1310	1340
KRBA—Lufkin	1310	1340
KRLH—Midland	1420	1450
KNET—Palestine	1420	1450
KPDN—Pampa	1310	1340
KPLT—Paris	1500	1490
KIUN—Pecos	1370	1400
KPAC—Port Arthur	1220	1250
KGKL—San Angelo	1370	1400
KABC—San Antonio	1420	1450
KMAC	1370	1400
KONO	1370	1400
KTSA	550	550
WOAI	1190	1200
KRRV—Sherman	880	910
KXOX—Sweetwater	1210	1240
KTEM—Temple	1370	1400
KCMC—Texarkana	1420	1450
KGXB—Tyler	1500	1490
KVWC—Vernon	1500	1490
KVIC—No. of Victoria	1310	1340
WACO—Waco	1420	1450
KRGV—Weslaco	1260	1290
KWFT—Wichita Falls	620	620

NAB DISTRICT 14

COLORADO

	Present Frequency in kc.	New Frequency Mar. 29, 1941
KGIW—Alamosa	1420	1450
KVOR—Colorado Springs	1270	1300
KFEL—Denver	920	950
KLZ	560	560
KMYR	1310	1340
KOA	830	850
KPOF	880	910
KVOD	630	630
KIUP—Durango	1370	1400
KFXJ—Grand Junction	1200	1230
KFKA—Greeley	880	910
KOKO—La Junta	1370	1400
KIDW—Lamar	1420	1450
KGHF—Pueblo	1320	1350
KGEK—Sterling	1200	1230

IDAHO

KIDO—Boise	1350	1380
KID—Idaho Falls	1320	1350
KRLC—Lewiston	1370	1400
KFXD—Nampa	1200	1230
KSEI—Pocatello	900	930
KTFI—Twin Falls	1240	1270
KWAL—Wallace	1420	1450

MONTANA

KGHL—Billings	780	790
KRBM—Bozeman	1420	1450
KGIR—Butte	1340	1370
KFBB—Great Falls	1280	1310
KPFA—Helena	1210	1240
KGEZ—Kalispell	1310-CP 1430	1340 (See note 3)
KRJF—Miles City	CP 1310	1340
KGVO—Missoula	1260	1290
KGCX—Wolf Point	1450	1480

UTAH

KSUB—Cedar City	1310	1340
KVNU—No. of Logan	1200	1230
KLO—Ogden	1400	1430
KEUB—Price	1420	1450
KOVO—Provo	1210	1240
KDYL—Salt Lake City	1290	1320
KSL	1130	1160
KUTA	1500-CP 570	570

WYOMING

KDFN—Casper	1440	1470
KFBC—Cheyenne	1420	1450
KYAN	1370	1400
KPOW—Powell	CP 1200	1230
KVRS—Rock Spring	1370	1400
KWYO—Sheridan	1370	1400

NAB DISTRICT 15

CALIFORNIA

KRE—Berkeley	1370	1400
KHSL—Chico	1260	1290
KIEM—Eureka	1450	1480
KARM—Fresno	1310	1340
KMJ	580	580
KMYC—S.E. of Marysville	1420	1450
KYOS—Merced	1040	1080
KTRD—Modesto	740	860
KDON—Monterey	1210	1240
KLS—Oakland	1280	1310
KLX	880	910
KROW	930	960
KVCV—So. of Redding	1200	1230
KFBK—Sacramento	1490	1530
KROY	1210	1240
KFRC—San Francisco	610	610
KGO	790	810
KJBS	1070	1100
KPO	680	680
KSAN	1420	1450
KSFO	560	560
KYA	1230	1260
KQW—San Jose	1010	740

	Present Frequency in kc.	New Frequency Mar. 29, 1941
KSRO—Santa Rosa	1310-CP 1320	1350
KGDM—Stockton	1100	1130
KWG	1200	1230
KTKC—Visalia	890	920
KHUB—Watsonville	1310	1340
HAWAII		
KHBC—Hilo	1200	1230
KGMB—Honolulu	590	590
KGU	750	760
KTOH—Lihue	1500	1490
NEVADA		
KENO—Las Vegas	CP 1370	1400
KFUN	CP 1420	1450
KOH—Reno	630	630

NAB DISTRICT 16

ARIZONA		
KWJB—So. of Globe	1210	1240
KCRJ—Jerome	1310	1340
KSUN—Lowell	1200	1230
KOY—Phoenix	550	550
KPHO	1200	1230
KTAR	620	620
KYCA—Prescott	1500	1490
KGLU—Safford	1420	1450
KTUC—Tucson	1370	1400
KVOA	1260	1290
KYUM—Yuma	1210	1240
NEW MEXICO		
KGGM—Albuquerque	1230	1260
KOB	1180	1030
KLAH—Carlsbad	1210	1240
KICA—Clovis	1370	1400
KAWM—Gallup	1500	1490
KWEW—Hobbs	1500	1490
KGFL—Roswell	1370	1400
KVSF—Santa Fe	1310	1340
CALIFORNIA		
KERN—Bakersfield	1380	1410
KPMC	1550	1600
KMPC—Beverly Hills	710	710
KXO—El Centro	1500	1490
KIEV—Glendale	850	870
KFOX—Long Beach	1250	1280
KGER	1360	1390
KECA—Los Angeles	780	790
KFAC	1300	1330
KFI	640	640
KFSG	1120	1150
KFVD	1000	1020
KFWB	950	980
KGFJ	1200	1230
KHJ	900	930
KMTR	570	570
KNX	1050	1070
KRKD	1120	1150
KPPC—Pasadena	1210	1240
KFXM—San Bernadino	1210	1240
KFMB—San Diego	CP 1420	1450
KFSD	600	600
KGB	1330	1360
KVEC—San Luis Obispo	1200	1230
KVOE—Santa Ana	1500	1490
KDB—Santa Barbara	1500	1490
KTMS	1220	1250

NAB DISTRICT 17

ALASKA		
KFQD—Anchorage	780	790
KFAR—Fairbanks	610	610
KINY—Juneau	1430	1460
KGBU—Ketchikan	900	930

OREGON	Present Frequency in kc.	New Frequency Mar. 29, 1941
KWIL—Albany	CP 1210	1240
KAST—Astoria	1200	1230
KBKR—Nr. Baker	1500	1490
KBND—Bend	1310	1340
KOAC—Corvallis	550	550
KODL—The Dalles	1200	1230
KORE—Eugene	1420	1450
KUIN—Grants Pass	1310	1340
KFJI—Klamath Falls	1210	1240
KLBM—La Grande	1420	1450
KOOS—Marshfield	1200	1230
KMED—Medford	1410	1440
KALE—Portland	1300	1330
KBPS	1420	1450
KEX	1160	1190
KGW	620	620
KOIN	940	970
KWJJ	1060-SA 1040	1080
KXL	1420	1450
KRNR—Roseburg	1500	1490
KSLM—Salem	1360	1390
WASHINGTON		
KXRO—Aberdeen	1310	1340
KVOS—Bellingham	1200	1230
KELA—Centralia	1440	1470
KRKO—Everett	1370	1400
KWLK—Longview	1370	1400
KGY—Olympia	1210	1240
KWSC—Pullman	1220	1250
KEVR—Seattle	1370	1400
KIRO	710	710
KJR	970	1000
KOL	1270	1300
KOMO	920	950
KRSC	1120	1150
KTW	1220	1250
KXA	760	770
KFIO—Spokane	1120	1150
KFPY	890	920
KGA	1470	1500
KHQ	590	590
KMO—Tacoma	1330	1360
KVI	570	570
KVAN—Vancouver	880	910
KUJ—Walla Walla	1370-CP 1390	1420
KPQ—Wenatchee	1500	1490
KIT—Yakima	1250	1280

Note 1—WAPI, Birmingham, Alabama, station to operate on 1170 kc. pending adjustment of domestic problems in U. S.

Note 2—KTHS, Hot Springs, Arkansas, at present divides time with KRLD nights on 1040 kc. and operates full-time on 1060 days.

Note 3—KGEZ, Kalispell, Montana, may be moved to 1460 kc. instead of 1340 as listed.

CP—Construction permit.

SA—Special authority.

Present frequencies as of February 1, 1941.

PAYMENTS TO ASCAP AFTER DECEMBER 31

A number of stations have raised the question whether ASCAP is correctly interpreting its contract in demanding payment upon receipts for programs carried in December, payments for which, however, were not received until after December 31. The accounting policies of stations vary and therefore there is no uniform rule which can be applied.

Some stations report that in the past ASCAP received payment the first month of the contract or the first month of a revised contract on all receipts received, even though some receipts were for programs carried previous months. If the contract has been so interpreted in the past, it would seem that payment to ASCAP on all receipts received during December would discharge all obligations to ASCAP.

However, if payments in the past have been made on billings or on collections when and as made, then the station is obligated to pay ASCAP on such sums as are collected after January 1 for business carried prior to January 1.

The question should be decided by each station's local counsel or accountant based upon the terms of the contract and its past interpretation by the parties.

BMI CATALOGUE

M. E. Tompkins, Vice President and General Manager of BMI, has issued a memorandum to all members calling attention to the wealth of material in the BMI catalogue and in the catalogues of other music publishers licensing through BMI which may be used to obtain wider diversification in building programs. The memorandum follows in full:

> We are heartened by the splendid support of our stations in the use of the materials offered by BMI. To forestall criticism on the part of the listening public, however, we must improve program structure by widening our use of available material in the interest of intelligent diversification.
>
> You have splendidly cooperated with our professional department in promoting the use of the titles upon which they are working, and we do not want to diminish that cooperation.
>
> There is, however, an enormous wealth of excellent material offered by BMI from its own catalogue as well as from the catalogues, the performance rights of which BMI has acquired. Accompanying this list is a carefully specially selected list of material from the catalogues of BMI, Ricordi, Marks and Peer. All of this material is up to the standard of our "hits". We urge continuous effort on the part of program managers throughout the industry to see that these numbers are used in ever increasing variety. If we are to have the continuous support of the listening audience, which has been very flattering up to the moment, we must now take advantage of the wider diversification that is possible from the material that BMI makes available to you.
>
> BMI's music you already have in your library. The material listed from our other publishers, you can acquire at reasonable rates by direct application to the publisher if you do not already have it. We shall be very glad to act as intermediary for you if you wish us to have these publishers ship any material to you.
>
> We anticipate your wholehearted support of this request.

BEST SELLERS

BMI songs have now definitely established themselves as the most popular tunes in all parts of the country. Throughout America ten out of the ten best song sellers for the week ended February 2, according to variety, are songs published or licensed by Broadcast Music, Inc. In the history of Tin Pan Alley, no one publisher has ever had so many hits at the same time.

The enthusiastic reception by the dancing public of BMI songs is regarded as direct refutation of two theories often posed by ASCAP: (1) that playing songs on the air "ruins sheet music and record sales" and (2) that "only ASCAP writers can write hit songs". Radio's ability to skyrocket sheet music sales is reflected in the following figures: To-date "There I Go", has sold 140,000 copies of sheet music, "Frenesi", 130,000 and "I Hear A Rhapsody", 120,000. Many more thousand will be sold within the next few weeks. According to popular music experts a song is classified as a "hit" if it sells 75,000 copies, and rarely do more than 15 songs sell more than 100,000 copies in a year. It is therefore considered phenomenal that one publishing house, BMI, has turned out two songs that have sold well over one hundred thousand copies during the first month of 1941. Especially interesting is the history of "Frenesi"—the widely popular Mexican number. Although this song was published and recorded last February, it did not achieve any popularity until it was put on the radio. As soon as it began to "catch on" and appear on the programs of the name bands, sheet sales jumped and it is now a bigger hit in the United States than it ever was in Mexico.

The success of "There I Go", "I Hear A Rhapsody", "I Give You My Word", "So You're the One", "You Walk By" and many other popular dance favorites is concrete evidence that BMI has opened up a wealth of real musical talent which had hitherto been denied recognition by ASCAP's "closed-circle" policies. All these songs were written by gifted young composers, who were not lucky enough to reach the "inside" of Tin Pan Alley. For years they have been waiting for a "break". Now, thanks to BMI, these and many other composers have arrived.

BMI FEATURE TUNES

February 10-17

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. BUGLE WOOGIE
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. ANYWHERE
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT

A LONDONER COMMENTS

A letter in Life Magazine, issue of February 3rd, affords interesting comment on the widespread popularity of "There I Go". John English, the writer, a Londoner, takes exception to remarks by Walter Graebner on "the enforced trend toward uniformity in London". In this connection Mr. English writes "I don't suppose this Graebner person has ever noticed how Americans drink large quantities of a drink called Coca-Cola, how they have all been humming There I Go for the past few weeks, how many of them are reading a magazine called Life, and how they all praise such characters as Charlie McCarthy and Jack Benny. Does the popularity of these things necessarily denote a trend toward uniformity? Of course not—neither in this country or in London."

FAVORABLE COMMENT PREDOMINATING

More than a million dollars has been subscribed in license fees for the renewal period of BMI license which runs from April 1, 1941 to April 1, 1942—very strong testimony to the universal approval of BMI policies among the broadcasters.

Carl Haverlin, BMI's Station Relations Director, who attended the district meetings in the 16th, 17th, 14th and 10th Districts, reports that the consensus of the two hundred broadcasters attending these meetings was that favorable comment on the new music far outweighed the unfavorable comment. In virtually all cases where the broadcasters had taken the trouble to trace down unfavorable comment it was found to be inspired by ASCAP propagandists.

Labor

SUPREME COURT UPSETS ARNOLD IN FIRST LABOR CASE

The Supreme Court on February 3 handed down its decision in the first of the "Thurman Arnold" labor cases to come to the Court's attention. It will be recalled that Mr. Arnold some time ago listed five labor union practices which he thought were illegal under the Anti-Trust Laws:

1. Unreasonable restraints designed to prevent the use of cheaper material, improved equipment, or more efficient methods. An example is the effort to prevent the installation of factory-glazed windows or factory-painted kitchen cabinets.

2. Unreasonable restraints designed to compel the hiring of useless and unnecessary labor. An example is the requirement that on each truck entering a city there be a member of the local teamsters' union in addition to the driver who is already on the truck. Such unreasonable restraints must be distinguished from reasonable requirements that a minimum amount of labor be hired in the interests of safety and health or of avoidance of undue speeding of the work.

3. Unreasonable restraints designed to enforce systems of graft and extortion. When a racketeer, masquerading as a labor leader, interferes with the commerce of those who will not pay him to leave them alone, the practice is obviously unlawful.

4. Unreasonable restraints designed to enforce illegally fixed prices. An example of this activity is found in the Chicago Milk case where a labor union is charged with combining with distributors and producers to prevent milk being brought into Chicago by persons who refuse to maintain illegal and fixed prices.

5. Unreasonable restraints designed to destroy an established and legitimate system of collective bargaining. Jurisdictional strikes have been condemned by the A. F. of L. itself. Their purpose is to make war on another union by attacking employers who deal with that union. There is no way the victim of such an attack may avoid it except by exposing himself to the same attack by the other union. Restraints of trade for such a purpose are unreasonable whether undertaken by a union or by an employer restraining trade or by a combination of an employer and a union, because they represent an effort to destroy the collective bargaining relationships of a union with an employer.

The broadcasting industry was especially interested in No. 2.

It was No. 5 which the Court ruled on Monday. (U. S. vs. Hutcheson et al. No. 43.)

Certain work in connection with the building of some new beer vats at the Anheuser-Busch plant in St. Louis was awarded to the International Association of Machinists (A. F. of L.). The United Brotherhood of Carpenters and Joiners (A. F. of L.) maintained that its members should do the work. The Carpenters' Union then called a strike of its members employed at the brewery, and put Budweiser on its unfair list. Mr. Arnold stepped in and charged the Carpenters' Union with violation of the Anti-Trust Laws.

The Court held that Mr. Arnold was wrong, stating that "so long as a Union acts in self-interest, and does not combine with non-labor groups licit and the illicit under Section 20 (of the Clayton Act), are not to be distinguished by any judgment regarding the wisdom or unwisdom, the rightness or wrongness, the selfishness or unselfishness of the end of which the particular Union activities are the means."

Broadcasting lawyers are now studying the opinion with a view to determining how it might affect situations in which the broadcasting industry is interested.

WAGE-HOUR ACT CONSTITUTIONAL

The same day the Court upheld the constitutionality of the Wage and Hour Act, as had been generally expected. (U. S. vs. F. W. Darby Lumber Company et al. No. 82.)

GUARANTEED OVERTIME

Down in Dallas, Texas, William H. Atwell, a Federal District Judge, made a ruling this week which, if upheld by higher courts, would in effect remove any pain that the broadcasting industry suffers from the Act. Judge

Atwell said, in effect, that any plan for computing overtime that was agreeable to employer and employee was all right under the Act so long as the total payment exceeded the minimum wage requirements.

Specifically, Judge Atwell approved of a "guaranteed overtime" plan used by the A. H. Belo Corporation, publisher of the Dallas Morning News, and operator of stations WFAA and KGKO. The Wage and Hour Administration has ruled that such plans are illegal, and so an appeal from Judge Atwell's decision is probable.

Warning! Judge Atwell's decision is now "the law" only in his district, and even there can be upset by a higher court. Any broadcaster who used "guaranteed overtime" plan does so at the risk of prosecution, pending a final adjudication of the question.

INDEPENDENT CONTRACTOR

The following exchange of correspondence about the possibility of avoiding overtime for a chief engineer by making him an "independent contractor" may be of interest:

Labor Relations Director,
Natl. Ass'n of Broadcasters,
1626 K Street, N. W.,
Washington, D. C.

DEAR SIR:

I plan on making a contract with my chief engineer to furnish labor for our transmitter operation for a fixed sum per month. Would such a plan herein outlined be legal under wage and hour laws?

The situation is this: my chief operator would much rather work than not work and is willing to work a great many more than 40 hours per week but when it comes to paying him time and a half for all over 40 hours the expense runs too high. Now, can I make a contract with him to provide all the labor at the transmitter for a fixed sum per month. Under this contract he would agree to hire and pay all labor he employs and work them under wage and hour laws. This then, to my way of figuring would make him an independent contractor and he could work, for himself, as many hours as he desires, and pay any help he hired on wage and hour basis. He is anxious to make as much as possible of course but we really need another operator under the present set-up and operators are HARD to get. He wants to work all that he can and asked for the contract. This he figures would eliminate him from wage and hours law, since as before mentioned he would be an independent contractor.

A similar situation exists in a certain business here in town. A laundry owner leased his building to his son and in the lease agreed to furnish a fireman and a water man and a washer. The son then hires 7 employees on his own and escapes the unemployment compensation payment as he employs less than 8 employees. This was decided in his favor in district court when the state sued for unemployment insurance payments.

What is your opinion on our deal?

Very truly yours, ______ ______.

DEAR MR. ———:

You raised a very interesting point in your letter of January 30. I have consulted several leading radio lawyers. All agree that, although there is a possibility of evading excessive overtime payments by the "independent contractor" plan you proposed, such a plan would be held illegal by the Federal Communications Commission. These lawyers say that several times, in decisions, the FCC has held that the licensee must retain control over the technical operations, and consequently over his operators. If you turned that control over to an independent contractor, they say, you would be violating the terms of your license.

If you did not turn over this control, it follows that the "independent contractor" would not be real independent contractor, and thus would not be exempt under the Wage and Hour Act. Of course I did not mention your name or your station specifically in discussing this matter.

If you have any further questions about it, please do not hesitate to call on me.

Sincerely,
JOSEPH L. MILLER,
Director of Labor Relations.

NAB

DISTRICT 9

Over thirty Ninth District broadcasters met in Chicago on Thursday, January 30, for the primary purpose of selecting a District Director for the coming two-year term. The following were present:

Arthur F. Howe, Bradley R. Eidmann, WAAF; J. L. Van Volkenburg, WBBM; Jack Heintz, Harold L. Dewing, WCBS; James F. Kyler, WCLO; Walter Ashe, R. M. Holt, WCLS; Francis Higgins, WDAN; Edgar L. Bill, WMBD-WDZ; A. W. Kaney, B. T. Peterson, Donald Marcotte, WENR-WMAQ; Edwin Brady, WGN; Les Johnson, WHBF; James A. Wagner, WHBY-WTAQ; Marie E. Clifford, WHFC; Ed Cunniff, WKBH; William R. Cline, George R. Cook, Harold A. Safford, WLS; Henry R. LePoidevin, WRJN; John J. Dixon, WROK; Merrill Lindsay, WSOY; L. W. Herzog, WTMJ; William H. West, WTMV; John J. Gillin, Jr., WOW.

The balloting resulted in the re-election of William H. West of WTMV, East St. Louis, Illinois, for the full two-year, 1941-42, term.

MEMBERSHIP STILL GROWING

Since the first of the year NAB membership has increased from 497 to 518. The new members we welcome are:

Active: W8XAD (FM) Rochester, New York
WCED—DuBois, Pennsylvania
WCOV—Montgomery, Alabama
WATW—Ashland, Wisconsin
WHDF—Houghton, Michigan
KGBU—Ketchikan, Alaska
KODL—The Dalles, Oregon
KWLK—Longview, Washington
KBIZ—Ottumwa, Iowa
KRMC—Jamestown, North Dakota
KVOX—Moorhead, Minnesota
KMYC—Marysville, California
KRKD—Los Angeles, California
KSD—St. Louis, Missouri
WEAU—Eau Claire, Wisconsin

Associate: Long-Worth Feature Programs, Inc.
World Broadcasting System
Columbia Recording Corporation
National Broadcasting Company—Radio Recording Division
Standard Radio
C. E. Hooper, Incorporated

CODE COMMITTEE MEETS

Leaders of most of the outstanding women's organizations in the country commended the NAB's efforts to ultimate the standards of children's programs, at a luncheon Tuesday in New York, with the NAB Code Committee.

Mrs. Dorothy Lewis, who recently made a nationwide survey of children's programs, read the report of the Radio Council on Children's Programs. Neville Miller, Edgar Bill, and Earl Glade received the report on behalf of the Code Committee, and discussed at some length the industry's collaboration with the women's organizations in this respect.

At morning business sessions the Code Committee appointed J. O. Maland and Henry P. Johnston to a subcommittee, to consider time limitations for 5, 10, and 25-minute commercials. Their report will be submitted at the next NAB Convention. The Committee also passed a resolution praising the report of the Radio Council on Children's Programs, and Mrs. Lewis' valuable work. The Committee recommended that this work be continued with proper support and appropriations from the NAB Board.

A Committee study showed that nearly every station in the country was complying with the Commercial Section of the Code.

At the Monday morning session, the Committee discussed various labor broadcasting problems with Joseph L. Miller, NAB Director of Labor Relations. No formal action was taken.

CONVENTION COMMITTEE ANNOUNCED

John J. Gillin, Jr., Tenth District Director, announced an important change in the committee line-ups for the 1941 convention to be held in St. Louis.

George Burbach, general manager of KSD, has been named as general chairman of the Publicity and Public Relations Committee. Appointed to serve with him are John C. Roberts, Jr., KXOK, St. Louis; H. Dean Fitzer, WDAF, Kansas City; Vernon H. "Bing" Smith, KOWH, Omaha; and Luther Hill, KSO-KRNT, Des Moines.

This Committee will supervise the advance, as well as the convention publicity, and arrange for the attendance at the convention of prominent officials from the cities and states within the Tenth District.

CONVENTION RESOLUTIONS

To avoid any misunderstandings, broadcasters should read the following rules governing hotel reservations at the NAB convention in St. Louis, May 12-15. The convention will be held at the New Jefferson Hotel. Other St. Louis hotels at which accommodations may be reserved are:

Chase
Park Plaza
Coronado
DeSoto
Lennox
Mark Twain
Mayfair
Melbourne
Statler

Complete information as to type and prices at these hotels will be given in an early issue of THE REPORTS.

1. Requests for hotel reservations should be sent direct to the hotel at which the applicant desires accommodations.
2. The request should set forth in as much detail as possible—
   a. the type of accommodations desired, rate, single or double occupancy, double or twin beds, etc.
   b. the exact date of arrival and if possible the time; the names of all people for whom reservation is requested.
   c. the length of time which the party plans to stay.
   d. if the reservation is not made in a firm name or the request written on a firm letterhead, the station or other business with which the reserving parties are affiliated should be given.
3. Hotels, upon receipt of any request for reservations, should immediately refer them to the NAB Housing Committee for consideration. As acknowledgment to the person from whom the request comes, the hotel should write a letter and attach a printed copy of the rules, supply of which will be provided. This is not a confirmation or acceptance by the hotel of the reservation.
4. The Housing Committee has a complete list of NAB member stations and associate members. Reservation requests from parties or stations whose names are on this list will be given priority and assignments made in the order of their receipt. Requests from parties or stations not appearing on the membership or associate membership list will be held in abeyance until April 12, at which time rights of priority will terminate and all assignments made in order of their receipt. While NAB members and associate members will be given precedence, every effort will be made to suitably and satisfactorily care for the accommodations requested by individuals, firms and radio stations not on this list.
5. If the exact type of accommodations requested are not available in the hotel specified, the NAB Housing Committee will immediately notify the individual, firm or radio station of that fact and give information as to the type of accommodation available which most nearly meets the specifications. This information shall cover the accommodations in the hotel requested, as well as in other hotels. Applicants should bear in mind that no assignments will be made in such cases until a confirmation of the alternative accommodation is sent to the Housing Committee.

LONG DISTANCE REMOTE

In the January 10 NAB REPORTS, WOW, Omaha, claims the crown for a long distance remote control pick-up, based on its recent series of pick-ups from the Pacific Coast. Now having a scale map conveniently at hand, KWK, St. Louis, is willing to cede WOW the palm on distance. However, the St. Louis station would like to put in a claim of its own.

Said claim concerns the only foreign broadcast ever picked up by a local station. The event occurred last winter when KWK sent sports announcer Johnnie O'Hara and engineer Kenneth Hildenbrand to Havana, Cuba, to stage remote interviews with members of the two baseball teams during the series between the St. Louis Cardinals and the Cuban All-Stars.

Oddly enough, the long-distance broadcasts by both WOW and KWK were sponsored by the same St. Louis client—the Falstaff Brewing Corporation.

(Editor's Note: *The current long distance remote "contest" will close March 1—to be reopened next January 1, provided anyone wants to challenge the title claimants at that time.*)

Engineering

FM CONFERENCE

Conclusions and Agreements reached during conference held on December 9, 1940, regarding equipment for high frequency (FM) broadcast stations:

In accordance with the Commission's notice of November 23, 1940, the two principal items of the conference were: (1) maximum power rating and operating power range of standard high frequency (FM) transmitters, and (2) performance characteristics of audio amplifying equipment when obtained separately and as a complete unit.

The conference was attended by approximately 40 engineers. The greater number represented manufacturers of FM equipment and broadcasters. Mr. A. D. Ring, Assistant Chief Engineer of the Commission, presided at the meeting with the assistance of Mr. Wm. H. Bauer and Mr. Wm. C. Boese.

As to Item (1)

Considerable discussion centered around this item. The Commission in its notice of November 23, 1940, suggested a table of maximum power ratings and operating power ranges. Some of the manufacturer representatives submitted papers which suggested different power ratings and operating ranges than those set forth in the Commission's proposal. The suggested were fully discussed.

The discussion of topic (1) developed that there was unanimity of opinion in that the service area of the HF broadcast station is dependent on the antenna gain and height and the topography of the surrounding area, as well as the transmitted power. After the installation is completed, it is generally, however, more desirable for practical considerations to adjust the transmitter operating power in order to obtain minor adjustments in the service area, as may be required, rather than to adjust one of the other controllable factors in the transmitting system, including the antenna. If large adjustments are necessary in the radiation to obtain the required coverage, then changes in the antenna height or gain may be necessary. Since high frequency broadcast stations are rated on the basis of specific service, it was therefore concluded that standardization of the maximum power rating and operating range of the transmitter would be of mutual benefit to the manufacturer, broadcaster, and the Commission.

On the basis of the foregoing conclusion reached as to item (1), the following table of maximum power ratings and operating power range was adopted:

Maximum Power Rating	*Operating Power Range*
250 watts	100— 250 watts
1,000 watts	250— 1,000 watts
3,000 watts	1,000— 3,000 watts
10,000 watts	3,000— 10,000 watts
25,000 watts[1]	10,000— 25,000 watts
50,000 watts	12,500— 50,000 watts[2]
100,000 watts[3]	50,000—100,000 watts

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[1] Not in production.

[2] Operating power below 25,000 watts permissible only until 25,000 watt transmitters are available. Section 3.241 of the Rules Governing High Frequency Broadcast Stations will be waived permitting this lower operating range until further notice.

[3] Not developed.

It was agreed that in case any manufacturer decided to produce a 25,000 or 100-000-watt transmitter for FM broadcasting stations, it must give notice to the Commission which would release to all other manufacturers of FM transmitters the manufacturer's name and the maximum power rating of the transmitter to be produced at least six months prior to the completion or delivery date of such transmitter.

As to Item (2)

The Rules and Regulations of the Commission governing high frequency broadcast stations require that the frequency response be uniform within 2 decibels of 1,000 cycles within the range from 50 to 15,000 cycles, that the root mean square of the audio frequency harmonics be less than 2% within the range from 50 to 15,000 cycles, and that the noise level be 60 decibels or more below 100% modulation (75 kc. swing). Mr. Ring emphasized that the Commission has directed that this overall performance must be strictly adhered to in practice. Actual measurements must be made on every complete installation and furnished the Commission before a station is licensed for regular operation. This is necessary to carry out the directions of the Commission.

All of the manufacturers, except one, agreed upon the following:

1. That the performance specified in the rules was desirable.
2. It is practical to obtain this performance in practice.
3. That the achievement of this performance necessitates the making of adjustments on the completed installation and measuring the overall performance.

The discussion brought out the fact that in instances where the addition of the responses of individual amplifiers, connecting lines and transmitter would indicate the overall response to be within the Commission's rules, such performance would not necessarily obtain because of the reactions between various units. It was pointed out that if the response of the studio equipment as a whole, the connecting line and the transmitter were measured separately, these characteristics could be added with reasonable assurance that the overall response would be that expected. However, it would still be desirable to make a single series of measurements on the equipment from studio microphone terminals to the transmitter output. This is quite important when equipment of various manufacturers is utilized in an installation. Due to the fact that various units in the system contribute to the overall characteristic, a final determination of the overall performance should be the responsibility of the licensee and applicants for high frequency broadcast stations should be aware of this.

It was also considered desirable to extend the lower limit for frequency response to 30 cycles, although it was recognized that difficulty would be experienced if the 2% distortion limit was extended to this frequency response for certain types of transmitters.

One type of transmitter discussed inherently is more difficult to keep the distortion low at low frequencies whereas this is no particular problem on other designs. In order that the requirements may be the same for all transmitters, the Commission will accept installations with a maximum overall distortion of 3% RMS harmonics until further notice. The rules and the application form may be considered waived in this regard until further notice.

In connection with item (2) there was also discussed the problem of transmitting over telephone lines from the studio to transmitter the frequency response range from 30 to 15,000 cycles. An engineer appearing for the Long Lines Department of the Bell System stated that this could be done and that a number of installations had already been made that met these requirements. It is suggested that since a great deal of difficulty is being experienced in some cases, the Telephone Company should make a study of this problem, and applicants should consult the Telephone Company representative given in the attendance on difficult cases.

Other Matters

The discussion also included the subject of determining the output power at high frequency broadcast stations. It was pointed out that the actual measurement of the power in watts was not necessary but that some means be provided to maintain the power at the value to give the coverage specified in the authorization. The indicating instrument should give a reading proportional to the power output which should be capable of being maintained uniformly for long periods of time. It was finally agreed that the use of a radio frequency ammeter or voltmeter in the transmission line circuit would be satisfactory although under sleet conditions the determination of operating power by plate input power would be satisfactory. For this purpose the efficiency factor of 0.60 was believed to be representative and proper.

The discussion of the transmitter power in the licensing of facilities raised the question of the power gains by means of horizontal directivity in various types of antenna systems. It was conceded that the broadcasting industry lacked authoritative information on the subject of antenna field gains from various antenna arrangements. A committee was suggested to collect data on practical antenna gains as well as losses to be expected in transmission lines used to supply energy to the antenna system. This information is to be made generally available to the industry and will be of vital interest to applicants and can be used by the Commission in reviewing applications.

The Committee suggested for this purpose consists of the following:

- Chairman, Mr. Lynne C. Smeby, National Association of Broadcasters
- Mr. John F. Morrison, Bell Telephone Laboratories
- Mr. R. D. Duncan, Radio Corporation of America
- Mr. H. P. Thomas, General Electric Company
- Mr. C. A. Priest, General Electric Company
- Mr. Wm. B. Lodge, Columbia Broadcasting System, Inc.
- Mr. Frank A. Gunther, Radio Engineering Laboratories
- Mr. R. N. Harmon, Westinghouse Electric and Manufacturing Company
- Mr. Andrew Alford, International Telephone and Telegraph
- Mr. Paul DeMars, Yankee Network

Another topic of discussion was the situation when suitable wire lines from studio to transmitter could not be obtained as a practical fact. The manufacturers present were asked as to the availability of equipment for "Link" stations operating above 300 mc. for this purpose. It was agreed that the state of the art permitted the establishment of such a service at this time and would fill an important need.

This release is primarily for the purpose of providing a record of the conclusions and agreements reached during the conference. It appears that the conference fully served its purpose respecting equipment presently available for high frequency (FM) broadcast stations.

Attendance at Conference Held December 9, 1940

Name	*Representing*
Major Edwin H. Armstrong	
Stuart L. Bailey	Jansky & Bailey
I. R. Baker	RCA Manufacturing Co.
James W. Baldwin	Finch Telecommunications
L. F. Bockoven	Western Electric Co.
Howard A. Chinn	Columbia Broadcasting System
John B. Coleman	RCA Manufacturing Co.
Frank A. Cowan	A. T. & T. Co.
Joseph L. Dalton	R. E. L.
Dick Donance	FM Broadcasters, Inc.
W. R. David	General Electric Co.
Frank A. Gunther	R. E. L.
Raymond F. Guy	National Broadcasting Co.
R. N. Harmon	Westinghouse Elec. & Mfg. Co.
G. I. Jones	Graybar
F. R. Lack	Western Electric Co.
C. M. Lewis	RCA Manufacturing Co.
R. H. Lindsay	Bell Telephone Labs.
William B. Lodge	Columbia Broadcasting System
Philip G. Loucks	FM Broadcasters, Inc.
H. McIntosh	Fort Industries Co.
W. A. MacNair	Bell Telephone Labs.
Frank Marx	WMCA
John F. Morrison	Bell Telephone Labs.
George M. Nixon	National Broadcasting Co.
M. L. Prescott	General Electric Co.
C. A. Priest	General Electric Co.
Gustavus Reiniger	R. E. L.
Patrick Simpson	WGNY
Hector R. Skifter	KSTP, Inc.
Lynne C. Smeby	National Asso. of Broadcasters
C. M. Srebroff	R. E. L.
H. C. Vance	RCA Manufacturing Co.
H. N. Willets	Western Electric Co.
Lewis Windmuller	Fairchild Aviation Corp.
Grant Wrathall	McNary & Chambers
J. E. Young	RCA Manufacturing Co.
J. F. Zias	FM Broadcasters, Inc.

COLUMBUS CONFERENCE

Last-minute additions to the program of the Broadcast Engineering Conference have been announced by Dr. Everitt, Director of the Conference.

W. R. G. Baker, Chairman of the National Television Systems Committee, has arranged to bring the 9 Chairmen of the various television standards panels to the conference. Dr. Baker was scheduled to deliver a lecture entitled "Television Standards" on Monday afternoon, February 10. It is now planned to have each panel Chairman discuss the work of his group during this period. This will consume the entire afternoon period, and therefore Dr. Everitt has announced the addition of an open forum on television, Monday evening, February 10. Dr. Baker will be Chairman of this session and the panel Chairmen will participate in the discussion.

Dr. Everitt has also announced that Samuel Renshaw, Professor of experimental psychology at the Ohio State University, will speak at the dinner on Thursday evening, February 13. Professor Renshaw will give a demonstration lecture on vision.

It was also announced that Paul deMars, Chairman of the Round Table on FM Problems, met recently in New York with the other two members of the panel, Mr. E. J. Content of WOR and Dan Gellerup of WTMJ, to organize this Round Table. Mr. Content will cover the problems connected with studios and speech acoustics, Mr. deMars will treat transmitter and relay problems, and Mr. Gellerup will discuss miscellaneous operating problems which he has met in practice. After the introductory talks, questions which have been submitted in advance will be answered and then the meeting will be opened for discussion from the floor.

Advance registrations indicate that the Engineering Conference will be well attended.

The Broadcast Engineering Conference will be held at the Ohio State University, Columbus, February 10 through 21.

Legislation

NAPA BILL IN PENNSYLVANIA

House Bill 79, prohibiting the recording of any broadcast performance or rendition without the consent of the artists, and for other purposes, introduced in the Pennsylvania General Assembly January 27 by Mr. Reuben E. Cohen, is similar to the Perry Bill which died in the New York Assembly last year. It is believed to be sponsored by NAPA and is being vigorously opposed by Pennsylvania broadcasters. The bill is printed in full below:

AN ACT

Prohibiting the recording of any broadcast performance or rendition without the permission and consent of the person or persons whose performance or rendition is so recorded and the offering for sale, selling, leasing, licensing or possession of such unlawful recording and providing penalties therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. It is unlawful for any person, copartnership, association or corporation to record any broadcast performance or rendition with intent to offer for sale, sell, lease or license or otherwise commercially use such recording without the consent and permission of the person or persons whose performance or rendition is so recorded.

Section 2. It is unlawful for any person, copartnership, association or corporation to offer for sale, sell, lease or license or otherwise commercially use any recording of any broadcast performance or rendition without the consent and permission of the person or persons whose performance or rendition is so recorded.

Section 3. It is unlawful for any person, copartnership, association or corporation to use any recording of any broadcast performance or rendition for commercial purposes without the consent or permission of the person or persons whose performance or rendition has been so recorded.

Section 4. Whoever violates any of the provisions of sections one or two of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) or undergo imprisonment for not more than one (1) year, or both, as the court may direct.

Section 5. Whoever violates any of the provisions of section three of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than five hundred dollars ($500) or undergo imprisonment of not more than three (3) months or both as the court may direct.

Section 6. Upon conviction of a violation of any provisions of this act the court shall also order the delivery and the destruction of such unlawful recordings.

Section 7. None of the provisions of this act shall apply to any case of recording for private personal communal, civic or political uses or to any recording of any address or talk on subjects of a public nature

Section 8. This act shall become effective immediately upon final enactment.

FEDERAL LEGISLATION

HOUSE

H. R. 3099 (Walter, D-Penna.) JUDICIAL CODE—To amend the Judicial Code by adding thereto a new section 274e, relating to the interception of wire or radio communications by persons employed in the investigation, detection, or prevention of offenses against the United States. Referred to Committee on Judiciary.

SENATE

S. 674 (Hatch, D-N. M., and Van Nuys, D-Ind.) ADMINISTRATIVE PROCEDURE—To prescribe fair standards of duty and procedure of administrative officers and agencies, to establish an administrative code, and for other purposes. Referred to Committee on Judiciary.

S. 675 (Hatch, D-N. M., and Van Nuys, D-Ind.) ADMINISTRATIVE PROCEDURE—To revise the administrative procedure of Federal agencies; to establish the Office of Federal Administrative Procedure; to provide for hearing commissioners; to authorize declaratory rulings by administrative agencies, and for other purposes. Referred to Committee on Judiciary.

STATE LEGISLATION

Arizona:

H. 108 (Vidrine) CAMPAIGN EXPENDITURES—RADIO TIME—To include advertising or speaking on the Radio in limitation of political campaign expenditures. Referred to Committees on Judiciary, Suffrage and Elections, Efficient Government, County and County Affairs.

California:

S. 1118 (Swan) LIBEL & SLANDER—Amending secs. 45 & 46, adding sec. 3349 to Civil Code, relating to libel & slander. Referred to Committee on Judiciary.

Connecticut:

H. 178 (Faulkner) PRIVATE EMPLOYMENT AGENCIES—Concerning private employment agencies. Referred to Committee on Judiciary.

H. 1141 (Tedesco) LIBEL—RETRACTION—Concerning Actions of Slander and Libel, providing for no action of slander or libel until the defendant has refused to retract the alleged slanderous or libelous charges in writing after a reasonable time and providing for the filing of a bond by the plaintiff. Referred to Committee on Judiciary.

H. 1301 (Murphy) COPYRIGHTED MUSIC—TAX—Concerns the licensing of and a franchise tax on music brokers and regulations concerning copyrighted music. Referred to Committee on Judiciary.

S. 201 (Murphy) COPYRIGHTED MUSIC—TAX—Concerns the licensing of and a franchise tax on music brokers and regulations concerning copyrighted music. Referred to Committee on Judiciary.

Maryland:

S. 172 (Johnson) CHIROPRACTIC ADVERTISING—To add Sec. 455A to Art. 43 of the Annotated Code (1939 Ed.), relating to advertising by practitioners of Chiropractic. Referred to Committee on Judicial Proceedings.

Minnesota:

S. 262 (Mullin, Wolfe) AGENCIES—THEATRICAL—Regulations for licensing, bonding and code for theatrical or booking agencies. Referred to Committee on Labor.

Montana:

CCH H. 1304 (Stevens) TAXATION—SEVERAL SUBJECTS—Refers to a tax on tickets and fees for amusements; also includes in its scope gas, electricity, water, communications and transportation.

Nebraska:

Bill No. 2 H. (Norman et al.) NEWS—CENSORSHIP—Prohibits newspapers and broadcasting companies from procuring election returns until the polls close.

New York:

S. 403 (Williamson) INTEREST RATE ADVERTISING—Provides that no industrial bank shall advertise, print or broadcast any statement with regard to rates, terms or conditions for loans unless interest rate or charge is stated in terms of simple interest on amounts due. Referred to Committee on Banks.

S. 406 (Williamson) CREDIT ADVERTISING—Prohibits advertising by printing, broadcasting or otherwise, in connection with extension of consumer credit, for the purpose of encouraging needless borrowing. Referred to Committee on Banks.

GEORGIA CONTACT

Leonard Reinsch, WSB, Atlanta, has accepted an appointment as legislative contact man at the Georgia capital and Harold Fellows, WEEI, Boston, has accepted an appointment as legislative contact man at the Massachusetts capital. (NAB Reports, p. 32.)

FEDERAL COMMUNICATIONS COMMISSION

FLY PRESS CONFERENCE

Chairman James Lawrence Fly of the FCC said at a press conference on Monday that in a previous statement which he had made that the monopoly report would be taken up within a few weeks that he had no intention of misleading the press. Mr. Fly said that he still thinks that the report may be made in February.

Chairman Fly was asked about the possibility of taxing broadcasters. He said that such a study has been going on, but he doesn't know specific extension or details. It came up in connection with testimony which was given before the House Appropriations Committee dealing with FCC appropriations.

The Chairman told the newsmen that there is nothing new in connection with the Defense Communications Board "although routine problems are grinding off and committees are busy." He said that the Board meets every week.

PROPOSED DECISION IN BROOKLYN CASES

Long-Standing controversy involving the use of the 1500 kilocycle frequency by three Brooklyn broadcast stations, was moved a step nearer adjustment by reason of proposed action by the FCC as follows:

PROPOSED DISMISSAL WITH PREJUDICE of the application of the Metropolitan Broadcasting Corp., (WMBQ), Brooklyn, N. Y., for renewal of license and construction permit.

PROPOSED DISMISSAL WITH PREJUDICE of the application of Lillian E. Kiefer of Brooklyn, N. Y., for construction permit.

PROPOSED DENIAL of the application of Paul J. Gollhofer, Brooklyn, N. Y., for construction permit.

PROPOSED DENIAL of application of Arthur Faske, (WCNW), Brooklyn, N. Y., for renewal of license.

PROPOSED DISMISSAL WITH PREJUDICE of applications of Arthur Faske, (WCNW), Brooklyn, N. Y., for modification of license, construction permit, and modification of construction permit.

PROPOSED GRANT of the applications of the Long Island Broadcasting Corp., (WWRL), Woodside, Long Island, N. Y., for renewal of license and modification of same to include the hours of WMBQ, and the hours presently allocated to WCNW.

These cases in part figured in a hearing as far back as February, 1937, and were consolidated in a further hearing in October, 1939. In today's Proposed Findings of Facts and Conclusions (No. B-131), the Commission holds:

1. The Metropolitan Broadcasting Corporation failed to offer any evidence at the original or instant hearings in support of its application for renewal of license of Station WMBQ. Therefore, said application and its application for construction permit should be dismissed with prejudice.
2. Lillian E. Kiefer failed to offer any evidence at the instant hearing in support of her application for construction permit requesting the facilities of Station WMBQ. Therefore, said application should be dismissed with prejudice.
3. Paul J. Gollhofer, in support of his application for a construction permit requesting the facilities of WMBQ has failed to sustain the burden of proof that he is qualified to construct and operate a broadcast station, and in view of the manner in which he, as President of the Metropolitan Broadcasting Corporation, operated Station WMBQ, the Commission is unable to find that a grant of this application will serve the public interest. Consequently, this application should be denied.
4. Arthur Faske, licensee of Station WCNW, has operated, and permitted said station to be operated, in violation of the terms of the license theretofore issued to him by this Commission for the operation thereof, and the Commission's Rules and Regulations, and has failed to sustain the burden of proof that the granting of his application for renewal of license of said station and the continued operation thereof, will serve public interest, convenience and necessity. Therefore, said application should be denied. In view of this finding, the applications filed by him for modification of license of Station WCNW requesting the hours of operation formerly allocated to Station WMBQ, and all hours regularly allocated to Station WWRL, modification of construction permit and construction permit should be dismissed.
5. The Long Island Broadcasting Corporation, licensee of Station WWRL, is legally, financially, technically and otherwise qualified to continue the operation of said station as requested in its application for renewal of license and to utilize the hours of operation formerly allocated to Station WMBQ and the hours now allocated to Station WCNW as requested in its application for modification of license. Therefore, each of said applications should be granted.

FCC ACTIVITIES

The FCC announces that the work, business and functions of the Commission for the month of February have been assigned as follows:

Commissioner Payne:	Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.
Commissioner Walker:	Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

ASSISTANT SECRETARY REYNOLDS RESIGNS

John B. Reynolds has resigned as Assistant Secretary of the FCC to become part owner and general manager of WKWK, a new broadcast station under construction at Wheeling, W. Va.

Mr. Reynolds joined the Federal Radio Commission in 1930 and was subsequently appointed Assistant Secretary of that body, being continued in the same capacity when the Federal Communications Commission was created in 1934. At various times he has served as Acting Secretary.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings and oral arguments are scheduled to be heard before the Commission during the week beginning Monday, February 10. They are subject to change.

Monday, February 10

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary); **890 kc.,** 1 KW night, 5 KW LS, unlimited.

Wednesday, February 12

NEW—Herbert L. Wilson, Middletown, N. Y.—C. P., **1310 kc.,** 250 watts, unlimited.

NEW—Community Broadcasting Corp., Middletown, N. Y.—C. P., **1310 kc.,** 250 watts, unlimited.

Thursday, February 13

Consolidated Hearing

NEW—Edward J. Doyle, Rochester, N. Y.—C. P., **1340 kc.,** 1 KW, unlimited, DA day and night.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), Rochester, N. Y.—C. P., **1340 kc.,** 1 KW, unlimited, DA day and night.

Thursday, February 13

Oral Argument Before the Commission

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.,** 100 watts night, 100 watts LS, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following dates for broadcast hearings and oral arguments. They are subject to change.

February 20

Oral Argument Before the Commission

WHDH—Matheson Radio Company, Inc., Boston, Mass.—C. P., **830 kc.,** 5 KW, unlimited, DA night. Present assignment: **830 kc.,** 1 KW day.

March 27

NEW—Worcester Broadcasting, Inc., Worcester, Mass.—C. P., **1200 kc.,** 250 watts, unlimited (using two 100-watt amplifier stations).

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Richard Field Lewis, Jr., Winchester, Va.—Granted construction permit for a new station at Winchester to operate on **1370 kc.,** 250 watts, unlimited time (B2-P-3005).

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Granted amended construction permit authorizing increase in nighttime power from 1 to 5 KW, subject to approval of site and antenna at Lawrence; **1220 kc.,** 5 KW day, shares KFKU (B4-P-2272).

KWWJ—KWWJ Broadcast Co., Inc., Portland, Ore.—Granted construction permit to change frequency from **1060** to **1040 kc.,** increase power from 500 watts to 1 KW, and increase hours of operation from limited to unlimited, install directional antenna for night use, subject to approval of site and antenna (B5-P-2881).

WSGN—The Birmingham News Company, Birmingham, Ala.—Granted, subject to questions involved in hearing on renewal proceedings, application for construction permit to change frequency from **1310** to **610 kc.,** increase power from 250 watts to 1 KW, install new transmitting equipment, directional antenna for night use, and move transmitter site locally to State Fair Grounds, Birmingham (B3-P-2993).

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted modification of construction permit (B5-P-2437) to increase power from 10 to 50 KW, make changes in directional antenna, install new equipment and extend completion date (B5-MP-1094).

WFIL Broadcasting Co., Philadelphia, Pa.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **45300 kc.,** 9,300 square miles, nearly 4,000,000 population (B2-PH-73).

South Bend Tribune, South Bend, Ind.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **47100 kc.,** 4,300 square miles, 448,000 population (B4-PH-54).

W3XP—Philco Radio and Television Corp., Philadelphia, Pa.—Granted construction permit to increase power in portable-mobile television station from 15 to 125 watts, and install new equipment (B2-PVB-80).

Clinton Broadcasting Corp., Clinton, Iowa.—Granted construction permit for a new station to operate on **1340 kc.,** with 250 watts power, unlimited time, effective March 29.

Burlington Broadcasting Co., Burlington, Iowa.—Granted construction permit for new station to operate on **1490 kc.,** 250 watts power, unlimited time, effective March 29.

Courier-Post Publishing Co., Hannibal, Mo.—Granted construction permit for new station to operate on **1340 kc.,** 250 watts power, unlimited time, effective March 29.

WCLS—WCLS, Inc., Joliet, Ill.—Granted construction permit to operate on **1340 kc.,** with 250 watts power, unlimited time, effective March 29 (station now operates on **1310 kc.,** with 100 watts).

DESIGNATED FOR HEARING

Camden Broadcasting Co., Camden, N. J.—Application for construction permit for new station in Camden to operate on **800 kc.,** 500 watts, daytime (B1-P-2926).

WJAX—City of Jacksonville, Jacksonville, Fla.—Application for construction permit to increase nighttime power from 1 to 5 KW, make changes in transmitting equipment, and install directional antenna for nighttime use; **900 kc.,** 5 KW LS (B3-P-3012).

MISCELLANEOUS

WAPI—Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcast Station WAPI) (Assignors), Voice of Alabama, Inc. (Assignee), Birmingham, Ala.—Granted voluntary assignment of license of standard broadcast station WAPI, and construction permit for relay station WAWT from Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcasting Station WAPI), to Voice of Alabama, Inc. The assignors will discontinue operation of the station but will retain ownership of the physical equipment which will be leased to the assignee. Station WAPI operates on **1140 kc.,** 5 KW power, simultaneous day, shares KVOO night (S.A. operate 5 KW, unlimited time, employing DA after sunset, Tulsa).

WRCA-WNBY—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to suspend the effective dates of Commission action of December 10, 1940, in granting the license File No. B1-MLIB-45, and special temporary authority issued after consideration of application File No. B1-MLIB-44, until March 2, 1941, in order to permit the simultaneous utilization of **9670** and **17780 kc.** while changes in equipment are being made in accordance with outstanding construction permits.

W2XBS—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate television broadcast station W2XBS with special emission in addition to A3 emission on Channel No. 1, in order to conduct experimental tests for the National Television Standards Committee and the National Broadcasting Co., Inc., for the period beginning January 31 to not later than March 1, 1941.

WBOS—Westinghouse Electric & Mfg. Co., Hull, Mass.—Granted extension of special temporary authority to operate the equipment of International broadcast station WBOS authorized in construction permit B1-PIB-23, with power of 50 KW using WL 893R tubes in final amplifier stage in lieu of Federal 124R tubes, for the period February 3 to not later than March 4, 1941.

WSUI—State University of Iowa, Iowa City, Iowa.—Denied special temporary authority to use licensed daytime power of 5,000 watts from 7:30 p. m. (or commencement of basketball game) to 9 p. m. (or until end of game), CST, on February 3, 10, 15, 17, 22, 24, and March 1, 3, 1941; and from 7:30 p. m. (or start of game) to 9 p. m. (or until end of game), EST, on February 8, 1941, in order to broadcast University of Iowa basketball games to a greater listening area.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from sign-off (February, 7:45 p. m., EST) to 12 midnight, EST, on February 1 and 22, 1941, in order to broadcast sustaining music and descriptions of programs and to broadcast the Melrose Games from Madison Square Garden on February 1 and to broadcast the National Track and Field Championships from Madison Square Garden on February 22, only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 7:30 p. m. to 11 p. m., CST, February 1, 7, 8, 14, 15, 21, 22, 26, 27, and 28, 1941, in order to broadcast basketball games and preliminary games in connection with the State basketball tournament only.

WNYE—Board of Education, City of New York.—Granted extension of special temporary authority to continue to operate non-commercial educational broadcast station WNYE on **41100 kc.,** for a period not to exceed 30 days commencing January 31, 1941, pending resubmission and action on application to change frequency to **42100 kc.**

WOI—Iowa State College of Agriculture & Mechanical Arts, Ames, Iowa.—Granted special temporary authority to operate from 7 p. m. to 9 p. m., CST, February 17, March 1 and 3, 1941, instead of February 15, March 1 and 3, 1941 (as granted January 25), in order to broadcast basketball games only.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 5 p. m. to 6 p. m., EST, on Sundays, February 2, 9, 16 and 23, 1940, in order to broadcast the Rosary Hour only.

WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 8 p. m. to 10:30 p. m., EST, February 11, 14, 21, 25 and March 4, 7, 10, 1941, to broadcast basketball games only.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted special temporary authority to operate from 2 to 3 a. m., EST, February 20, 1941, to broadcast a special test program in cooperation with and for the members of the Newark News Radio Club on power of 250 watts (B3-S-869).

WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate the equipment of International Broadcast Station WLWO with power input to the final stage of 100 KW for a period not to exceed 30 days from January 31, 1941, in order to obtain data requested in connection with application (MLIB-40).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m., CST, February 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, from 2 to 3:15 p. m., CST, February 3, 10, 17, 24, from 9:15 to 9:45 p. m., CST, February 11, 1941, in order to permit WNAD to broadcast educational programs only; to operate from 8:15 to 9:15 p. m., February 12, 1941, to broadcast a Lincoln Day address by Congressman Dewey Short (provided WNAD remains silent).

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 3 p. m., CST, February 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, 1941, and from 2 to 3:15 p. m., CST, February 3, 10, 17, 24, and from 9:15 p. m. to 9:45 p. m., CST, February 11, 1941, in order to broadcast educational programs only (provided KGGS remains silent); to remain silent from 8:15 to 9:15 p. m., February 12, 1941, to enable KGGF to broadcast a Lincoln Day address by Congressman Dewey Short.

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from 5:15 to 5:45 p. m., CST, February 2, 9, 16 and 23, 1941, in order to broadcast radio revivial program only.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from 5:15 p. m. to 5:45 p. m., EST, February 2, 9, 16, 23, 1941, in order to broadcast a program by the Massachusetts State Federation of Women's Clubs only; to operate from 5:15 p. m. to 5:30 p. m., EST, February 1, 8, 15, 22, 1941, to broadcast a program by the Professional Women's Clubs of Boston only.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate simultaneously with Station KFAB from 6 a. m., CST, to local sunrise (at Lincoln, Nebr., January, 7:45 a. m.; February, 7:30 a. m., CST), for the period January 29, 1941 to not later than February 28, 1941, pending action on formal application for such authority.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to rebroadcast over Station WGRC and stations affiliated with the Mutual Broadcasting System special conversations between units of the First Armored Division at Fort Knox, Ky., on February 1, 1941, from 2:30 to 3:15 p. m., CST.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted license to cover construction permit (B2-P-2737) which authorized increase in power to 5 KW day and night, **780 kc.,** and changes in directional antenna system (B2-L-1319); also granted authority to determine operating power by direct measurement of antenna power (B2-Z-648).

WBOS—Westinghouse E. and M. Co., Hull, Mass.—Granted modification of construction permit for international broadcast station (B1-PIB-23), which authorized move of station from Pittsburgh to Hull, Mass., increase in power to 50 KW, and make changes in equipment, to extend completion date to June 7 (B1-MPIB-19).

KFBD—Amarillo Broadcasting Corp., Portable-Mobile, area of Amarillo, Tex.—Granted license to cover construction permit (B3-PRY-229) for new relay station; **1622, 2158, 2150, 2790 kc.,** 21 watts power (B3-LRY-216).

KEHS—WDAY, Inc., Portable-Mobile, area of Fargo, N. Dak.—Granted license to cover construction permit (B4-PRE-372) which authorized change in frequencies from **133030, 134850, 136810, 138630 kc.** to **156750, 158400, 159300, 161100 kc.,** increase power from 1 watt to 5 watts, and install new equipment (B4-LRE-340).

The following applications for renewal of relay broadcast station licenses were granted for the period ending December 1, 1941:

KAOU, area of Tucson, Ariz.; KEHO, area of Salt Lake City; KEIM, area of Phoenix; KEIN, area of Walla Walla, Wash.; WEIC, area of Schnectady; WEIZ, area of Memphis; WEKW, area of Hartford; WENK, area of Erie, Pa.; WEOC, area of Charleston, S. C.; WEGZ, area of New Haven; WEOM, area of Aurora, Ill.

The following stations were granted further extension of licenses upon a temporary basis only, pending receipt and/or determination upon the applications for renewal of licenses, not longer than March 1, 1941 (relay broadcast):

WEGV, area of Champaign, Ill.; WENW, area of Champaign, Ill.; KEGN, area of San Francisco; KFAS, area of Fairbanks, Alaska.

The following stations were granted further extension of licenses upon a temporary basis only, pending determination upon applications for renewals of licenses, not longer than March 1, 1941 (relay broadcast):

KIJG, area of Brownsville, Tex.; KEMA, area of Shenandoah, Iowa.

W55M—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Granted modification of construction permit which authorized construction of new high frequency broadcast station, to change type of transmitter and make antenna changes.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted authority to determine operating power by direct measurement of antenna output (B-Z-606).

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted authority to install automatic frequency control equipment (B3-P-169).

WOKO—WOKO, Inc., Albany, N. Y.—Granted authority to make changes in automatic frequency control apparatus (B1-F-170).

WKMO—Kokomo Broadcasting Corp., Kokomo, Ind.—Granted modification of construction permit (B4-P-2842) which authorized a new station, for approval of vertical antenna, approval of transmitter site, and installation of new transmitter (B4-MP-1149).

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted modification of construction permit (B2-P-2578) for new transmitter and extension of completion date from January 26 to 180 days after grant (B2-MP-1154).

WBEN—WBEN, Inc., Grand Island, N. Y. (Trans.), Buffalo, N. Y. (Studio)—Granted modification of construction permit (B1-P-2757) authorizing changes in antenna system, and new transmitter (B1-MP-1104).

KWIL—Central Willamette Broadcasting Co., Albany, Ga.—Granted license to cover construction permit (B5-P-2949) which authorized a new station to operate on **1240 kc.**, 250 watts, unlimited time (B5-L-1320); also granted authority to determine operating power by direct measurement of antenna input (B5-Z-655).

WCHS—Charleston Broadcasting Corp., Charleston, W. Va.—Granted license to cover construction permit (B2-P-2739) which authorized installation of directional antenna for night use, and increase in power to 5 KW day and night (DA-night) (B2-L-1299); also granted authority to determine operating power by direct measurement of antenna input (B2-Z-619).

WJHL—WJHL, Inc., Johnson City, Tenn.—Granted license to cover construction permit (B3-P-2626) for installation of transmitter and directional antenna for night use, increase in power from 250 watts to 1 KW, change in frequency from **1200** to **880 kc.**, and move (B3-L-1317); also granted authority to determine operating power by direct measurement of antenna input (B3-Z-644).

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted modification of construction permit (B3-MP-1006) authorizing new transmitter, and increase in power from 500 watts to 1 KW, for extension of commencement date to March 29 (B3-MP-1151).

WNBC—State Broadcasting Corp., New Britain, Conn.—Granted modification of construction permit (B1-P-2723), which authorized changes in equipment and increase in power, DA-day and night, for authority to install new transmitter and extend commencement date to 60 days after grant and completion date to 180 days thereafter (B1-MP-1142).

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted license to cover construction permit (B3-P-2435) for new transmitter, directional antenna for night use, increase in power from 250 to 500 watts night, 1 KW day, change in frequency from **1310** to **620 kc.**, and move transmitter (B3-L-1316); also granted authority to determine operating power by direct measurement of antenna input (B3-Z-643).

WTCM—Midwestern Broadcasting Co., Traverse City, Mich.—Granted license to cover construction permit (B2-P-2665) for a new station to operate on **1370 kc.**, 250 watts, unlimited time (B2-L-1318); also granted authority to determine operating power by direct measurement of antenna input (B2-Z-647).

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-649).

KOCY—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-650).

KTRI—Sioux City Broadcasting Co., Sioux City, Ia.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-654).

KNX—Columbia Broadcasting Co., Inc., Los Angeles, Cal.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-652).

KRCN—Northwest Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft station KHCNK on frequency **2790 kc.** in order to relay broadcast proceedings of the St. Paul Sports Carnival on February 1, 1941, to Radio Station WMIN.

W2XOY—General Electric Co., New Scotland, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 2500 watts power, special emission, with the transmitter located at New Scotland, N. Y., and described as: General Electric Type BF103A—Exciter 4GF1A1—Amplifier 4AF2A1, maximum rated carrier power output 2500 watts, for the period January 29, 1941, to not later than March 1, 1941.

KAWM—A. W. Mills, Gallup, N. Mex.—Granted extension of special temporary authority to remain silent from January 30, 1941, to not later than February 28, 1941, during repairs necessitated by fire.

KSAM—Sam Houston Broadcasting Association, Huntsville, Tex.—Granted extension of special temporary authority to remain silent from February 2, 1941, to not later than March 1, 1941, pending Commission action on revocation order.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with Stations WIBW and WCHS, with power of 1000 watts, from 7:25 to 9:25 p. m., on February 3, 17, and 24 and from 7:55 to 9:55 p. m. on February 8, 10 and 15, and from 6:25 to 8:25 p. m., CST, on February 22, 1941, in order to broadcast University of Illinois basketball games only.

Radio Corp. of Annapolis, Annapolis, Md.—Dismissed application for construction permit for new broadcast station to operate on **1310 kc.**, 100 watts power, unlimited time (B1-P-2831).

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from local sunset (February, 5:15 p. m. and March 6 p. m., PST) to the conclusion of high school basketball games on February 11, 13, 18, 20, 25, and 27, 1941, in order to broadcast said games only and to operate from 7:15 p. m., PST, to the conclusion of college basketball games on February 14, 15, 21, 22, 24, 25, March 1, 4, 5, 7, and 8, 1941, in order to broadcast said games only.

WOI—Iowa State College of Agriculture & Mechanical Arts, Ames, Iowa.—Granted special temporary authority to operate from 7 p. m. to 9 p. m., CST, February 15, March 1 and 3, 1941, in order to broadcast basketball games only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9 p. m. to 10 p. m., EST, on **1240 kc.**, on January 26, 1941, in order to broadcast the Rosary Hour program only.

Essex Broadcasters, Inc., Detroit, Mich.—Granted special temporary authority to pick up program of the Lutheran Charities in Detroit to be broadcast by Radio Station CKLW from 4:30 p. m. to 5 p. m., EST, on February 16, 1941.

WAOG—New York State Conservation Dept., Albany, N. Y.—Granted extension of special temporary authority to operate portable radiophone forestry station WRAI on frequencies **31620, 35260, 37340,** and **39620 kc.**, for the period January 28, 1941, to not later than February 26, 1941, as a relay broadcast station to relay programs from the Olympic Bobsled Run to standard broadcast station WNBZ.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to rebroadcast certain programs of station W1XPW, for a period beginning January 27, 1941, to not later than March 1, 1941.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (January 4:45 p. m., CST) to 5:30 p. m., CST, on January 26, 1941, in order to broadcast a concert by the Aurora Civic Orchestra only.

The Commission on January 27 took the following action:

WAPI—Alabama Polytechnic Institute, Etc., Birmingham, Ala.—Granted in part request for continuance of hearing on application for renewal of license now scheduled for January 27, until February 18, 1941.

WSPD—The Fort Industry, Toledo, Ohio.—Dismissed without prejudice petition to intervene in re hearing on application of the Voice of Longview (KFRO), Longview, Tex., for modification of construction permit to increase power from 1 KW to 5 KW, operating on **1340 kc.**, unlimited time; on Commission's own motion deleted Issue No. 3 which pertained to interference of KFRO with WSPD (B3-MP-872).

WSPD—The Fort Industry, Toledo, Ohio.—Dismissed without prejudice petition for leave to intervene and enlargement of issues in re hearing on application of Edward J. Doyle, Rochester, N. Y., for construction permit for new station to operate on **1340 kc.**, 1 KW, unlimited time, using directional antenna day and night (B1-P-2031).

WSPD—The Fort Industry, Toledo, Ohio.—Dismissed without prejudice petition for leave to intervene and enlargement of issues in re hearing on application of Brown Radio Service & Lab. (WSAY), Rochester, N. Y., for construction permit to operate on **1340 kc.**, 1 KW, unlimited, using directional antenna day and night (B1-P-2924).

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Granted petition for leave to amend application for construction permit to operate on **900 kc.**, 1 KW, unlimited, directional antenna night, so as to request another frequency (B2-P-2752).

Pan American Broadcasting System, Inc., Hollywood, Fla.; Atlantic Broadcasting Corp., Miami, Fla.; Seaboard Broadcasting Corp., Tampa, Fla.—Granted petition of applicants insofar as it requests leave to amend applications for construction permits for new stations, to alter corporate structure of applicants by withdrawal of George H. Bowles and substitution of Mrs. Alice M. Sholtz; denied insofar as it requests retention of hearing date and ordered that the hearing scheduled for February 3 on these applications be cancelled (B3-P-2768, 2796, 2813, respectively).

Robert V. Lee, Bradenton, Fla.—The Commission on its own motion continued to an indefinite date the hearing scheduled for February 3 on the application for construction permit for new station to operate on **1500 kc.**, 250 watts night, 250 watts day, unlimited (B3-P-2780).

WOOD—King Trendle Broadcasting Corp. (Assignor), WOOD Broadcasting Corp. (Assignee), Grand Rapids, Mich.—Granted leave to amend application for voluntary assignment of license of station WOOD by substituting new agreements between the parties in interest for the agreements presently attached to application, thus dismissing motion for continuance of hearing.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted motion to take depositions in re hearing on application for renewal of license of station WCAP (B1pR-181).

WAPI—Alabama Polytechnic Institute and University of Alabama, Etc., Birmingham, Ala.—Reconsidered action of January 20, 1930, in designating for hearing the renewal application of WAPI, and adopted order cancelling hearing now scheduled.

WESX—North Shore Broadcasting Co., Inc., Salem, Mass.—Granted motion to dismiss petition for rehearing directed against the action of the Commission December 17, 1940, granting without hearing the application of C. T. Sherer Company, Inc., for a new station in Worcester, Mass.

LeRoy's Jewelers, Los Angeles, Calif.—The Commission upon its own motion modified the conditional authorization for television station to substitute Channel No. 13 (**230000-236000 kc.**) in lieu of Channel No. 10, the conditional construction permit to otherwise remain the same.

Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted extension of time to May 1, 1941, for filing program of research in connection with construction permit for new television station.

APPLICATIONS FILED AT FCC

580 Kilocycles

WDBO—Orlando Broadcasting Company, Inc., Orlando, Fla.—License to cover construction permit (B3-P-2734) for increase in power, installation of directional antenna and changes in equipment.

WDBO—Orlando Broadcasting Company, Inc., Orlando, Fla.—Authority to determine operating power by direct measurement of antenna power—auxiliary transmitter.

WDBO—Orlando Broadcasting Company, Inc., Orlando, Fla.—Authority to determine operating power by direct measurement of antenna power—main transmitter.

600 Kilocycles

KROD—Dorrance D. Roderick, El Paso, Texas.—License to cover construction permit (B3-P-2725) as modified for new equipment, increase in power and change in frequency.

KROD—Dorrance D. Roderick, El Paso, Texas.—Authority to determine operating power by direct measurement.

NEW—The WTBS Radio Company, Inc., Toledo, Ohio.—Construction permit for a new station to be operated on **600 kc.**, Class III-B, 1 KW, unlimited time.

680 Kilocycles

KFEQ—KFEQ, Incorporated, St. Joseph, Mo.—Construction permit to install new transmitter, directional antenna for day and night use, increase power from 500 watts; 2½ KW, local sunset to 5 KW, hours of operation from daytime to unlimited time, and move transmitter. Amended: To make changes in directional antenna for day and night use.

720 Kilocycles

WGN—WGN, Incorporated, Chicago, Ill.—Extension of S.E.A. for transmission of facsimile signals using 50 KW. 8-1-40 to 2-1-41. Amended: To extend period to 8-1-41.

920 Kilocycles

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-P-2658) for new equipment and increase in power requesting authority to install new transmitter, and extend completion date to 180 days after grant.

940 Kilocycles

WICA—WICA, Inc., Ashtabula, Ohio.—Construction permit to install new transmitter, install directional antenna for night use, increase power from 1 KW to 1 KW; 5 KW, local sunset, and change hours of operation from daytime to unlimited time.

WFLA—The Tribune Company, Tampa, Florida.—License to cover construction permit (B3-P-2866) for a new station, and approval of studio site at Tarr Bldg., corner Lafayette and Hyde Park, Tampa, Florida.

WFLA—The Tribune Company, Tampa, Florida.—Authority to determine operating power by direct measurement of antenna power.

1010 Kilocycles

KGGF—Hugh J. Powell, Coffeyville, Kans.—Construction permit to increase power from 1 KW to 5 KW, install new transmitter and directional antenna for night use and move transmitter, change frequency from **1010 kc.** to **690 kc.***
Amended: To change hours of operation from specified hours to unlimited time.

1070 Kilocycles

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Authority to determine operating power by direct measurement of antenna power.

1120 Kilocycles

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of construction permit (B3-P-1939) as modified for increase in power, change frequency, installation of new transmitter and directional antenna for night use, and move of transmitter, requesting authority to make changes in directional antenna system, night use, and extend commencement date to 30 days after grant and completion date 180 days thereafter. Also make changes in equipment. Amended: RE: to omit request for changes in directional antenna.

1130 Kilocycles

WJJD—WJJD, Incorporated, Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

1170 Kilocycles

WCAU—WCAU Broadcasting Co, Philadelphia, Penna.—Modification of construction permit (B2-P-3001) for new equipment, requesting changes in antenna system, and move of transmitter from 1¼ miles west by southwest of Newtown Square on Bishops Hollow Road, Penna. to near Church and Pamona Roads, Cinnaminson and Moorestown Township, N. J. Extend commencement date to 30 days after grant and completion date to 180 days thereafter.

1200 Kilocycles

KPOW—Albert Joseph Meyer, Powell, Wyo.—Modification of construction permit (B5-P-2593) for a new station, requesting approval of studio and transmitter site at corner East 7th and Hamilton Streets, Block No. 2, original townsite, Powell, Wyoming, changes in antenna system and transmitting equipment.

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. Car.—License to cover construction permit (B3-P-2647) as modified for a new station.

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. Car.—Authority to determine operating power by direct measurement.

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. Car.—Modification of construction permit (B3-P-2647) as modified for a new station, requesting move of studio from East 10th Street, extended, near Roanoke Rapids, North Carolina, to 251 Roanoke Avenue, Roanoke Rapids, North Carolina.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1200** to **620 kc.**, increase power from 250 watts to 1 KW, and move transmitter from 203 College St., Burlington, Vt., to one-half mile north of Pine Island, Colchester, Vermont.

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* Under NARBA.

1210 Kilocycles

KFBC—Frontier Broadcasting Company, Cheyenne, Wyo.—Modification of license to change frequency from **1420** to **1210 kc.**, increase power from 100 watts; 250 watts local sunset, to 250 watts day and night.

WEDC—Emil Denemark, Inc., Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

KFXM—J. C. Lee and E. W. Lee, Lee Bros. Broadcasting Co., San Bernardino, Calif.—License to cover construction permit (B5-P-3017) for a new transmitter.

KBIZ—J. D. Falvey, Ottumwa, Iowa.—Modification of construction permit (B4-P-2499) for a new station, for approval of vertical antenna, approval of transmitter site, and install a new transmitter.

1240 Kilocycles

WSPR—WSPR, Inc., Springfield, Mass.—License to cover construction permit (B1-P-2509) for change of frequency, hours of operation, installation of directional antenna for day and night use.

WSPR—WSPR, Inc., Springfield, Mass.—Authority to determine operating power by direct measurement of antenna power.

1250 Kilocycles

NEW—R. B. Terry, D. A. Rawley, Staley A. Cook and Rudy Fonville, d/b as Burlington Broadcasting Co., Burlington, N. C.—Construction permit for new station on **1250 kc.**, 250 watts, daytime operation. Amended to request 500 watts power, new transmitter.

1260 Kilocycles

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Modification of construction permit (B3-P-2944) for directional antenna for night use, requesting extension of commencement and completion dates from 2-5-41 and 8-5-41 to 4-4-41 and 10-4-41, respectively.

1370 Kilocycles

WISE—Radio Station WISE, Inc., Asheville, N. C.—Modification of license to change frequency from **1370** to **1200 kc.** (**1230 kc.** under NARBA).

WMAN—Richland, Inc., Mansfield, Ohio.—Authority to determine operating power by direct method.

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Construction permit to move transmitter.

1390 Kilocycles

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Modification of construction permit (B4-P-2625) as modified for new equipment, changes in directional antenna, increase in power, requesting extension of completion date from 2-25-41 to —

1410 Kilocycles

KFJM—University of North Dakota, Grand Forks, N. Dak.—Modification of license to change hours of operation from unlimited time to specified hours which are from 3 to 5 p. m. daily; and move studio from 324 DeMers Ave., Grand Forks, N. Dak., to University Campus, Grand Forks, N. Dak.

NEW—Dalton LeMasurier, Grand Forks, N. Dak.—Construction permit for a new station on **1410 kc.**, Class III-B, 500 watts, 1 KW day, specified hours; facilities of KFJM.

1420 Kilocycles

WWDC—Capital Broadcasting Co., Washington, D. C.—Modification of construction permit (B1-P-2679) to make changes in synchronous amplifier equipment and antenna, and extend commencement and completion dates from 12-29-40 and 6-29-41 to 30 days after grant and 180 days thereafter, respectively.

KBPS—Benson Polytechnic School, R. T. Stephens, Agent, Portland, Ore.—Authority to install automatic frequency control equipment.

WRLC—R. G. LeTourneau, Toccoa, Ga.—Modification of construction permit (B3-P-2767) for a new station, requesting authority to install a new transmitter and change type of antenna.

KATE—Albert Lea Broadcasting Co., Albert Lea, Minn.—Modification of license to change name from Albert Lea Broadcasting Company to Albert Lea-Austin Broadcasting Company, Inc.

1450 Kilocycles

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Construction permit to change frequency from **1450 kc.** to **1020 kc.** (Class II), change power from 1 KW to 50 KW, move transmitter, and install directional antenna for night use. Amended to install a new transmitter, change directional antenna for night use, and give transmitter site as 1.0 mile east of Curtis, La.; decrease power from 50 KW to 5 KW, 10 KW-LS.

1500 Kilocycles

WMRC—Textile Broadcasting Co., Greenville, S. C.—Authority to transfer control of corporation from R. A. Jolley to C. Granville Wyche, 1530 shares common stock.

WIGM—George F. Meyer, Medford, Wis.—Modification of construction permit (B4-P-2501) for a new station, requesting extension of commencement date from 1-19-41 to 4-19-41.

1530 Kilocycles

WBRY—American Republic, Inc., Waterbury, Conn.—Modification of construction permit (B1-P-2756) as modified for new transmitter and directional antenna for day and night use and increase in power, requesting extension of commencement date from 1-22-41 to 2-22-41.

FM APPLICATIONS

NEW—The A. S. Abell Company, Baltimore, Md.—Construction permit for new high frequency broadcast station. Frequency, **44300 kc.;** coverage, 15,489 square miles; population, 3,308,983. Amended re change frequency from **44300** to **46300 kc.**, coverage from 15,489 to 6,040 square miles, population from 3,308,983 to 1,810,159; install new type transmitter; change location of transmitter from Clarksville, Md., to Baltimore, Md., and give studio location as Baltimore, Md.

NEW—The Travelers Broadcasting Service Corp., Hartford, Conn.—Modification of construction permit (B1-PH-12) for a new high frequency broadcast station, requesting approval of transmitter and antenna system and change population from 4,893,439 to 1,036,400.

NEW—Stromberg-Carlson Telephone Manufacturing Company, Rochester, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **45100 kc.;** coverage, 2,240 square miles; population, 543,000. Amended re change coverage from 2,240 to 3,200 square miles and population from 543,000 to 584,800.

NEW—Walker & Downing Radio Corp., Pittsburgh, Penna.—Modification of construction permit (B2-PH-24) for a new high frequency broadcast station, requesting changes in antenna.

NEW—Evansville on the Air, Inc., Evansville, Ind.—Modification of construction permit (B4-PH-11) for a new high frequency broadcast station, requesting change in type of transmitter, and change location of transmitter.

NEW—Courier-Journal and Louisville Times Company, Louisville, Ky.—Construction permit for new high frequency broadcast station to be operated on **45700 kc.;** coverage, 13,200 square miles; population, 1,004,320.

NEW—News Syndicate Co., Inc., New York, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **44700 kc.;** coverage, 8,500 square miles; population, 11,212,416. Location: New York.

MISCELLANEOUS APPLICATIONS

WLOY—Loyola University, New Orleans, La.—License to cover construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 100 watts, emission A-3.

WEND—WHP, Incorporated, Harrisburg, Penna.—License to cover construction permit B2-PRY-228.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Beeman's Laboratory, Inc.—Misrepresentation of a medicinal preparation is alleged in a complaint issued against Beeman's Laboratory, Incorporated, 70 Central Ave., S. W., Atlanta, Ga. Other respondents are E. A. Rush and Mrs. J. F. Rush, officers, and H. C. Allen, director, of the corporation.

The complaint alleges that the respondents advertised that their preparation "BQR Remedy", "fights colds"; that it has value as a cold preventive and that it is a cure or remedy for colds. According to the complaint, the product is not capable of any curative action on the underlying factors that cause colds, and has no therapeutic value in the treatment of such conditions in excess of furnishing temporary relief from some of the symptoms often associated with colds and of furnishing laxative action. (4451)

S. Buchsbaum & Co., 243 East Huron St., Chicago, manufacturer of men's accessories made of "Vinylite", an organic material of glass-like appearance, has been charged with misrepresentation.

"Vinylite", the complaint points out, is a chemically manufactured plasticized resinous material resembling glass which the respondent company buys in the form of pliable, semi-elastic sheets, and converts into products such as suspenders, belts, garters, wrist watch bands, key chains, raincoats, and other accessories.

The complaint alleges that the respondent disseminates advertisements stating that its products are made of "Elasti-Glass" (its trade name for Vinylite), described as "science's latest miracle"; that the advertisements picture the transparency of the material, state it to be elastic in action and further ascribe to it many of the properties commonly associated with glass, such as durability and imperviousness to water or moisture.

By means of such advertisements, and otherwise, the respondent, according to the complaint, represents and implies that its Elasti-Glass accessories are made of glass, when in fact they contain no glass. (4450)

H. & L. Candy Company—A complaint has been issued charging J. C. Helms, trading as H. & L. Candy Company, Marshville, N. C., with the use of lottery methods in the sale of candy.

The respondent, according to the complaint, sells to dealers assortments of candy so packed and assembled as to involve the use of a lottery scheme when the merchandise is sold to the consuming public. Push card devices are used, the complaint alleges. (4455)

Preparatory Training Institute, 55 N. Clinton Ave., Trenton, N. J., in a complaint is charged with misrepresentation in the sale of correspondence courses intended to prepare students for civil service examinations.

The complaint alleges that by means of representations made by the respondent's agents, designated as "registrars", who call upon prospective pupils, the respondent represents that it has United States Government positions to offer students; that it is connected with the government and authorized by the United States Civil Service Commission to qualify applicants for government jobs; and that it has advance information concerning the holding of civil service examinations, or information concerning such examinations which is not readily available to prospective candidates.

According to the complaint, the respondent has no positions to offer, no connection with the government, and cannot guarantee positions or appointments of persons passing examinations. The complaint further charges that the respondent's representatives are merely salesmen and that their designation as "registrars" further tends to mislead prospective students into the belief that they are Civil Service Commission officials.

The respondent also is charged with misleading prospective students by concealing or failing to reveal pertinent facts regarding a provision in the respondent's enrollment contract which has to do with refund of tuition fees. (4454)

United Diathermy, Inc., 100 West 42nd St., New York, distributor of "United Short Wave Diathermy", an electrical device for treating diseases, is charged, in a complaint, with misrepresentation in the sale of its product.

In newspaper, radio and other advertising, the complaint alleges, the respondent corporation represents that its apparatus is a safe and scientific means for treating and alleviating the pain of rheumatism, arthritis, neuritis, bursitis, lumbago and other ailments, when used by the unskilled layman in treating self-diagnosed diseases by self-application in the home, and that its use will have no ill effects.

According to the complaint, the results claimed will not be accomplished by unskilled, self-application of the respondent's device under conditions prescribed in the advertisements or under usual conditions, and the treatment is not safe but may result in severe electric burns or other serious injury.

The complaint alleges that the respondent's apparatus is not competent for treating acute arthritis, neuritis, and bursitis, as distinguished from chronic cases of such disorders.

The complaint further alleges that the respondent has disseminated false advertisements through failure to conspicuously reveal that the apparatus may be safely used only after a competent medical authority has determined that diathermy is indicated and prescribed the frequency and amount of application, and a trained technician has instructed the user in the device's operation.

In December, 1940, the respondent corporation was restrained by the United States District Court for the Southern District of New York from further dissemination of certain advertisements concerning its device pending issuance of the Commission complaint and its final disposition under Commission procedure. (4453)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

AW-Advertising, Inc., 420 Lexington Ave., New York, an advertising agency, entered into a stipulation concerning advertisements of cosmetics which it disseminated in behalf of Rose Helen Kingstone, trading as The R. H. Laird Company and Rose Laird, New York. The respondent agency agrees to cease advertising that "Rose Laird's Greaseless Lubricant", "Protective Face Lotion", "Overnight Cream", and "Liquid Facial Soap", alone or in combination, will correct blemishes or other skin ills, or enable one to acquire or keep a clear skin, or be free from a problem skin, and that by use of the products, alone or in combination, one will not have bumpy skin, excess oil, eruptions, coarse pores or blackheads. (02716)

Courtland D. Ferguson, Inc., National Press Building, Washington, D. C., an advertising agency, has entered into a stipulation in which it agrees that in the advertisement of "Kohler Antidote", in behalf of Kohler Manufacturing Company, Baltimore, it will cease and desist from representing that use of this product affords complete relief from pain; that it will relieve pain double quick, lightning fast, or quicker than other similar preparations, and that it is absolutely safe and has no bad after-effects. (02718)

E. Fucini & Co., Inc., 524 West Broadway, New York, entered into a stipulation in which it agrees to cease representing that "Fernet Vittone" is a tonic, unless the representation is expressly limited to its effect as a gastric tonic; that everyone requires a tonic, stomachic and digestive; that Fernet Vittone is an effective remedy for intestinal disturbances or has any effects beyond those of a laxative, stomachic and gastric tonic, and that "Acqua Fiuggi" is an effective remedy for gallstones, kidney troubles, gout, calculus of the bladder, defective blood circulation or excessive uric acid. (02721)

Patten Concentrates, Inc., in the sale of "Patten's Concentrates," consisting of dehydrated vegetable products some of which are fortified with vitamins and others with drug laxatives, agrees to cease representing that it manufactures or produces the products; that they are chemically or biologically analyzed and assayed at frequent intervals; that they are "correctives" and have any special health-giving or remedial value; that "Patten's Tablets Enriched with Vitamins A-B-D-G" will maintain a person's physical fitness; that its "Parsley-Garlic Tablets" are an effective remedy for high blood pressure or hardening of the arteries; that the use of "Ultra-Eleven Vegetable Tablets" is effective for treating anemia, loss of weight, arthritis and malnutritions, and to discontinue similar representations concerning these and other preparations.

The respondent further stipulates that it will cease disseminating advertisements which represent or imply that "Patten's Kelp Tablets" are in all cases safe or harmless; or which advertisements fail to reveal that the preparation should not be used by persons ill of lung diseases, chronic cough, goiter or thyroid diseases, except upon the advice of a physician; and which fail to reveal that if a skin rash appears, use of the preparation should be discontinued. The stipulation further provides that the advertisement need contain only a statement that the preparation should be used only as directed on its label, if and when the label either contains such a warning or specifically directs attention to a similar warning in the accompanying labeling. (02720)

D. B. Smith & Co., Inc., Utica, N. Y., stipulated that it will cease advertising that "Jim Dandy Rat and Mouse Killer" will kill moles, gophers and other rodents, except rats, wharf rats and mice; that it positively stops waste caused by rodents; will rid homes, barns, poultry houses, wharves, fields, warehouses and other buildings of rodents. (02722)

Southern Greeting Card Company—A Memphis and a Chicago corporation selling greeting cards, have had modified stipulations accepted in which they agree to cease and desist from certain representations in the sale of their products. The respondents are: Southern Greeting Card Company, McCall Building, Memphis, and John A. Hertel Company, 305 West Adams St., Chicago.

Under the modified stipulations, the respondents agree to cease advertising "free samples" or making any use of the word "free" or similar expression in a manner purporting a gift or gratuity only, where any consideration such as payment of money, rendering of services, or otherwise, is required of the person receiving articles of merchandise sent in response to his request for such free samples or other gratuity. The respondents further agree to desist from inducing a customer to order samples or other goods by deceptively concealing the terms of the transaction.

The original stipulations, executed in May, 1940, have been rescinded. (2822-2825)

United Service Training Schools—Trading as United Service Training Schools, Ray W. Davis, 405 Arctic Building, Seattle, Wash., has entered into a stipulation in which he agrees to cease and desist from certain representations in the sale of a correspondence course for assisting students to pass civil service examinations.

Among practices which the respondent agrees to discontinue are use of the initials U. S. or any initials, words, emblems or depictions on printed matter to cause the impression that his school is a government agency or has an official connection with the United States Civil Service Commission.

The respondent further agrees to cease representing that the completion of his course is a prerequisite for success in passing civil service examinations, and that students or graduates of the course are assured of civil service appointments or Government employment. He also agrees to discontinue use of statements implying that his course was prepared by persons who have information concerning forthcoming civil service examinations. (3028)

U. S. Drug & Sales Company—Edwin L. Leisenring and Gordon Leisenring, trading as U. S. Drug and Sales Company, 1534 Lawrence St., Denver, Colo., have stipulated that they will cease representing that their medicinal product "Hex Tabs" constitutes a competent remedy or treatment for ailments of the kidneys, bladder, prostate or other glands. The stipulation recites that, according to reliable medical authority, the use of the respondents' product is not indicated as a treatment for the conditions named. (3030)

Vegetrates, Inc., in the sale of "Vege-broth", "Vegetrate BF-1", "Vegetrate Formula No. CC-413" and 13 other similar preparations, agrees to cease representing that modern conditions cannot assure the full measure of life-sustaining organic minerals in the food one buys or cooks today; that the "Vegetrate" formulas are concentrated or contain all the concentrated goodness of nature's own vegetables, or of vegetables grown in a specially mineralized soil; or that they give added protection to persons having low resistance. The respondent also agrees to cease advertising that "Vegetrate 'Caroa' Fortified with Vitamin 'A'" is a protection against infection; that "Wheat Germ Oil Perles, Standard Potency Vitamin 'E'", is essential during pregnancy and is of the highest available potency, and to discontinue various similar representations concerning other of its products. (02719)

Ar. Winarick, Inc., a corporation, trading as The Herpicide Co., 805 East 140th St., New York, stipulated to cease representing that "Newbro's Herpicide" will prevent loss of hair or baldness; assure beautiful or healthy hair; is a cure for or will remedy dandruff or is positive dandruff germicide or competent dandruff treatment (unless the representation is limited to temporary removal of dandruff scales and the mitigation of the symptoms of itching); that Newbro's Herpicide has been tested and approved and is recognized as the world's standard hair tonic; that it will penetrate pores, stir up sluggish scalp circulation, or cause the sebaceous glands to function properly, and that its use aids in overcoming faulty scalp conditions (unless clearly limited to those particular conditions in which it would be an effective treatment). The respondent further agrees to cease using the term "Inc." in referring to The Herpicide Co. or from otherwise representing that that concern is itself a corporation. (02717)

Wayne Short Wave Company—Lillian B. Ferentz, trading as Wayne Short-Wave Company, 556 Book Building, Detroit, has entered into a stipulation in which she agrees to cease certain representations in the sale of an electrical device designated "Approved Model Short-Wave Machine".

The respondent agrees to cease advertising that the device constitutes a cure or remedy for sciatica, neuritis, lumbago, arthritis, rheumatism or sinus, and to discontinue representing that it can be used for any purpose, unless it is clearly indicated that it cannot be safely used except under a competent physician's supervision, and that its use is dangerous in cases of acute inflammatory processes such as non-draining cellulitis, acute arthritis, and acute pelvic infection, and under other specified conditions.

Further representations to be discontinued by the respondent, according to the stipulation, are that the machine produces a "friendly fever" or that a fever can be created by use of an electrical short-wave machine; that the device is identical with short-wave machines used by medical practitioners and hospitals, or that the Wayne Short-Wave Company has been in business for a long time or has, because of mature experience, contributed to the development of perfection of diathermy machines. (3029)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

National Distributors—A. F. Duverger, trading as National Distributors, and as Income Audit Service, 3402 Rhode Island Ave., Mt. Rainier, Md., has been ordered to cease and desist from representing that an "Income Audit Service" sold by him is required under federal law; that persons failing to buy and use this service or record keeping system will be subject to arrest and imprisonment because of such failure, and from other similar representations.

A so-called free advisory service on federal income tax, social security and accounting questions, is included in the respondent's system for recording business transactions.

Representations concerning the service have been made by the respondent's agents to various prospective purchasers, particularly small business men, including immigrants and poorly educated persons, according to Commission findings. During a recent year the service was sold to approximately 3,000 subscribers.

The Commission order further directs the respondent Duverger and his agents to cease and desist from representing, directly or by implication, that his agents, salesmen or canvassers are officers or representatives of, or are connected with the United States

Government or any of its departments; that other income tax record systems or services must be replaced by the respondent's system or service, and that his system or service is produced by or sold under the direction of the Federal Government or any of its departments.

The respondent formerly maintained an office at 927 Fifteenth St., N. W., Washington, D. C. (3616)

Nu-Way Manufacturing Company—L. B. Patterson, trading as Nu-Way Manufacturing Company, Des Moines, Iowa, has been ordered to cease and desist from misrepresentation in the sale of the "Speed King Water Heater".

Commission findings are that in advertising for the services of distributors in various States the respondent made such misleading representations as "A big money clean-up for agents", and "Make up to $20 a day". In advertising the heater itself, the findings continue, the respondent represented that although it afforded "the fastest way known of heating water, Speed King actually saves users up to 50% on gas and fuel bills too".

The Commission order directs the respondent to cease making these representations; to cease advertising that the heater boils water instantly, or in 60 seconds, or in any other specified time, unless the quantity of water that may be boiled in the time specified is conspicuously set forth, and to cease representing that the heater does the work of a $50 heater or of a heater costing 40 to 50 times as much as the respondent's product.

Pictorial or other representations indicating that the respondent's heater has been approved or tested by "Underwriters Laboratories", or a similar organization, are prohibited, when contrary to the facts, and the order further provides that when only part of the product has been so approved or tested, that circumstances must be clearly indicated.

The Commission order also prohibits misrepresentation of the possible earnings of salesmen selling the respondent's heater; misuse of the word "free" to refer to products delivered for a consideration either in money or services, and misrepresentation as to prices. (3852)

Robinson Clay Products Company—An order has been issued directing The Robinson Clay Products Company of New York, New York City, and Russell L. Pinkley and Urban G. Weckesser, trading as Empire Clay Products Company, Rochester, N. Y., distributors, and 27 dealers selling in the Rochester area, to cease and desist from a combination and conspiracy to restrain competition by fixing and maintaining uniform prices for building materials, including vitrified pipe.

The respondent dealers, handling the bulk of the trade in vitrified pipe and other building materials in the Rochester area, are: American Clay & Cement Corporation; Nazareth L. Montalbine and George E. Hartman, trading as Barnard Service & Supply Co.; Comac Builders' Supply Corp.; Domine Builders Supply Co., Inc.; John G. Bianchi, trading as Flower City Builders' Supply Company; Goodstone Manufacturing Co., Inc.; H. D. Grey Corporation; Hutchison-Rathbun, Inc.; Keystone Builders Supply Company, Inc.; Mann Builders Supply Co., Inc.; Leslie E. Fields and Lena Matthews, trading as Matthews & Fields; Ardean R. Miller, Inc.; Monroe Block Co., Inc.; William Heydweiller, trading as Peoples Coal & Lumber Co.; George Rappl and George Hoenig, trading as Rappl & Hoenig Co.; Rochester Lime & Cement Corporation; Rochester Lumber Company; Schaeffer Brothers Builders Supply Co., Inc.; Stonewood Builders Supply, Inc.; Theodore H. Swan Brick & Tile Co., Inc.; Van de Visse & Kildea Lumber Co., Inc.; Joseph L. Weckesser, and Whitmore-Rauber & Vicinus, all of Rochester, and R. B. Mason, trading as Russell B. Mason Company, Webster, N. Y.; Sinamus & Beck, Inc., Fairport, N. Y.; Pittsford Lumber Co., Inc., and Schreib & Watson, Inc., both of Pittsford, N. Y.

The Commission order directs The Robinson Clay Product Company of New York, Russell L. Pinkley and Urban G. Weckesser, trading as Empire Clay Products Co., and the 27 building material dealers to cease and desist from carrying out their agreement or conspiracy, and to discontinue, as a part of that agreement, the maintenance of uniform or minimum delivered prices, terms, discounts and conditions of sale. The respondents are further directed to cease inducing or coercing industry members to raise the prices quoted by them to the uniform or minimum amounts resulting from the respondents' agreement, and to desist from holding meetings among themselves or with any organization or association created by them, to devise methods of exerting influence, pressure or other means of inducing building material dealers to fix, establish, maintain or publish prices for building materials, including vitrified pipe, or abide by any uniform price list resulting from the respondents' understanding, agreement or conspiracy.

The Commission dismissed the complaint in this proceeding as to Frank A. Seiser, deceased, who formerly traded under the name Acme Builders' Supply Co., Rochester, and as to the Britton Stone & Supply Corporation, Rochester, which had entered bankruptcy proceedings.

The Commission found no evidence in the record to support the allegations of the complaint with respect to The Robinson Clay Product Company, Akron, Ohio, parent company of the respondent The Robinson Clay Product Company of New York; Universal Sewer Pipe Corporation, Cleveland; Rochester Builders Supply Association and Edwin C. Kaelber, its secretary; Gaetano Della Pietra, and The Irondequoit Coal and Supply Company, Rochester building supply dealers, and closed its case against them without prejudice to its right to resume proceedings as to them, should the facts warrant. (4034)

Scientific Manufacturing Company, Inc., 426 Prescott Ave., Scranton, Pa., and Howard J. Force, its president, have been ordered to cease and desist from making misleading representations in the sale of pamphlets entitled "Poisons Formed by Aluminum Cooking Utensils" and "Are You Heading for 'The Last Round-Up'?"

Devoted to the alleged dangers of using aluminum cooking and storage utensils, the pamphlets, according to Commission findings, have been sold to the public and to manufacturers, distributors and salesmen of utensils made of materials other than aluminum.

Finding that extensive scientific investigations have failed to disclose evidence that food prepared or stored in aluminum utensils is unsafe, deleterious, disease producing, poisonous or otherwise dangerous to health, as represented by the respondents, the Commission ordered the respondents to cease and desist from making representations of that character and from any unfair disparagement of aluminum utensils. (3874)

Shapiro Felt Rug Company, also trading as Esta Hat Company, Newark, N. J., and William Shapiro, Morris Shapiro, and Sarah Shapiro, its officers, have been ordered to cease and desist from representing that hats or caps made either wholly or partly from old, used or second-hand materials are new or are composed of new materials.

Commission findings are that the respondents buy old, worn and previously used felt hat bodies which they clean, steam, iron and shape into novelty hats and caps. In some instances they are fitted with new trimmings, sweat bands, and size labels. The hats and caps have the appearance of new ones and are sold to dealers, the findings continue, without labels or stamped markings to indicate to the public that they are made from old, worn and previously used hat bodies.

The order further directs the respondents to stamp on the sweat bands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. The order provides that if sweat bands are not affixed to such hats or caps, then such stamping must appear on the body of the hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (2647)

University Press—J. Herbert Blackhurst, Des Moines, Iowa, a dealer in classroom books and other printed matter, who formerly traded under the name "University Press," has been ordered to cease and desist from using the word "University" in his trade or corporate name and to discontinue representing in any manner that his business is owned, conducted or supervised by a university or other institution of higher learning. Commission findings are that the respondent discontinued use of the name University Press on October 31, 1940, a short time prior to issuance of the Commission's complaint in this proceeding, and that since that time he has operated by means of a corporation designated "Blackhurst Book Sales, Inc." (4375)

Vonnegut Hardware Company, 120 East Washington St., Indianapolis, as manufacturer of self-releasing fire exit devices, has been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act.

Commission findings are that the respondent has sold "Von Duprin Panic Devices" of like grade and quality to some purchasers at lower prices than to others. The discrimination, according to findings, is accomplished by granting to some purchasers a 40 per cent discount from the uniform list price, while at the same time allowing a similar 50 per cent discount to other purchasers competitively engaged with the group receiving the 40 per cent discount.

Commission findings are further that no justification has been affirmatively shown or is claimed by the respondent for the differential in prices charged competing purchasers.

The Commission order prohibits these discriminations. (4344)

Wallace Brown, Inc., 225 Fifth Ave., New York, greeting card distributor, has been ordered to cease and desist from using the words "free" or "free sample" to advertise merchandise which is not delivered without cost and unconditionally.

Commission findings are that the respondent sought agents for marketing its cards by advertising a "free sample" offer in connection with its "Golden Value" 21-card assortment. Persons answering the advertisements and requesting samples, the findings continue, received printed matter illustrating cards and assortments, and a complete and salable card assortment "on approval" which, according to an accompanying notice, was to be paid for in cash or selling services or returned to the respondent. Such an assortment, according to Commission findings, was not "free" or a "free sample," since it was not delivered without cost or unconditionally. (4312)

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Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 7, February 14, 1941

THE WEEK IN WASHINGTON

Senator Wheeler (D. Mont.), chairman of the Interstate Commerce Committee, alleged this week that network commentators were "editorializing" and started an investigation. (p. 143)

A complete program of BMI music is to be presented at Town Hall in New York, March 13. Sales of BMI records and sheet music continue to show the importance of radio as a means of making music popular. (p. 143)

The NAB convention Housing Committee is ready for business. (p. 145)

A proposed form to be used in obtaining the War Department's permission for commercial programs from Army posts is included in this issue. (p. 145)

Establishment of the Clear Channel Broadcasting Service with an office in Washington, D. C., was announced by Edwin W. Craig, WSM. (p. 146)

The entire industry is cooperating with NAB's "movin' day" promotion. (p. 147)

James Lawrence Fly, Chairman of the FCC, and Joseph L. Miller, NAB Labor Relations Director, were among the speakers at a luncheon given by the American Civil Liberties Union. (p. 147)

Mr. Fly told a press conference that the FCC had begun the study of its "monopoly" report. (p. 150)

Wheeler Questions Networks About Commentators

Senator Burton K. Wheeler (D. Mont.), chairman of the Interstate Commerce Committee, addressed the following self-explanatory letter this week to the Mutual Broadcasting System:

February 12, 1941

Mr. Fred Webber
General Manager
Mutual Broadcasting Co.
1440 Broadway
New York, N. Y.

My dear Mr. Webber:—

A few days ago I called in Mr. Butcher and Mr. Russell representing the Columbia and National Broadcasting Companies respectively, and asked them to furnish me with a list of the commentators over their stations, together with the names of their sponsors, and if the sponsor is a corporation, to give me the name of the President of the Company, and the members of the Board of Directors.

You will recall that just recently the Federal Communications Commission reprimanded a station in Boston for editorializing the news. In checking up on your commentators, I find that on the war issue particularly they have been not only editorializing, but in many instances propagandizing.

I would like very much to have you send me a copy of the script of your commentators during the past year. Complaints of propaganda by the radio, by some of the newspapers, by many columnists, and the motion picture industry, have become so numerous that official notice must be taken of them.

When we passed the Communications Act we tried to write into that legislation provisions which would require all broadcasting chains and stations to give equal time to both sides of every public question. While the originating stations of the chain have generally given equal time to individual speakers on the more important public issues, I question whether or not their affiliates have done so, and sponsored news commentators on the chains have been quite one-sided on the great issue that is pending before the country at the present time, namely, the lend-lease bill, and the question of our own neutrality.

If we are to preserve Democracy in the United States it is absolutely necessary on fundamental issues, such as granting dictatorial powers to the President, and the question of Peace or War, that the people should be fully and impartially advised. The only way that Hitler, or Stalin or Mussolini are able to keep their people in subjection is because of controlled press, radio and motion pictures.

Respectfully,
(Signed) B. K. Wheeler.

BKW*m

BMI

BMI CONCERT

A complete program of BMI music is to be presented by Otto Cesana and his orchestra at the Town Hall in New York on the evening of March 13.

This occasion may well make history not only for BMI but for the whole field of American music. The famous evening when Paul Whiteman first appeared on the concert stage stands in retrospect as the opening of

(Continued on page 144)

Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

BMI

(Continued from page 143)

a new chapter in the story of American music. It was at that time that critics began to recognize the real musical importance of jazz as the American idiom. The so-called "serious" composers have become increasingly concerned with the development of the characteristic American musical speech. The young composers now make constant use of the expression "symphonic jazz." The borderline between "popular" music and "serious" is becoming blurred and shows signs of fading out. Those terms are losing their meaning. The emphasis is falling rather on the fact that we are producing music which is as American as hot dogs and chewing gum. Whether it be called jazz or swing is no longer important, but only the fact that it is characteristically American music.

Otto Cesana is well known as teacher, composer, and conductor. The direction of his musical interest is suggested by the title of the final number on his program for March 13, *Symphony in Swing*.

It is very significant that he should present a full program of music in the American idiom for a concert hall audience.

It is also very significant that every number on the program should be drawn from the BMI catalogue.

MORE CATALOGUES ACQUIRED

BMI has completed a contract for the licensing of the music controlled by the Society of Jewish Composers, Publishers and Songwriters. Some stations already have a license from this Society and in such cases adjustment of fees will be made.

BMI has also acquired the performance rights in the catalogue of band music controlled by Jean Missud of Salem, Massachusetts. This catalogue has about fifty well known and useful band numbers. Mr. Missud is an almost legendary figure in the band world. He is now eighty-nine years old and still rehearses regularly every Tuesday evening.

BMI has also completed the contract for the catalogue of the Majestic Music Corporation which is managed by Arthur Shilkret, son of the famous bandleader, Nat Shilkret.

BMI FEATURE TUNES
February 17-24

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. BUGLE WOOGIE
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. ANYWHERE
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT
20. A STONE'S THROW FROM HEAVEN

The records of sales of sheet music and phonograph records and of play on the coin phonographs continue to establish conclusively the prime importance of radio as a medium of popularizing music. 12 of the 15 sheet music best sellers, 8 of the 10 best selling records, and 5 of the 10 coin phonograph leaders are licensed through BMI. These numbers include 9 BMI publications, 2 of Southern Music, and 1 from Marks.

Nevertheless there are clear indications that the BMI music wins and holds the public favor by its merit. The radio Daily for February 10th carries the following significant item:

> Philadelphia—Although WDAS, here, has both BMI and ASCAP contracts and performers have been flocking to the station in order to be able to present any music, 85 per cent of the numbers played by the station are from non-ASCAP catalogues. Station's musical fare is built on popular requests of the public.

KATE SMITH FEATURES "WE'RE ALL AMERICANS"

Kate Smith, one of America's best loved singers, has made a new record of We're All Americans, the patriotic march song written by Jim Mangan, Merchandizing and Advertising Director of the Mills Novelty Company, which is licensed through BMI. It is understood that Miss Smith plans also to make the use of this song a feature of her weekly broadcasts on Friday evenings.

BMI WINS IN MARATHON PROGRAMS

Station WIP of Philadelphia challenges the claim of KTRH of Houston, Texas for the longest commercial program on the air, but announces similar results from the use of BMI music. After receiving the reprint of the letter from KTRH which was recently mailed out, Murray Arnold, WIP's Program Director wrote Mr. Tompkins that WIP has an all-night program called *The Dawn Patrol,* sponsored by the Pep Boys (Auto Accessories), devoted entirely to music and running for 5¾ hours. "Since the first of the year," writes Mr. Arnold, "our telegram and mail response on this program has been slightly *over average*, which to me is a very fine indication of what our listeners think of BMI music."

HISTORY REPEATS ITSELF—TO MUSIC

The list of numbers suitable for special Washington's Birthday programs recently sent out to BMI member stations included the new BMI arrangement of an Old English song, *Heart of Oak*. This number was written by the English composer Boyce in 1710 during the so-called War of the Spanish Succession when Louis XIV of France was trying to establish the Bourbon dynasty to the Spanish throne. England had, not long before, ousted the autocratic James II, who fled to the French Court. Louis XIV, who was in some respects the Hitler of his time, found his way blocked by the military genius of the English general, John Churchill, Duke of Marlborough, direct ancestor of the present Prime Minister. There was then, as now, the threat of an invasion of England from the military power which was dominating the continent of Europe. The second stanza of Heart of Oak, now issued in its new BMI arrangement, may stand as well today as in the circumstances for which it was written more than 230 years ago:

> They swear they'll invade us, these terrible foes,
> They frighten our women, our children, and beaus;
> But, should their flat bottoms in darkness get o'er,
> Still Britons they'll find to receive them on shore.

NAB

HOUSING COMMITTEE READY

The Housing Committee for the assignment of reservations at NAB's Nineteenth Annual Convention to be held at the Jefferson Hotel, St. Louis, Missouri, May 12 to 15, inclusive, has perfected its plans and is ready for business.

Chairman Ray Dady, KWK, and his committee consisting of Rev. W. A. Burk, WEW; Arthur Casey, KMOX; Frank Eschen, KSD; and Elzey Roberts, KXOK, have perfected plans which assure an orderly and efficient handling of all requests for reservations. We cannot urge too strongly upon broadcasters the wisdom of early attention to their hotel requirements at St. Louis.

The convention city is unusually well equipped to care for the varying requirements of broadcasters but there are other events scheduled in St. Louis simultaneously with ours and we sincerely hope that broadcasters will get their reservations in early in order to insure themselves proper accommodations.

All requests should be addressed direct to the hotel at which accommodations are desired. They will then be referred to the Housing Committee for final attention. Other matters connected with the convention are being ably handled, by the various committees appointed by Tenth District Director John J. Gillin, Jr.

PROMOTIONAL EXHIBITS

Howard O. Peterson, WOW, Convention chairman of the committee to assemble and stage the exhibit of station promotional material and his committee consisting of Chick Allison, WLW; J. Soulard Johnson, KMOX; and Robert Sampson, KWK, have perfected an effective plan. The outline of this plan will be sent to all NAB member stations within a short time after you receive this weeks REPORTS. We urge your cooperation and immediate attention.

DISTRICT 13 MEETING

A meeting of the NAB stations in the Thirteenth District (Texas) is scheduled for February 28, in San Antonio, at the Gunter Hotel beginning at 10 a.m. A staff representative of NAB will attend to discuss industry problems and Association activities, and Carl Haverlin of BMI will bring the Texas broadcasters up to date on music developments. Election of a District Director for the ensuing two-year term will be another important item of business.

REALLOCATION ERRORS

Reallocation frequency list carried in February 7 NAB REPORTS listed the wrong call letters for three stations. On page 119 the call letter of Newburgh, New York should be WGNY instead of WHNY and on page 124 the call letter of Tyler, Texas should be KGKB instead of KGXB. The call letter of Modesto, California should be KTBR instead of KTRD.

PROGRAMS FROM ARMY POSTS

In a previous issue of the REPORTS advice was given to broadcasters that in arranging sustaining programs at Army camps, permission may be secured from the commanding officer of the post involved. The War Department has now provided information respecting the method of clearance of commercial programs originating at Army camps or posts.

A suggested form which is published herewith in full has been prepared for the use of any station or network desiring to secure permission to originate commercially sponsored broadcasts. This form should be prepared in triplicate and sent direct to the Public Relations Director of the War Department at Washington, D. C. His address is 2012 Munitions Building.

This form has not been printed or mimeographed but those desiring to make requests are asked to follow it closely. The War Department states that it does not desire to burden stations with a multiplicity of questionnaires but is anxious that station and network requests for the origination of commercially sponsored programs be submitted as indicated.

NAB is cooperating with the War Department and other national defense agencies and seeking to make radio's part effective. Broadcasters are, therefore, urged to follow the procedure outlined, namely: On sustaining programs, make request directly of the commanding officer of the post involved; on commercial programs, send the request in triplicate to the address above given in the following form:

(To be sent in triplicate)

......................., 1941.

SUBJECT: Request for commercial radio broadcast from military reservation.

TO: The Director, Bureau of Public Relations, Room 2012, Munitions Bldg., War Dept., Washington, D. C.

1. Station ....located in.......................
(City)

FCC License in name of.................................requests authority to originate a commercially sponsored broadcast (by wire or transcription) from.......................................
(Name of Camp, Post or Station)

2. The following essential data is submitted for your information:

Date of program or schedule..............................
Length and time of program..............................
Name of sponsor..
Product to be advertised.................................
What is the general nature or type of the program? (Give brief outline of the entire program)—musical? talking? etc.
....

Do you contemplate using Army talent? If so, of what nature?
....

If you plan on using any particular individual officially connected with the Army on the program, state whom you desire and the nature of his appearance.
....

Where do you desire to install microphones? Give definite location. If a building, at what actual location in the building?
....

What line or circuit facilities will be required? (1).......
....

Actual time wires to be in use, From ....To ....
Is program to be transcribed?..............................
If so, is it planned to use the transcription on other stations?
....

3. It is understood that the program must be produced without expense to the Government and will not interfere with the normal training of the troops at the point of origin. It is also understood that the program must meet with the approval of the Commanding Officer of the Army post concerned.

4. It is further understood that the following must be announced at the opening and close of the broadcast:

"The presentation of this program from Fort .... (name of the Fort or Camp) does not constitute an indorsement by the War Department or its personnel of the product advertised, the origination of the broadcast from this station being made solely for the entertainment of the military personnel serving at this post."

5. The text of the proposed commercial copy to be used in this program—opening—middle—close—it attached.

Give name of your representative in charge of program.
....

....
(Name)

....
(Official Status)

NOTE: To be signed by an officer of the corporation in which the name of the station license is held. If individually owned, to be signed by the individual.

CLEAR-CHANNEL STATIONS OPEN WASHINGTON OFFICE

Establishment of the Clear Channel Broadcasting Service with office in Washington, D. C., was announced by Edwin W. Craig, Nashville, Tenn., chairman of a committee composed of independently owned radio stations throughout the country.

The service, Craig explained, is intended to familiarize American radio listeners with the importance of preserving "clear channel" broadcasting primarily as a domestic service, but also in line with the North American Regional Broadcasting Agreement which goes into effect March 29, 1941.

The Washington office will be headed by Victor Sholis, who recently resigned as Special Assistant to the Secretary of Commerce.

Clear channel stations are those broadcasting with a power of 50 kilowatts on a wave length not shared by any other radio station at night. "Since 81.7 percent of the United States is solely dependent upon clear channel broadcasts for radio reception at night," said Craig, who is Vice President of WSM, Nashville, Tenn., "the importance of this type of station is obvious. Without these stations, all the residents of this tremendous portion of our country would be living in a radio 'blackout.'

"Under the treaty entered into by the United States, Canada, Mexico and Cuba, however, the principle of clear channels assumes additional importance. The United States has been assigned exclusive use of 25 such channels in this agreement. Unless these channels are used as prescribed in the treaty—only one station at night to a channel—the United States loses its priority on the channel. Our neighboring countries would then be entitled to set up stations on these channels.

"This would mean that many American radio listeners would be denied the chance to hear broadcasts at night. It is our hope that our service will acquaint the millions of American radio listeners with the stake they have in preservation of clear channel broadcasting," added Craig.

Radio Movin' Day

The NAB broadside on Radio Movin' Day, March 29, will be mailed to all stations tomorrow, February 15. The two big jobs ahead are: (1) education of the public; and, equally important, (2) education of servicemen and dealers.

March 10 is suggested as the approximate date for bringing the reallocation story to the public. Right now is the time to set the stage for the public campaign of education and promotion and to line up the servicemen for a Radio Rally.

RADIO RALLY IN CHICAGO

On behalf of Chicago broadcasters, Don E. Kelley, of WLS, wired today that there would be a giant Radio Rally of the servicemen and the trade early in March.

CHARLESTON RALLY

Charleston, S. C., Radio Rally will be held February 18, according to John M. Rivers, president, WCSC.

UTILITY STUFFERS

In Janesville customers of the Wisconsin Power & Light Company will receive Movin' Day stuffers in their bills. This was arranged by James F. Kyler, general manager, station WCLO.

Furthermore, wrote Mr. Kyler, Les Hayes of the power company asserted that the company will "be more than glad to cooperate in every manner possible."

IN LOUISVILLE

Though the Louisville Gas & Electric Company collects all of its accounts by solicitors, it will cooperate with Louisville stations by devoting a large space in the Louisville Courier-Journal to Movin' Day. Advertising Manager Green's decision was reported by Steve Cisler, manager, WGRC.

IN COLUMBIA

In Columbia, S. C., G. Richard Shafto, manager, WIS, "has obtained agreement of the South Carolina Electric and Gas Company whereby the power company will mail a list of the new frequency assignments within the state of South Carolina to all consumers. This will be contained in the regular monthly statements for service."

IN JAMESTOWN

Simon Goldman, manager, WJTN, Jamestown, N. Y., reports that the local servicemen are anxious to cooperate all along the line.

IN BOSTON

Boston members of RSA are conducting classes for members demonstrating every available type of mechanical tuning so that on and after March 29 Boston push buttons may be setup with dispatch.

IN WEST PALM BEACH

In West Palm Beach, Florida, city officials, county officials, the school system, Red Cross, Unified Drive and Girl Scouts have volunteered to help Steve Willis, general manager, WJNO, spread the news of the station's new dial location. The Boy Scouts volunteered to distribute notices house to house. The County Ministerial Associations are considering the observance of March 30 as "WJNO Day."

OVER NBC BLUE

Dr. O. H. Caldwell, editor, RADIO TODAY and former radio commissioner, will discuss reallocation on his broadcasts over WJZ and the Blue Network on Fridays at 7:15 p.m. The subject will occupy all of Dr. Caldwell's radio talks beginning February 21 straight through to and including Friday, March 28.

AT WBIG

Major Edney Ridge of WBIG, Greensboro, N. C., has begun to plug Movin' Day in his weekly printed, advance program schedule. That for February 18 contained a three column box, four inches deep.

Other utilities which have pledged cooperation were reported to members in the bulletin of January 31.

YOCUM HITS FREE OFFER

Ed Yocum, KGHL, Billings, Montana, recently received a form letter from the MacFadden Publications, offering "without a penny of cost to your station," dramatic script, "This Is My True Story" and another "True Detective Mystery." Both were for a half hour. On receipt of this free offer Mr. Yocum made a counter offer, knowledge of which we believe will be advantageous to all stations. Here is what he wrote:

> "We have available for you, without a penny of cost to your editorial department, a series of success stories by advertisers who have used this station. If and when, MacFadden Publications care to carry this material, we will be happy to carry the also gratis advertising suggested in your letter of January 31st."

The letter was addressed to George B. Davis, Sales manager, MacFadden Publications, Inc., Bartholomew Building, 205 East 42nd Street, New York City.

FLY AND JOSEPH MILLER ADDRESS CIVIL LIBERTIES UNION

James Lawrence Fly, chairman of the FCC, and Joseph L. Miller, NAB labor relations director, were among the speakers February 12 at the Lincoln's Birthday Luncheon of the American Civil Liberties Union in New York. Their talks:

Mr. Fly—

> How can radio broadcasting best function as an instrument of democracy? The Federal Communications Commission receives

scores of suggestions each month on this subject. Let me describe a few of them.

One type of suggestion involves keeping something or other off the air. Thus a Georgia resident, in the interest of democracy, wants to ban all news from Germany. A New Jersey man wants to ban all news. A citizen of the Bronx believes that the majority should rule, and that any opinion not approved by a majority of Americans should be prohibited.

A woman from Pennsylvania, however, has brought forward the most far-reaching suggestion. She wants the Federal Communications Commission, until peace returns to this war-torn world of ours, to shut down broadcasting stations altogether.

The Commission usually replies to such suggestions that under the Communications Act it has no power of censorship. It is specifically forbidden to interfere with free speech. But the exponents of censorship deserve a more convincing answer—in short, that democracy and censorship are incompatible.

Democracy, which is another name for self-government, can work if and only if citizens have adequate knowledge of the issues which confront them, and make their decisions in the light of that knowledge. If we are cut off from sources of news or from well-rounded discussions of public issues, our ability to govern ourselves is impaired, and we end up by letting others govern us.

The function of distinguishing truth from error and right from wrong resides and should reside, not at the transmitting, but at the receiving end of our radio system. It belongs to the millions who listen, not to the few who broadcast. Depriving radio listeners of their right to decide for themselves strikes at the very roots of democracy and self-government. Banning free discussion on the air, far from making radio an instrument of democracy, robs listening millions of their democratic birthright.

As against those who urge that we ban various programs, others suggest to the Commission that we require stations to broadcast one program or another. There are in the United States literally thousands of special interest groups, each with a particular cause to plead, and each seeking radio time in which to plead it.

Radio stations are in duty bound to meet these requests as fully as the public interest requires. But to meet all requests for broadcasting facilities, at least one law would have to be repealed—not a man-made law, but a law of nature. This law decrees that the number of broadcasting stations is limited by the number of channels available. Every man can have his day in court, but unfortunately every man cannot have his hour on the air. So long as there is room for only a limited number of programs, some people who want to broadcast will not be accorded that privilege by the broadcasters.

This is not government censorship. It is the necessary exercise of a discretion by the broadcaster. It is, in fact, physics, engineering, and common sense.

Because the way in which programs are selected is widely misunderstood, I want to describe it briefly. Primary responsibility for selecting some programs and rejecting others rests with radio station managements. From the thousands of would-be programs battling for time on the air, stations and networks are expected to select those which will, in their opinion, best serve the public interest.

To guide them, the radio stations have a set of rules which they have themselves drawn up, the Code of the National Association of Broadcasters. This code provides that stations shall provide time for the presentation of controversial issues, and shall use their best efforts to divide the available time fairly among those interested in the controversy. The code further provides that news shall be presented fairly and accurately, without editorial twisting, and uncolored by the opinions or desires of the station, the announcer, or the advertiser. Under the code, commentators and analysts are free to discuss and explain the news, but not to warp or color it. Their complete freedom from any special or commercial influence is essential to a proper discharge of their functions.

The Federal Communications Commission did not draft the code, and has no responsibility for enforcing it. The radio stations have full responsibility. The Commission's function is rather to see that radio stations in the long run have not abused their power to select or reject programs consistently with the public interest.

The reasons for this requirement that broadcasters serve the public interest is clear. The air waves belong to all the people, not to the few who happen to own licensed radio broadcasting equipment. And, thus far, the licensee has not been required to pay any fee to obtain this privilege. A station owner who uses a broadcasting channel for private ends is like a man who blocks a public highway. The station's license for exclusive use of a broadcasting channel is a license to keep that channel open in the interests of listeners, not to close it to all views but those of the owner.

The Commission stated its position on this issue a few weeks ago, when considering the license application of a New England station. We then said:

> "Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented. A truly free radio cannot be used to advocate the causes of the licensee. It cannot be used to support the candidacies of his friends. It cannot be devoted to the support of principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate."

This, obviously, is not censorship. A station which continuously abuses its public trust is not refused renewal of its license for fear that listeners will hear what it chooses to broadcast, but because others eagerly await an opportunity to do a better job on that wave length in the public interest. A million listeners cannot and should not be deprived of honest news, fair comment, and well-rounded discussion of public issues merely because one broadcaster has a personal axe to grind. The public has a right to the benefits of free speech. The broadcaster has the duty to keep the avenue for free speech open.

In applying this standard, the Federal Communications Commission must face and find democratic solutions to scores of particular problems. Let me mention a few.

One is the maintenance of even-handed treatment during political campaigns. We have recently emerged from one of the most hotly contested elections in American history. Radio was on trial. It was an important factor. Had favoritism been shown for any candidate, the confidence of the public would have been shattered.

The broadcasting industry, I think, can pride itself on the impartiality displayed in rendering this great public service. Other media for the distribution of ideas and opinions may well envy its record. I trust that radio will do equally well in handling the fateful issues which now confront us.

Current world conditions have also raised special problems—for example, the question of foreign-language broadcasts by some of our domestic stations. Many who hear these programs without understanding them—and few of us can understand all of the 31 languages spoken over U. S. stations last year—are concerned lest, because the language is not English, the thoughts expressed must be un-American.

The Commission has made some special studies of foreign-language broadcasts, and has assembled information concerning their extent. To discontinue foreign-language broadcasts, especially at a time when so many influences are competing for the allegiance of our foreign-born citizens and residents, might prove to be an error in judgment. It would at least tend to cut them off from the democratic influence of well-managed radio stations, broadcasting to them in the languages they best understand and to which they are most responsive. These stations can, and in large measure do, serve a constructive purpose.

The problems of radio broadcasting in areas torn by war, of course, are varied, and differ markedly from the problems confronting broadcasting in the United States. In Europe today, for example, broadcasting stations may, under certain conditions, act as direction finders and beacons for enemy aircraft. Last spring, broadcasts were used much like artillery to soften up enemy morale prior to direct attack. The great significance of radio, and its power for evil as well as for good, is demonstrated by the alacrity with which the invader first of all seizes the broadcasting station and utilizes it shrewdly for his own ends.

It is interesting to note that even in the heart of a besieged country, the normal functions of broadcasting are continued to the greatest extent consistent with military expediency. The daily life of civilians must go on; and the need is doubly great for information, and for the entertainment and emotional release which radio so pre-eminently affords. I think it significant that in England even the raids of invading enemy aircraft have not caused the discontinuance of broadcast programs generally. Indeed, from the heart of the bomb-wracked city, radios bring us news of the battle.

The United States has not found it necessary to interfere in any way with regular broadcast programs. Nor can I conceive an emergency so grave that it would require taking the vast burden of broadcasting operations out of the hands of the broadcasting industry. Intensification of our defense efforts will make it all the more important that radio broadcasting continue to play its part, under private auspices, in the home life and daily activities of the American listening public. It is conceivable that our defense problems may require some sacrifice, but they will not require sacrificing the basic pattern of our American system of broadcasting.

In saying this, I have in mind not merely the activities of the Commission, under its mandate to act "for the purpose of the national defense," but also the activities of the Defense Communications Board. This Board, established by Executive Order last September, is essentially a planning body, concerned with the defense aspects of all branches of our far-flung wire, cable, and radio communication systems. So far as radio broadcasting is concerned, I do not anticipate that the potential effect of the Board's plans will extend beyond purely technical matters of procedure and coordination; or that they will reach such substantive matters as control of program content. The latter questions are, of course, vital ones, and in treating them we must have a jealous regard for our basic freedoms.

Maintaining civil liberties and other democratic traditions in an era like ours is no easy task. I am inclined to believe that it has never been an easy task. History has a habit of recording past decisions without recording the debate, the turmoil, the searching of heart and soul that went into the making of them. I am hopeful that historians of some future day will view the decisions we now make as worthy of our country, and will deem the techniques we now evolve to be suitable for their purpose—the maintenance of democracy in a war-torn world.

Mr. Miller—

When we finished writing the NAB Code of Program Standards down in Atlantic City two years ago, we were pretty sure that we could count on an unqualified endorsement from organized labor.

Father Coughlin might not like it. Judge Rutherford might not like it. Some parents might think we should have set up more rigorous standards for children's programs. But organized labor should be with us, 100 per cent.

What had we done?

We had said that broadcasting stations were obligated to carry labor programs when they served the public interest. Time should not be sold for such programs. All parties to any controversy raised in a labor program should be afforded an equal opportunity before the microphone.

In other words, when a national labor issue of importance arose, a nation-wide network was obligated to give the justified amount of network time for discussion from all viewpoints.

When a labor issue of local importance arose, a local station was obligated to give the justified amount of its time for discussion from all viewpoints.

Time should not be sold for this discussion because the employer ordinarily could out-buy the union, and thus weight the argument in his favor. That wouldn't be fair play.

It turned out that labor wasn't with us, 100 per cent. A few who conceive of radio as a common carrier, like a railroad, have accused us of the most outrageous censorship, because we refuse to sell a seat before the microphone to anyone who can pay the fare. As Chairman Fly pointed out after luncheon today, there can be only so many programs a day. Denial of requests for time—free or paid for—isn't censorship. "It is the necessary exercise of discretion by the broadcaster. It is, in fact, physics, engineering and common sense." You can add a car to a railroad train, but you can't add an hour to the day.

A great majority of labor leaders, however, have given the code their enthusiastic support. We have heard nothing but praise of the national network policy in regard to the amount of time accorded labor leaders and government officials dealing with labor problems. The National Broadcasting Company alone had 43 labor talks on the coast-to-coast network last year. William Green gave six of these; John L. Lewis, five. While I do not have the exact figures at hand, I venture that the Columbia and Mutual Broadcasting Systems carried about the same number.

Locally labor has fared well under the code. Let me cite an instance:

Out in Cincinnati, about 20,000 of those who work in town live across the Ohio river in half a dozen Kentucky communities. Until last fall, they commuted by two bus lines. One of these lines had a closed shop contract with the "Amalgamated," an A. F. of L. union of bus drivers and street car employees. The other had a closed shop contract with the "Brotherhood" an independent union of bus drivers and railroad employees. The two lines merged. A jurisdictional strike resulted. Service stopped completely. Taxis were at a premium. Thousands had to walk to work.

The issues in jurisdictional strikes are often confused and difficult for the general public to understand. And so L. B. Wilson, manager of Station WCKY, asked representatives of the two unions, the merged companies, government conciliators, and the city managers to sit around the microphone together, to explain the issues from their respective viewpoints.

Only the bus companies turned down the invitation. They said they would not have enough time before the broadcast to prepare their case.

The program was an outstanding success. Ideas were developed that aided materially in the settlement of the strike.

After the forum program, Mr. Wilson assigned several of his best news analysts to "cover" the strike. On a news basis, statements from all sides were carried as they were issued.

After the strike eventually was settled, the station reported to us:

"We found both the companies and the unions willing to cooperate in acquainting the public with the facts, and there was not a single case of objection by the unions, companies, or the listening public to the way our strike broadcast and our strike news was handled."

I don't mean to imply that the forum type of program is the *only* proper medium for a labor broadcast. It is an extremely fair means of presenting the issues and the arguments of all parties—because all sides reach the same audience—and round table discussion is often more fruitful than set speeches. A forum makes a good show, too. Labor leaders—and others as well—too often are inclined to forget that it takes showmanship to build and hold an audience.

There have been only two outstanding complaints against the operation of the code from labor quarters. They were much alike. Both came from the C. I. O. Both resulted from the refusal of stations to continue C. I. O. local "news" broadcasts for which C. I. O. unions bought time. The first was last winter, against a small station in Akron, Ohio. The United Rubber Workers, a C. I. O. affiliate, had been broadcasting news *and views* about local labor troubles for some time. After the code went into effect, the station exercised a cancellation clause in its contract with the union, maintaining rightfully that sale of time for discussion of controversial issues would constitute code violation. As a display of good faith, the station staged a forum program to discuss the rubber workers' contention that the code was "unfair to organized labor" and union representatives took part. They refused the station's offer, however, of free time to discuss their problems from time to time, as the public interest warranted. Last fall, a San Francisco station refused to renew an expired contract with the local C. I. O. council for a similar program. Not only the station directly involved but all other stations in San Francisco offered the C. I. O. free time, as the public interest warranted, to discuss labor questions of general public interest. To date, this offer has not been accepted. In both instances, the C. I. O. unions complained to the Federal Communications Commission. The Commission informed them that there was nothing in the Communications Act of 1934 to require a station to accept any program.

Most of the other complaints—and they have been few—have arisen from differences of opinion between local labor leaders and station managers over the air-worthiness of programs or speeches proposed by the labor leaders.

For instance, a local business agent is conducting a strike involving 200 factory employees in a city of 150,000 population. He has a great deal to say about the situation and he wants to tell the whole world, too. And so he goes to the manager of a 50,000-watt, clear channel station that serves not only the 150,000 city dwellers but farmers 100 miles around and asks to buy or get free time to air his views. The station manager informs him that he cannot buy time, under the code, and that he regrets he cannot give away the time, either, because that station's far-flung audience or a good share of it just wouldn't be interested in hearing about the merits and demerits of a small strike.

On the other hand, the size of a strike certainly is not the only criterion for a broadcaster, in determining whether it should be discussed on his station. A strike of three employees in a power plant which threw a community into total darkness would surely be of prime public interest.

We feel that measuring a proposed labor program by the standard of "public interest" involves more, however, than just measuring whether it would be of considerable interest to the public to hear a well-known labor leader urge armed revolution, but it certainly could not be considered "in the public interest" to broadcast such a speech. In this connection, I would like to quote from our code manual:

"The broadcaster who denies time to a labor leader or organization solely because the broadcast might "stir up trouble" or disturb the *status quo* is treading dangerous ground.

"Of course, no broadcaster would permit his facilities to be used to incite to riot or bloodshed. When a broadcaster is in doubt on this score, after reading the proposed script, he might well consult the proper police officials.

"On the other hand, the opinion of an employer that a labor program dealing with his employees would be "dangerous" should be considered for just what it is worth. It is certainly not for the broadcaster to decide that labor unions are good or bad, and give or refuse to give them time accordingly.

Not long ago, I helped to arrange for a national network program for a labor leader who had made his first request for time. First, he was surprised that he received it, and received it so promptly. Then he submitted his script. In it, he quite strongly attacked three of the largest industrialists in the country. The network lawyers looked it over, found no libel, and gave it their O.K. The labor leader was amazed.

"Do you mean I can say all that?" he asked.

We think labor is getting a pretty good break on the air.

FEDERAL COMMUNICATIONS COMMISSION

The FCC, this week, began its "monopoly" report study. In this connection James Lawrence Fly, Chairman, said at a press conference early this week that "the Commission began consideration of the network matter a few days ago, but it is still in the discussion stage and the Commission has not reached a report draft status."

Mr. Fly told the newspapermen that he has read the report of the National Television Systems Committee recommendations, but in view of the hearing which has been slated he would make no comment. Also, Mr. Fly said in answer to a inquiry that there is no additional news about the Defense Communications Board other than its committees are quite active and very much on the job, meeting where they choose, some in New York and others in Washington.

Mr. Fly said that the $1,600,000, special defense fund has been used for new equipment and personnel and the FCC is still taking on technicians. He stated that additional funds may mean more equipment and more people.

Answering a specific question relative to evidence of subversive use of radio, Mr. Fly said that he could hardly say that it was acute, but agreed that it was an important subject. He stated further that he could hardly say it is under control, but a lot of work is being done on it in the field. He admitted "hitting some pay dirt, if you want to know that."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings and oral arguments are scheduled to be heard in broadcast cases before the Commission during the week beginning Monday, February 17. They are subject to change.

Monday, February 17

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—C. P., **1370 kc.,** 250 watts, unlimited.

NEW—Stephen R. Rintoul, Stamford, Conn.—C. P., **1370 kc.,** 250 watts, unlimited.

NEW—William H. Amesbury, Minneapolis, Minn.—C. P., **630 kc.,** 1 KW, unlimited. DA-night and day.

Thursday, February 20

Oral Argument Before the Commission

REPORT NO. B-121:

WHDH—Matheson Radio Company, Inc., Boston, Mass.—C. P., **830 kc.,** 5 KW, unlimited, DA-night. Present assignment: **830 kc.,** 1 KW day.

FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

March 10

WARM—Union Broadcasting Co., Scranton, Pa.—License to cover C. P., **1370 kc.,** 250 watts, unlimited.

Consolidated Hearing

WCAM—City of Camden, Camden, N. J.—Renewal of license, **1280 kc.,** 500 watts night, 500 watts LS, shares WTNJ and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1280 kc.,** 500 watts night, 500 watts LS, shares WTNJ and WCAM.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, **1280 kc.,** 500 watts night, 500 watts LS, shares WCAM and WCAP.

WTNJ—WOAX, Incorporated, Trenton, N. J.—C. P., **1230 kc.,** 1 KW night, 1 KW day, unlimited, DA-day and night.

NEW—Trent Broadcast Corp., Trenton, N. J.—C. P., **1230 kc.,** 1 KW, unlimited, DA-day and night.

March 12

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **890 kc.,** 1 KW night, 5 KW LS, unlimited time.

March 13

Oral Argument Before the Commission

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.,** 100 watts night, 100 watts LS, unlimited time.

March 24

WMBG—Havens & Martin, Inc., Richmond, Va.—Modification of license, **1350 kc.,** 5 KW, unlimited, DA-day and night. Present assignment: **1350 kc.,** 1 KW night, 5 KW day, unlimited, DA-night and day.

March 25

NEW—West Publishers, Inc., Houston, Texas.—C. P., **610 kc.,** 1 KW, unlimited, DA-night.

April 2

NEW—Symons Broadcasting Co., Ellensburg, Wash.—C. P., **1110 kc.,** 1 KW, unlimited.

NEW—J. C. Kaynor, Ellensburg, Wash.—C. P., **1310 kc.,** 250 watts, unlimited time.

April 25

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., **1500 kc.,** 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KGLO—Mason City Globe-Gazette Co., Mason City, Iowa.—Granted modification of construction permit for approval of directional antenna and transmitter site at Clear Lake Road, U. S. Highway No. 18, Mason City, Iowa, and change in equipment (B4-MP-1095).

WKPT—Kingsport Broadcasting Co., Kingsport, Tenn.—Granted voluntary assignment of license of station WKPT from C. P. Edwards, Jr., and Howard Long, d/b as Kingsport Broadcasting Co., to Kingsport Broadcasting Co., Inc. This represents all the tangible and intangible partnership property pertaining to the station to be assigned and transferred by assignors for a cash consideration of $58,230.00. Station operates on **1370 kc.,** 250 watts, unlimited time (B3-AL-297).

KXO—F. M. Bowles (Assignor), Valradio, Incorporated (Assignee), El Centro, Cal.—Granted consent to voluntary assignment of license of station KXO from F. M. Bowles to Valradio Company, Inc., for the sum of $9,250. Station operates on **1500 kc.,** 100 watts, unlimited time (B5-AL-291).

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted modification of construction permit to increase daytime power from 1 to 5 KW; install new transmitting equipment; move transmitter site to approximately 4 miles northwest of center of city; and extend commencement date to 30 days after grant, completion date to 180 days thereafter; **920 kc.,** 1 KW day, unlimited time (B3-MP-1124).

WWL—Loyola University, New Orleans, La.—Granted modification of license to change hours of operation from specified hours, sharing with KWKH, employing directional antenna, to unlimited time on **850 kc.,** 50 KW (B3-ML-583).

W9XC—Central Broadcasting Co., Mitchellville, Iowa.—Granted construction permit to increase power of developmental broadcast station from 1 to 150 KW; frequency tolerance: 20 cycles plus or minus; hours of operation: 12 midnight to 6 a. m., CST, in accordance with Sec. 4.4(a) and on condition that no objectionable interference will be caused to the regular broadcast service of any standard broadcast station; install new transmitter, and make changes in antenna system which utilizes the vertical radiator of WHO for its center element. If it becomes necessary to operate WHO other than as authorized, it will be necessary for applicant to obtain express authority of the Commission prior to proceeding with such operation of WHO (B4-PEX-34).

Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **44700 kc.,** 9,300 square miles, 4,500,000 population (B2-PH-69).

John Lord Booth, Detroit, Mich.—Granted construction permit for new high frequency (FM) broadcast station; frequency **44900 kc.,** 6,800 square miles, population 2,900,000 (B2-PH-20).

DESIGNATED FOR HEARING

WBNX Broadcasting Co., Inc., New York City.—Application for construction permit for new high frequency broadcast (FM) station, requesting frequency **47500 kc.,** 8,730 square miles, hours of operation day 3 hours, night 3 hours (B1-PH-85).

Bremer Broadcasting Corp., New York City.—Application for construction permit for high frequency broadcast (FM) station to operate on channel **47100 kc.,** with coverage of 8,500 square miles, hours of operation 11 day, 6 night (B1-PH-72).

The Outlet Company, Providence, R. I.—Application for construction permit for new high frequency (FM) broadcast station to operate on **44300 kc.,** 16,370 square miles, hours of operation 4 hours day, 4 hours night (B1-PH-22).

WJJD—WJJD, Inc., Chicago, Ill.—Application for construction permit to increase hours of operation from limited time to unlimited, and install directional antenna for use after sunset at Salt Lake City; **1130 kc.,** 20 KW (B4-P-2532).

Ralph L. Lewis, Greensboro, N. C.—Application for construction permit for new station to operate on **1370 kc.,** 100 watts, unlimited time (B3-P-2808). Hearing on this application to be consolidated with application of High Point Broadcasting Co., requesting identical facilities in High Point, N. C., located 15 miles southwest of Greensboro.

Butler Radio, Inc., Tyler, Tex.—Application for construction permit for new station to operate on **1370 kc.,** 250 watts, unlimited time (B3-P-2896).

Wayne M. Nelson, Concord, N. C.—Application for construction permit for new station to operate on **1380 kc.,** 1 KW, daytime only. Exact transmitter site and type of antenna to be determined (B3-P-3007).

KEMA—May Seed and Nursery Co., Portable-Mobile, area of Shenandoah, Iowa.—Application for consent to voluntary assignment of the license for relay station KEMA from the licensee, May Seed and Nursery Co. to May Broadcasting Co. This application to be heard in connection with the hearing on renewal application of broadcast station KMA already designated for hearing.

MISCELLANEOUS

WBEN—WBEN, Inc., Buffalo, N. Y.—Granted construction permit to move auxiliary transmitter to site of main transmitter at corner Bush Road and Beaver Island Parkway, Grand Island, N. Y. (B1-P-3076).

WALB—The Herald Pub. Co., Inc., Albany, Ga.—Granted modification of construction permit which authorized a new station to operate on **1530 kc.,** 1 KW, unlimited time, DA-night, for authority to install new transmitter and extend commencement date to 30 days after grant and completion date to 90 days thereafter (B3-MP-1152).

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted license to cover construction permit (B1-P-2243) which authorized change in hours of operation and installation of directional antenna for night use (B1-L-1521); also granted authority to determine operating power by direct measurement of antenna input (B1-Z-656).

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted authority to install automatic frequency control equipment (B3-F-171).

WHP, Inc., area of Harrisburg, Pa., Portable-Mobile.—Granted construction permit for new relay broadcast station to be used with applicant's standard broadcast station WHP; **33380, 35020, 37620, 39820 kc.,** 25 watts (B2-PRE-380).

W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Granted special temporary authority to retransmit the transmissions of experimental high frequency broadcast station W1XOJ, Paxton, Mass., for the period ending no later than March 1, 1941, in order to continue rebroadcasting experiments.

WPAY—Vee Bee Corp., Portsmouth. Ohio.—Designated for hearing application for renewal of license of WPAY, and adopted order consolidating the hearings on transfer of control of corporation and on the renewal.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Scheduled oral argument for February 20 on application to install new transmitter, directional antenna for night use, and increase power from 1 to 5 KW day, and operate unlimited time on **830 kc.**

Thumb Broadcasting Co., Brown City, Mich.—Dismissed application for new station to operate on **600 kc.,** 250 watts, daytime (B2-P-1886).

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7:50 to 9:50 p. m., CST, February 7 and 14, in order to broadcast State College basketball games only.

KTRB—KTRB Broadcasting Co., Inc.. Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m., PST, to conclusion of basketball games, February 4; from 9 p. m., PST, to conclusion of Jr. Chamber of Commerce meeting February 5; from 7:30 p. m., PST, to conclusion of concert of Modesto Symphony Orchestra Assn., February 11; from 7:30 p. m.. PST. to conclusion of meeting of Yosemite Area. Council of Boy Scouts, February 13; from 7:30 p. m.. PST, to conclusion of basketball game, February 18; from 7:30 p. m., PST, to conclusion of basketball game, February 21, only.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m., EST, February 12, in order to broadcast sustaining musical programs as described in letter of January 27, only (provided WSVS remains silent).

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 7 to 11 p. m., CST, February 4, in order to broadcast basketball game only.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted motion for leave to amend application for construction permit to change frequency from **950** to **690 kc.;** increase power from 5 to 50 KW, unlimited time, DA night: and move studio to Kansas City, Kans., to substitute revised and amended technical exhibits.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Dismissed without prejudice the petition to intervene in the hearing on application of KMBC listed above.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Dismissed without prejudice the petition to intervene in the hearing on application of KMBC listed above.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—Granted motion for order to take depositions in re application for construction permit to operate on **940 kc.,** 1 KW, unlimited time, DA night and day.

KSFO—The Associated Broadcasters, Inc., San Francisco. Calif.—Granted petition for leave to amend application by February 28 to specify a new transmitter site and furnish information pertinent thereto, in re construction permit to change frequency from **560** to **740 kc.,** and increase power to 50 KW, unlimited time, DA day and night.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted motion to accept amendment to application for modification of license to reduce request for night power from 1 KW to 500 watts.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Dismissed without prejudice petition to intervene in the hearing on application of KWK, St. Louis, to change frequency from **1350** to **680 kc.,** and increase power to 50 KW, unlimited time, using DA.

KOMA—KOMA, Inc., Oklahoma City, Okla.—Granted motion for leave to amend application for construction permit to change frequency from **1480** to **690 kc.,** increase power to 50 KW, unlimited time, DA-night, to substitute revised and amended technical exhibits.

WCNC—Aubrey G. McCabe and Trim W. Aydlett, d/b as Albemarle Broadcasting Co. (assignor), and Albemarle Broadcasting Co. (assignee), Elizabeth City, N. C.—Granted petition for leave to amend application relating only to corporate structure, to withdraw Aubrey G. McCabe and substitute Trim W. Aydlett in assignee corporation, in re application for consent to voluntary assignment of license of WCNC.

Park Cities Broadcasting Corp., Dallas, Texas.—Granted petition to accept amendment with regard to minority stock holder in corporation, in re application for new station to operate on **940 kc.,** 500 watts, unlimited time, with retention of hearing date now set for February 28.

The Community Broadcasting Corp., Middletown, N. Y.—Motion for continuance of hearing now set for February 12, withdrawn, and the proceedings in Dockets Nos. 5952 and 5953, in re applications of Community Broadcasting Corp. and Herbert L. Wilson, both applicants for new station at Middletown, to operate on **1310 kc.,** 250 watts, unlimited time, were consolidated.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Granted petition for continuance of hearing for period of 60 days from February 24, on application to operate on **1500 kc.,** 250 watts, unlimited time.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Continued oral argument now set for February 13 to March 13, in application for renewal of license.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted motion for leave to amend application by February 28, with regard to technical information, new transmitter location and new directional antenna data, in re application to change frequency and increase power.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted motion for continuance of hearing set for February 10 for 30 days, on application for renewal of license.

Park Cities Broadcasting Corp., Dallas, Texas.—Granted motion to take depositions in re application for new station.

WMBG—Havens and Martin, Inc., Richmond, Va.—Granted motion for continuance of hearing now set for February 21, for period of 30 days, on application for modification of license to increase night power to 5 KW.

Mosby's Inc., Anaconda, Mont.—Granted petition for leave to amend application for construction permit so as to request **1200** instead of **1100 kc.,** 500 watts night, 1 KW day, unlimited time.

R. B. Eaton, Des Moines, Iowa.—Granted petition for continuance of hearing now set for March 3, until after hearing on television scheduled for March 20, in re application for new television station.

Trent Broadcast Corp., Trenton, N. J.—Adopted order denying petition for reconsideration and grant of application of Trent Broadcast Corp. for construction permit for new broadcast station to operate on **1230 kc.,** 1 KW, directional antenna day and night; dismissed without prejudice to requesting leave to amend application, the alternative request that the Commission grant its application modified to specify operation upon the frequency of **890 kc.**

General Television Corp., Boston, Mass.—Granted special temporary license to operate television Station W1XG for the purpose of conducting tests ending in no event later than March 20, 1941; frequencies **50000-56000 kc.** (Channel No. 1), on an experimental basis only, upon the express condition that this authority is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises; A5 emission, 500 watts visual power, in accordance with Sec. 4.78; to operate as a television broadcast station in accordance with Sections 4.71, 4.72, 4.74, 4.75, and 4.76.

WRDO—WRDO, Inc., Augusta, Maine.—Adopted an order dismissing renewal of license proceedings and continuing on a temporary license to March 29, 1941, pending application for transfer of control of the station.

WQAM—Miami Broadcasting Co., Miami, Fla.—Adopted an opinion and order dismissing petition which requested that the Commission (1) classify station WQAM as a Class III-A station upon its present assignment of **560 kc.,** 1 KW, unlimited time, and modify the license of station accordingly; (2) that action upon petitioner's application for authority to install a new transmitter and increase power to 5 KW be deferred until after final action upon petition; and in event petition were granted, that application for authority to increase power to 5 KW be returned to petitioner. (In its opinion the Commission points out that classification of stations as Class I, II, Class III-A, etc., is merely for administrative convenience and such classification is not part of any license and not a source of any right in the licensee.)

KFDM—Beaumont Broadcasting Corp., Beaumont, Tex.—Adopted a similar decision and order dismissing application for modification of license to add "Class III-A" to license of station KFDM.

City of New York, Municipal Broadcasting System, New York, N. Y.—Designated for hearing application for new high frequency (FM) broadcast station to operate as follows: Frequency, **46700 kc.;** service area, 3.889 square miles; hours of operation, day 10 hours, night 5 hours (B1-PH-83).

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Designated for hearing application as amended to request construction permit to change frequency to **710 kc.,** increase power to 10 KW, change transmitter site locally, and employ directional antenna at night (WTCN now operates on **1250 kc.,** with power of 1 KW night and 5 KW day) (B4-P-2439).

WHB—WHB Broadcasting Co., Kansas City, Mo.—Designated for joint hearing with WTCN (above) application for construction permit to change frequency to **710 kc.,** increase power to 5 KW unlimited time, install directional antenna for day and night use, install new transmitter, and move transmitter site locally (WHB now operates on **860 kc.,** with 1 KW, daytime).

Joint petition of WTCN and KSOO (Sioux Falls Broadcast Association, Sioux Falls, S. Dak.) was granted in part only insofar as it requests leave to amend the application of KSOO; denied as to balance.

APPLICATIONS FILED AT FCC

610 Kilocycles

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Modification of construction permit (B1-P-2897) for a new station, requesting authority to install new transmitter, approval of studio site at 1819 Elm St., Manchester, N. H., and extension of commencement date to 10 days after grant and completion date to 60 days thereafter.

WCLE—United Broadcasting Co., Cleveland, Ohio.—Authority to determine operating power by direct measurement of antenna power.

630 Kilocycles

WMAL—National Broadcasting Co., Inc., Washington, D. C.—License to cover construction permit (B1-P-2475) as modified for new transmitter, directional antenna for day and night use, increase in power, and move of transmitter.

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Authority to determine operating power by direct measurement of antenna power.

810 Kilocycles

WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Authority to install new automatic frequency control equipment on **830 kc.** under NARBA.

850 Kilocycles

WHCU—Cornell University, Ithaca, N. Y.—Construction permit to install directional antenna for use from local sunset at Ithaca, N. Y., to local sunset at Los Angeles, Calif.; change frequency from **850 kc.** to **640 kc.,** and change hours of operation from day to limited, using 1 KW power.

940 Kilocycles

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Modification of construction permit (B1-P-2704) as modified for new transmitter, installation of directional antenna for night use, change in hours of operation, increase in power, and move of transmitter, requesting extension of completion date from 2-25-41 to ——

WCHS—Congress Square Hotel Co., Portland, Maine.—Modification of construction permit (B1-P-2535) for installation of directional antenna for day and night use and increase in power, requesting extension of completion date from 2-25-41 to 4-25-41.

1000 Kilocycles

WHO—Central Broadcasting Co., Des Moines, Iowa.—Authority to determine operating power by direct measurement of antenna power.

1180 Kilocycles

WMAZ—Southeastern Broadcasting Company, Inc., Macon, Ga.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

WSKB—McComb Broadcasting Corp., McComb, Miss.—Construction permit to change frequency from **1200 kc.,** to **590 kc.** (Class IV), make changes in equipment and antenna.

1210 Kilocycles

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Construction permit to reinstate construction permit (B4-P-2537) as modified (B4-MP-1019) for equipment changes, antenna changes, increase in power from 100 watts, 250 watts local sunset, to 250 watts day and night, and move of transmitter.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Authority to make changes in automatic frequency control equipment on **1240 kc.,** under NARBA.

1230 Kilocycles

KGBX—Springfield Broadcasting Co., Springfield, Mo.—License to cover construction permit (B4-P-2510) as modified for new transmitter, increase in power, and changes in directional antenna for night use.

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Authority to determine operating power by direct measurement of antenna power.

1260 Kilocycles

KGVO—Mosby's Incorporated, Missoula, Mont.—Construction permit to increase power from 1 KW, 5 KW LS, to 5 KW; install directional antenna for day and night use; and move transmitter.

1280 Kilocycles

NEW—Atlantic Broadcasting Corp., Miami, Fla.—Construction permit for a new station to be operated on **1280 kc.,** 500 watts, 1 KW LS, unlimited time (**1310 kc.** under NARBA). Amended to make changes in corporate structure.

1290 Kilocycles

KLCN—Fred C. Grimwood, Blytheville, Ark.—Construction permit to install a new transmitter and vertical antenna; increase power from 100 watts to 1 KW; and move transmitter from Railroad and Walnut Sts., Blytheville, Ark., to Blytheville, Ark. Amended to change requested site from Highway No. 61 to Highway No. 18, Blytheville, Ark., and make changes in requested vertical antenna.

WNEL—Juan Piza, San Juan, P. R.—Modification of construction permit (B-P-2762) for changes in equipment, antenna, increase in power, and move of transmitter, requesting extension of completion date from 2-25-41 to 4-25-41.

1310 Kilocycles

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Modification of license to change hours of operation from specified hours to unlimited time.

1370 Kilocycles

NEW—Chilton Radio Corporation, Dallas, Tex.—Construction permit for a new station to be operated on **1370 kc.,** 100 watts, unlimited time, facilities KFJZ. Amended to request **660 kc.,** 1 KW daytime, antenna to be determined, equipment changes, omit request for facilities relinquished by KFJZ.

WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Authority to determine operating power by direct measurement of antenna power on **1400 kc.,** under NARBA.

KFVD—Northwest Broadcasting Co., Fort Dodge, Iowa.—Modification of license to change hours of operation from specified hours to unlimited time. Requests facilities of station KFGQ.

1380 Kilocycles

WING—Great Trails Broadcasting Corporation, Dayton, Ohio.—License to cover construction permit (B2-P-2761) for new equipment, changes in directional antenna, and increase in power, and move.

WING—Great Trails Broadcasting Corporation, Dayton, Ohio.—Authority to determine operating power by direct measurement.

1390 Kilocycles

WHK—United Broadcasting Co., Cleveland, Ohio.—License to cover construction permit (B2-P-2670) for increase in power, and installation of directional antenna for night use.

WHK—United Broadcasting Company, Cleveland, Ohio.—Authority to determine operating power by direct measurement.

1420 Kilocycles

NEW—Washington Broadcasting Co., Washington, Pa.—Construction permit for a new Class IV station on **1420 kc.,** 250 watts, unlimited time. Studio and transmitter to be determined, Washington, Pa.

NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla.—Construction permit for a new station to be operated on **1420 kc.,** 250 watts, unlimited time. Amended to make changes in corporate structure.

1500 Kilocycles

WBTA—Batavia Broadcasting Corp., Batavia, N. Y.—Modification of construction permit (B1-P-2909) for a new station, requesting authority to install new transmitter.

1530 Kilocycles

NEW—Seaboard Broadcasting Corp., Tampa, Fla.—Construction permit for a new station to be operated on **1530 kc.**, 1 KW, unlimited time (**1590 kc.** under NARBA). Amended to make changes in corporate structure.

FM APPLICATIONS

NEW—The Moody Bible Institute of Chicago, Chicago, Ill.—Construction permit for new high frequency broadcast station to be operated on **43900 kc.**; coverage, 15,300 square miles; population, 5,091,500. Amended: Change frequency from **43900** to **47500 kc.**

NEW—National Broadcasting Company, Inc., New York, N. Y.—Modification of construction permit (B1-PH-15) for approval of transmitter and changes in antenna. Population given as 11,896,500.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Amasia Importing Corporation, 10 East 39th St., New York, is charged with misrepresentation in the sale of corsets and foundation garments for women in a complaint.

According to the complaint, the respondent uses the trade name "Silk Skin" in advertising and on tags, labels and boxes, representing that its garments consist in part of silk when in fact none of them contain more than 20 per cent silk and many have no silk at all. Some allegedly consist of a cotton elastic yarn and others of such yarn combined with lisle, rayon or silk.

The complaint charges that on certain boxes and on tags attached to garments the term "Silk Skin" appears in large type and in smaller type is printed the notation "80 per cent to 100 per cent elastic yarn combined with lisle, rayon or silk." It is alleged that beneath a primary label containing the name "Silk Skin" is a secondary label, not readily discernible, stating the purported percentages of elastic and lisle, rayon or silk, as the case may be. However, the complaint alleges that neither the respondent's advertising and printed matter nor the primary cloth label differentiate between the types of garments containing various combinations of lisle, rayon or silk, and that many garments contain percentages other than those stated on the secondary label.

The respondent further is charged with representing through its business stationery that it has branch houses or factories in Paris, Berlin, London, Shanghai and other foreign cities, when such is not a fact. (4459)

Illinois Herb Company—Misrepresentation in the sale of 40 medicinal preparations advertised as having value in treating various diseases and conditions, is alleged in a complaint issued against Charles A. Bilgman, trading as Illinois Herb Co., 542 South Dearborn St., Chicago.

The complaint alleges that the products do not possess the therapeutic values advertised. According to the complaint, preparations designated as "Calexa Herb Compound" and "Sonada Tonic," and represented as cures or remedies for digestive ailments, have no therapeutic value in excess of temporary relief afforded by their laxative properties, and the respondent's use of the word "tonic" to designate "Sonada Tonic" and "Verbita Tonic" is misleading in that these preparations have no substantial therapeutic value as tonics.

The complaint charges that the respondent's product "Lura," advertised as being of value in eliminating halitosis, has no effect upon that condition other than to mask it temporarily; that the value of the preparation "Rexora Herb Compound," represented as a remedy for bladder weakness and irritations, is limited to such slight relief for bladder irritations as it may afford because of its properties as a weak diuretic, and that "I. H. C. Dorelle Hair Tonic," advertised as being capable of stimulating hair growth and preventing falling hair, has no value in stimulating hair growth, or in preventing falling hair except as it may assist in temporary removal of dandruff scales.

The complaint further alleges that the respondent's advertisements concerning the preparations "Wahoo Bark," "Geroca Herb Compound" and "Trilax Herb Tea," constitute false advertisements in that they fail to reveal that use of these preparations under conditions prescribed in the advertisements or under usual conditions, may result in serious injury to health. (4460)

Wayne-Townesend & Company—Misrepresentation in the sale of men's wearing apparel is alleged in a complaint issued against Albert Walters, trading as Wayne-Townesend & Co., 1001 Chestnut St., Philadelphia.

According to the complaint, the respondent promotes a merchandising plan under which a participant paying $1 a week for 39 weeks would be entitled to receive a garment.

Through his agents and otherwise, the respondent is alleged to make representations such as that a drawing or some similar method would be held weekly at the respondent's place of business for the selection, by lot or chance, of a participant's name; that a participant so selected would receive a garment without further payment on the contract, and that, in order to advertise the merchandising plan, a suit or other garment would be given in certain instances to a participant after three, four or other small number of payments had been made.

The complaint alleges, however, that no such drawings have been held, and that a suit has never been given to a participant for less than the contract price, either through a method of employing a chance feature or to advertise the respondent's merchandising plan. (4461)

Webster Electric Company—A complaint has been issued charging Webster Electric Company, Racine, Wis., with misrepresentation in the sale of fuel units for oil burners.

According to the complaint, the respondent advertised that the capacity of its "Webster Electric Fuel Unit" is greater than that of any other fuel unit on the market; that the unit is more easily serviced than are all similar devices, and that it is the only device of its kind having the outboard bearing outside of the seal.

The complaint further charges the respondent with representing that the unit's dependability exceeds that of similar devices, and that, during a certain year, more oil burners would be equipped with its fuel unit than with the fuel unit of any competing manufacturer. (4456)

STIPULATIONS

Following stipulations have been entered into during the past week:

Agnes MacGregor, Inc., 350 North Clark St., Chicago, cosmetics distributor, has entered into a stipulation to cease using on labels affixed to its products or in advertising matter representations directly asserting or implying that use of any of its preparations will, among other things, effectively cleanse enlarged pores, eliminate blackheads, be a proper treatment for all types of acne, penetrate into the second layer of skin tissue, remove crows feet, wrinkles or fine lines, nourish the skin, promote the growth of new hair, and correct dandruff. (3031)

Cass Bean & Grain Co., 603 Germania Ave., Bay City, Mich., has entered into a stipulation in which it agrees to cease advertising that "Snelling's Dog Food" will prevent skin diseases, worms, and other ailments, and that it will assure better health, or resistance to colds and distemper. The respondent further agrees to cease representing that it guarantees its food, unless the nature and extent of the guarantee are clearly disclosed. (02726)

John R. Evans & Co., Second and Erie Sts., Camden, N. J., have entered into a stipulation to cease and desist from certain representations in the sale of leathers imported from France.

According to the stipulation, the respondent sells certain of its imported leathers to novelty manufacturers for use in making ladies' handbags, belts and other novelty articles. In shipping memoranda and invoices, the stipulation continues, the respondent has represented its leathers as "Black French Ant. Fin. Suede" or as "Black French Ant. Suede" and certain manufacturers advertised the articles made from these leathers as "Imported French Antelope Suede."

The leathers referred to in the memoranda and invoices were not made from the skin of the antelope, according to the stipulation and the respondent agrees to cease using in its printed matter the word "Antelope" or the abbreviation "Ant." in connection with the words "Black French Suede" or "Black French Fin. Suede" as descriptive of leathers not made from the hide of an antelope. (3033)

M. B. Groghan Company—Merwin B. Grogan, trading as M. B. Grogan Co., 122 South Michigan Ave., Chicago, distributor of greeting cards, has entered into a modified stipulation to cease and desist from advertising "free samples" or making any other use of the word "free" or similar expression in a manner purporting a gift or gratuity only, where any consideration such as payment of money, rendering of services, or otherwise, is required of the person receiving articles of merchandise sent in response to his request for such free samples or other gratuity. The respondent further agrees to desist from inducing a customer to order samples or other goods by deceptively concealing the terms of the transaction. The original stipulation, executed in May, 1940, has been rescinded. (2819)

Harrington Publishing Company—John Harrington, trading as Harrington Publishing Company, Portland, Oreg., has entered into a stipulation in which he agrees to cease certain representations in the sale of a correspondence course designated "Harrington Diesel Conversion Method."

The respondent stipulates that he will cease advertising that those who study the course can earn from $15 to $25 a day, and that prospective purchasers can make profits in a specified time which exceed the average net profits theretofore consistently made by purchasers of the course in like periods of time under normal conditions.

The respondent further stipulates that he will cease employing the word "Diesel" as part of the name of his course or otherwise representing that the method will enable one to convert an ordinary gasoline engine into an engine in which the crude oil used as fuel is ignited by the heat resulting from the high compression of air drawn into the cylinders. (02723)

R. H. Macy & Co., Inc., New York, entered into a stipulation to cease certain representations in the sale of rugs.

The respondent corporation agrees to desist from use of the words "Oriental," "Chinese," "Persian," "Numdah" or other distinctive Oriental names as descriptive of rugs not made in the country or locality designated; from use of the words "Oriental Reproductions," "Oriental Copies," "Chinese Reproductions," "Persian Reproductions," "Numdah Reproductions" or the words "reproduction" or "copy" or similar words as descriptive of rugs which are not reproductions or copies of the types named, that is, true counterparts or reconstructions in all particulars.

Under its stipulation, the respondent further agrees to cease using the words "Oriental," "Chinese," "Persian," "Numdah" or other distinctively Oriental appellations in connection with any rug or carpet which does not contain all the essential qualities and properties of such types of rugs; unless, when properly employed to describe the design or pattern only, such words shall be immediately accompanied by a word like "design" or "pattern" printed in equally conspicuous type to clearly indicate that only the form delineated on the surface of the rug or carpet is a likeness of the type named; for example, "Oriental Design" or "Chinese Pattern." (3032)

Seneca Specialties—George A. Springstead, trading as Seneca Specialties, 24 Main St., Geneva, N. Y., entered into a stipulation in which he agrees to cease advertising that the hair preparation "Nova" will banish gray hair, or impart the original or former color or the exact shade desired, and to cease representing or implying by any other terminology that the product will have more than a slight coloring action on the hair. The respondent also stipulates that he will desist from representing that the use of Nova cannot be detected; that Nova is blended or balanced according to a French formula, and that the respondent is assisted by a staff of employees. (02725)

Smith Products—Trading as Smith Products, H. B. Smith, 226 East Orchard Ave., Council Bluffs, Iowa, stipulated that he will cease advertising that "Smith's Rat Kill" will stop destruction by rats, is a sure or quick death for rats, and will stop waste due to rats; that the preparation will be taken by rats under all baiting conditions, and that it is approved by the United States Department of Agriculture. (02724)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Continental Baking Company—Seven Sioux City, Iowa, bakery products dealers and a labor union local whose members operate delivery trucks belonging to the different bakeries, have been ordered to cease and desist from agreements tending to restrain trade in bakery products.

The respondents are: The Continental Baking Company, Wilmington, Del., operating a Sioux City plant; The Sioux City Bakery; Metz Brothers Baking Company; Fred W. Lenhardt, trading as Quality Bakery; Emil A. Madsen, trading as Madsen Bakery; Jake Schindler, trading as Iowa Bakery Company; Anthony Pages, trading as Sunkist Cake and Pie Company; Local No. 383 of the Chauffeurs, Teamsters and Stablemen and Helpers Union, and Glenn Beaman, Charles Cunningham, Jim Brookhart, William Carlson, O. G. Foster, Ralph Johnson and Howard Foutz, officers of the union local, all of Sioux City.

Commission findings are that following a strike of union drivers of bakery trucks in Sioux City in 1938, the seven respondent baking companies and the labor union local entered into a contract under which they prevented independent route men who had entered the business of delivering and selling bakery products, subsequent to January 1, 1938, from obtaining bread and other bakery products for sale in the Sioux City area. After the agreement was made by the respondents, members of the respondent union local accosted the independent route men and by threats forced them to cease their operations and go out of business, according to findings.

The Commission order directs the seven bakery dealers, the labor union local and its officers, representing the membership, to cease and desist from entering into or carrying out any agreement or understanding, the purpose or effect of which is to hinder or suppress competition in the purchase, sale and distribution of bread, cakes, or other bakery products; to cease entering into, carrying out or enforcing any agreement to classify dealers for the purpose or with the effect of preventing any dealer or class of dealers from obtaining bakery products for resale, and to discontinue the use of threats or other coercive methods or practices pursuant to agreement or understanding with each other or with others to prevent any bakery, dealer, or route man from purchasing and receiving or selling and delivering bakery products.

The Commission dismissed its complaint in this proceeding as to Interstate Bakeries Corporation, Kansas City, Mo., operating the Schultz Baking Company, Omaha, Nebr. According to findings, this respondent had not entered into the contract between the respondent bakeries and union. (3900)

Imperial Knife Co., Inc., and Colonial Knife Co., Inc., both of Providence, R. I., and Utica Cutlery Co., Utica, N. Y., have been ordered to cease and desist from using the word "Scout" or similar words as markings for knives not endorsed by The Boy Scouts of America, and to discontinue representing that their "Scout" knives are a part of the equipment of that organization's members. (4115-4116-4117)

ReVigator Corporation, 1630 Hanna Building, Cleveland, and its president, E. O. Loeber, have been ordered to cease and desist from misrepresentations in the sale of their "ReVigator Pressure Cap," either alone or in combination with their preparations "ReVigator Liquid Home Treatment for Scalp and Hair," and "ReVigator Liquid Shampoo."

Commission findings are that the respondents, in advertising "The ReVigator System of Home Treatment for the Scalp and Hair," represented that use of the pressure cap provides a cure or remedy for falling, fading and thinning hair, and for dandruff and baldness, and a means of making new hair growth. However, according to findings, the use of this cap, alone or in combination with the respondents' preparations, will not accomplish the results claimed and the cap has no therapeutic value in treating such conditions in excess of cleansing the hair and scalp and temporarily removing accumulated dandruff scales.

The Commission order directs that the respondents cease disseminating advertisements containing such representations. (4329)

Walker & Woodward, Inc.—A Casper, Wyo., corporation and four individuals have been ordered to cease and desist from misrepresentation in the sale of "George's Compound," a medicinal preparation. The respondents are Walker & Woodward, Inc., J. Lawrence Walker and T. Kyle Woodward, trading as Walker & Woodward, and Nick A. George and John G. Brown.

Commission findings are that the respondents disseminated periodical, radio and other advertisements representing that "George's Compound" has substantial therapeutic value in the treatment of all ailments and conditions except cancer and diabetes, and that it is a cure, remedy and effective treatment for some 60 specified diseases or conditions.

According to findings, the respondents' preparation possesses no therapeutic properties except that its use for rheumatism, colds, influenza, tonsillitis, arthritis, muscular aches and pains, sore throat, headache, fever or backache results in a temporary palliation of attendant pain or discomfort due to its analgesic properties, and that stomach, digestive and gastric disturbances may be benefited when these conditions are associated with an insufficient flow of gastric juices.

The Commission order directs the respondents to cease and desist from disseminating advertisements which represent that their preparation constitutes a cure or remedy for the specified ailments or conditions, or possesses any therapeutic value in the treatment of any ailment in excess of affording a stimulus to the flow of gastric juice, a mild stimulus to the appetite, and a temporary and palliative relief from aches and pains. (4194)

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 8, February 21, 1941

THE WEEK IN WASHINGTON

Facing criminal prosecution in a Federal Court by the Department of Justice as an alternative, ASCAP's Board of Director's last night signed a Consent Decree. (p. 157)

C. E. Hooper reports that there has been no noticeable increase or decrease in the size of the radio audience as a result of the absence of ASCAP music in the majority of radio stations. Other BMI news, including the acquisition of new catalogs and the announcement of the formation of a special "Public Domain Lyrics Department," is found on pp. 158-161.

Samuel Rosenbaum, IRNA Chairman, answers Senator Wheeler's attack on radio commentators. (p. 161)

Asserting that he did not want to "promise" Chairman Fly of the FCC this week declared that the final monopoly report may be expected shortly, possibly next week. (p. 161)

A full report of the Fourth Annual Broadcast Engineering Conference, by Lynne Smeby, NAB Director of Engineering, including discussions of television, reallocation, FM coverage, is found on p. 162.

A new compilation of pending Federal and State legislation is given by NAB Counsel, Russel Place. (p. 165)

The Federal Communications Commission reports the operation of 881 stations as of February 1, 1941. (p. 167)

Reports from all over the country indicate industry-wide action in NAB's effort to bring about an orderly procedure for Radio's "Movin' Day." (p. 167)

Members will be particularly interested in the Appendix of this week's Report, showing the measurement of broadcast advertising volume by units and classification for November, which has just been compiled by the Research Department. This valuable information is of particular importance in control of sales efforts and in production of new business. Research Director Paul Peter shows managers how this information can mean more and better time sales. (p. 177)

Many stations, included in the itinerary have an opportunity to present the outstanding impressions of radio, magazine, and newsreel executives, who are being taken on an aerial tour to inspect Army camps and National Defense preparation. Ed Kirby as Civilian Radio Advisor to the War Department, will be on hand to assist stations in lining up broadcasts. The complete itinerary of this trip is on p. 164.

ASCAP CAPITULATES

Facing criminal prosecution in a Federal Court by the Department of Justice as an alternative, ASCAP's Board of Directors last night signed a Consent Decree.

While the details of the decree were still being negotiated at press time, Neville Miller declared "It will be necessary to make a careful study of the Consent Decree to ascertain its full effects upon the present music situation. We hope that its effect will be to create and maintain an open and competitive market for music. Such a competitive market is, in our opinion, necessary if American creative genius is to have freedom of opportunity."

Meanwhile a general meeting of ASCAP's membership was to be held last (Thursday) night at the Hotel Astor in New York City for the purpose of presenting the Decree for ratification.

After the signing of the Decree ASCAP issued the following statement:

ASCAP's Statement

"The Board of Directors of the American Society of Composers, Authors and Publishers, at a special meeting held this (Wednesday) morning, unanimously approved and authorized signature by the Society of a Consent Decree, the terms of which were negotiated in its behalf with the Department of Justice by Special Counsel, Charles Poletti, and Milton Diamond, associated with General Counsel, Schwartz and Frohlich of the Society.

"This action marks the termination of litigation between the Department of Justice and the Society under the Anti-Trust Laws which has been in and out of the courts since 1934.

"The Decree as proposed by Assistant Attorney General Thurman Arnold, and accepted by ASCAP, modifies previous policies of the organization in respect to licensing the public performance for profit by broadcasters and others of copyrighted musical works, by providing that ASCAP may not as heretofore be an exclusive agent in behalf of its members, but that the members individually may deal directly with users if that is their preference. This privilege is, however, conditioned upon the member notifying ASCAP of the intention to deal directly, and also that any fees charged by the member shall be paid into ASCAP by the user and distributed according to ASCAP's royalty distributing formulae. The Decree further provides that individual members of ASCAP may not appoint any other agency than ASCAP for the re-sale of rights, and specifically prohibits them from appointing Broadcast Music, Inc., as an agent in that regard.

"The Decree also stipulates that any person who regularly prac-

(Continued on page 158)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

ASCAP CAPITULATES

(Continued from page 157)

tices the profession of songwriting shall be eligible to membership in ASCAP upon the production and regular publication of one song, instead of five compositions which has heretofore been the minimum requirement for eligibility to membership in the Society.

"Another provision of the Decree stipulates that the Board of Directors of ASCAP must be elected by the general membership as rapidly as the terms of present directorships expire. The practice heretofore has been for the Board of Directors itself to elect successors to vacancies.

"Another provision of the Decree provides for a broadcaster at his option to have the privilege of securing a license to utilize the ASCAP repertoire upon either a blanket basis as has heretofore prevailed, or a "per program" basis, in either case paying fees only in respect of such programs as make use of ASCAP music.

"In the case of network broadcasts, the Decree puts into effect a provision which has been a main source of contention of the existing controversy, that is, that as to such broadcasts the entire fee for the use of copyrighted music must be paid by the originating station, and no fee whatever paid by the interconnected stations.

"The Decree is to become effective ninety days after it is approved by the U. S. District Court for the Southern District of New York.

"Commenting upon the Decree, Gene Buck, President of the Society, said:

" 'ASCAP accepts this Decree in a completely conciliatory and cheerful spirit, and in utter good faith, and with every intention of meticulously fulfilling its every condition. We are entirely willing to accept its guidance as to our future policies, and we feel that while we have been in complete disagreement with the Department of Justice as to the alleged illegality of any phase of our operations or policies which have for more than a quarter of a century remained unchanged, we nevertheless believe that on the whole the Decree's conditions will clarify the whole atmosphere and certainly we are very pleased to at last be operating in full accord rather than in constant disagreement with the Department of Justice.

" 'I would like to say that while the Department of Justice has been firm and determined in its approach to and discussion of these differences, it has nevertheless shown a constant disposition to be fair within its construction of the law.

" 'ASCAP has no objection whatever to its Board of Directors being elected by the general membership, and in years past has frequently suggested such a procedure only to have the suggestion rejected by the general membership, which has preferred to continue the policies of more than a quarter of a century in this regard. Likewise, ASCAP has no objection whatever to reducing the requirement for eligibility for membership as to a person regularly practicing the profession of songwriting, to one published composition instead of five which has heretofore been the general rule, though to this there have been many exceptions. Also, we have no objection whatever to offering broadcasters their option of a license upon either a blanket basis as has heretofore prevailed or a "per program" basis relating only to programs which use ASCAP music.

" 'During past years many offers have been made to broadcasters of such an alternative, and repeatedly the National Association of Broadcasters has been requested to prepare the details of a formulae providing for a "per program" license plan. We have always believed that the most economical, efficient and generally satisfactory method of licensing the use of more than a million copyrighted musical compositions is to do so upon a blanket basis. We feel very confident that the broadcasters will find any other basis much more costly. Our belief is based upon more than a quarter of a century of experience in licensing the use of copyrighted music in more than thirty thousand public amusement enterprises. We shall be glad to try another method in the case of such users as prefer it.

" 'ASCAP is of course especially pleased to note the government's complete agreement of the soundness and justice in the case of a network broadcast of the entire copyright fee being paid by the originating station. This has been a principal bone of contention between ASCAP and the broadcasters in connection with the proposed new licensing agreement.

" 'It is our sincere hope that the broadcasters, who have heretofore consistently refused to negotiate or discuss their differences with us, will now decide to do so, to the end that the American public may be no longer deprived of its opportunity to hear on radio the musical works of the foremost composers of the United States and Europe.'

"A general meeting of ASCAP's membership will be held at the Astor Hotel on Thursday evening for the purpose of presenting the Decree for their ratification."

BMI

NO SIGNIFICANT CHANGE IN RADIO AUDIENCES

The most recent surveys both by the C. E. Hooper organization and by the Cooperative Analysis of Broadcasting (Crossley) show that there has been no noticable increase or decrease in the size of the radio audiences and no marked change in listening habits as a result of the absence of ASCAP music from the majority of radio stations.

The latest regular C. A. B. Report is made the subject of a feature article in the current issue of *Variety,* which lists various musical programs showing gain and those showing loss. There is a danger in drawing conclusions from slight variations in the showing of programs because under the method by which any survey is conducted there is room for a certain amount of fluctuation without any actual change at all in the situation which is being investigated by the survey—in other words a variation which is regarded as a normal statistical fluctuation, having no significance. In the last C. A. B. Report only one evening commercial of an hour's length showed a change greater than this normal statistical allowance. That was Fred Allen's hour which showed a gain. Out of 80 half-hour evening programs only 17 showed a change greater than the margin allowed for purely statistical variations. Of these, 8 were musical shows or variety shows using music as a secondary appeal. Three of these showed gains. Of the 5 which showed losses, 2 were musical quizzes the change in which is probably to be accounted for by the fact that quiz programs of all kinds showed a drop. That leaves the programs which might be assumed to be affected by music showing exactly a 50-50 stand.

A similar conclusion is reached by the survey made by the Hooper organization making a comparison between December and February.

PUBLIC BACKS THE BROADCASTERS

The February 17th issue of *Tap & Tavern* carries the following item:

> Philadelphians sympathize with the broadcasters in their current battle with ASCAP, the Front Door Ballot Box, conducted by Dan E. Clark, II, of the *Evening Public Ledger*, found in a survey recently completed in that city.
>
> In an effort to find out what popular sentiment is in a dispute which has kept all ASCAP music off the programs of the major radio networks since January 1, the Ballot Box polled a typical cross-section of Philadelphia's citizens.

Among other things, it discovered:

> First. That practically one-third of the city (32 percent) is unaware that any dispute is going on, and
>
> Second. That although a majority thinks that the barring of ASCAP tunes has lessened somewhat their enjoyment of the radio, they are, nevertheless, opposed to ASCAP and would like to see the radio stations win out.
>
> Of those who had heard of the ASCAP dispute, the Front Door Ballot Box asked whom they favored, ASCAP or the radio stations. Results showed:

ASCAP	25 percent
Radio stations	42 percent
Neither	18 percent
No opinion	15 percent

Eliminating those who had no opinion or wanted neither side to win, the score stood:

ASCAP	38 percent
Radio stations	62 percent

CONTINUITY DEPARTMENT VALUED BY MEMBER STATIONS

BMI's Continuity Department, which prepares introductions which announcers may use in presenting BMI numbers and plans scripts for programs of BMI's new music and standard arrangements, has been receiving expressions of approval and appreciation. An interesting example is a letter from Station KMYC at Marysville, California, saying:

> "We have found the Continuity Department very helpful. You might also be interested in knowing that the first series of Gilbert & Sullivan scripts were used to close a long term contract with an account we had been seeking for several months."

The Continuity Department wishes all member stations to know that it is glad to cooperate with them in building continuities for specific purposes, commercial and otherwise. So many BMI stations have found the BMI scripts to be of great use with respect to spot announcements and partial commercial sponsorships that the department is anxious that all stations should understand the nature of this service which BMI is offering them.

BMI GETS NEW CATALOGUES

Broadcast Music, Inc. announces the acquisition of a catalogue of selections of Golden Gate Publications, consisting chiefly of Hawaiian numbers. The new music came to BMI in accordance with the terms of an agreement with the Peer International Corporation. Among the many songs are: *Dusky Hula Eyes, It Happened On the Beach at Waikiki, Moon O'er Hawaii, Love Song of Old Hawaii,* and *Sweet Hawaiian Maid.*

BMI has also acquired the performing rights in the catalogue of the Stevens Music Company, publishers of the currently popular song, *I Do, Do you.*

SPECIAL PUBLIC DOMAIN LYRICS DEPARTMENT FORMED

Continuing to expand its activities in all phases of music production, Broadcast Music, Inc., announced the formation of a special Public Domain lyrics department, headed by Irving Weill. The new department, which is entirely separate from BMI's lyric department for popular songs, was created to meet the demand of performing artists and BMI stations for lyrics to use with BMI's Orchestral Library of Public Domain selections. Because ASCAP-owned copyrights of most P.D. numbers cover words as well as melody, BMI arrangements of public domain selections are being supplied with lyrics from either original source, or new copyrighted words written by free-lance writers. To date, lyrics for some 75 numbers, including those for *Melody In F, Dark Eyes* and *Martha,* have been written and hundreds are scheduled for future publication.

Mr. Weill joined BMI after some 20 years of experience in the music and radio field. He was for several years connected with M. Witmark & Sons before leaving the music business for work in radio. Mr. Weill has also been associated with the Columbia Broadcasting System as musical coach and director and prior to his affiliation with BMI did free lance musical work for the National Broadcasting Company and other radio stations in New York City.

BMI TUNES IN NEW ROOSEVELT PICTURE

BMI tunes, *Hi, Si!, What's Cookin', Broadway Caballero,* and *Peter Piper,* will be featured in James Roosevelt's forthcoming production, *Pot Of Gold,* which stars James Stewart and Paulette Goddard and Horace Heidt's orchestra. The tunes are by Lew Forbes and Henry Russel. A double set of lyrics will be issued for *Hi, Si!, What's Cookin'*—one for the rhythm or *hot* bands, and the other for straight performance. Release to BMI member stations some time next month is scheduled.

CONTRACTS SIGNED FOR BMI SONG SHEETS

Lyrics of BMI songs are to appear in two song sheets to be issued monthly—one 16-page sheet to sell for five cents and one 32-page sheet to sell for ten cents. BMI has just signed contracts with the D. S. Publishing Company, Inc., and with the Charlton Publishing Corporation granting these companies the right to use BMI lyrics in ilustrated song sheets which will be devoted exclusively to songs published and licensed by BMI. Subject to cancellation provisions, the contracts run to March 31, 1944.

BMI FEATURE TUNES
February 24-March 3

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. WHERE'S THE CAPTAIN'S HAT
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. TALKING TO THE WIND
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT
20. STONE'S THROW FROM HEAVEN

Billboard this week restores its list of 20 songs with most radio plugs, announcing that it does in response to numerous requests. All numbers listed are, of course, covered by the BMI license. The record gives gratifying evidence of an increased diversification in radio programs. Of the 20 songs 4 come from the catalogue of the Southern Publishing Company, 3 from E. B. Marks, and 1 from the Stevens Music Company. The rest are BMI's own publications.

The 10 sheet music best sellers last week were all numbers published or licensed by BMI. And again 8 of the 10 leading records were also BMI numbers. In *Billboard's* record of the biggest money makers in the coin machines, 4 of the 7 were BMI numbers, including *There I Go,* heading the list and appearing for the eleventh week. The *Variety* lists, obviously made up from very different reports, showed 5 of the 10 leaders carrying the BMI flag including *Frenesi* and *I Hear a Rhapsody,* which stand at numbers 1 and 2 respectively.

BMI BRINGS GEMS OF JAZZ

Hot Jazz is not dead on the airlanes, despite the protest of Tin Pan Alley publishers that the ASCAP-Radio situation would kill swing. Prime platters of jazz evergreens that have been marked o. k. for broadcasting range from the new Hit Parade favorite *There'll Be Some Changes Made,* first made famous by Tesch and the Chicagoans, down to *Astoria Strut,* recorded in New Orleans in 1929 by a small combination lead by trumpeter Lee Collins.

Among the outstanding jazz jam tunes which radio stations and orchestras throughout the country have available for performance are *Cherry, Rockin' Chair, Georgia On My Mind, Lazy River, You Can Depend On Me, Jazz Me Blues, Shim-Me-Sha-Wabble* and *Song Of The Islands.*

Of especial interest to collectors and musicians is the fact that many compositions recorded by jazz combinations and never heard on the air before are now made available through BMI. Foremost among these selections are the classic *Minor Drag,* recorded by Fats Waller in 1930, and *Pleasin' Paul,* recorded by the great Luis Russel band with Trumpeter Henry (Red) Allen, Jr., and Trombonist J. C. Higginbottam.

Other tunes in the BMI books are *Moten Swing* and *Moten Stomp,* two of Bennie Moten's outstanding sides; King Oliver's *Mule Face Blues, Sugar Foot Strut,* recorded by Louis Armstrong on the old Okeh Label; *Balling the Jack,* Crescent City favorite *Mary Lou Williams', Froggy Bottom;* and *Didn't He Ramble,* the old New Orleans marching tune, whose stirring melody has been swung along Perdid and Rampart Streets by every New Orleans jazzman from Buddy Bolden on.

BMI'S ONE IN A THOUSAND

More than 1,000 manuscripts from hopeful tunesmiths pour into the offices of BMI each day, and in this mountain of music the general average of material suitable for publication and radio performance is about one in one thousand. Examination of the fifty most recent BMI publications, representing the pick of 50,000 submitted manuscripts, reveals that they have been created by many composers with diverse occupations, including nine profession musicians, among them Horace Heidt, the band leader; one newspaper man now drilling in the ranks of the selectees; and the American Household Poet, Edgar Guest, who has written *At Home, When Lights Are Low,* in collaboration with Maurice Wetzel, Chicago radio program director. Another of BMI's new songs, *Penthouse On The Palisades,* was written by a Philadelphia dentist and a postoffice clerk.

The desire of the office worker for the romance of the wide-open spaces is reflected in the novelty western song *Little Hobby Horse,* written by a mid-western bookkeeper, and published last month by BMI.

Milton Rettenberg, Chief Music Editor, offers the following advice:

"*I Love You* may be a welcome sentence to millions of American girls, but it has proven to be the stumbling block to more than one hopeful songwriter. Probably the greatest fault of the amateur songsmith is the lack of freshness of his work. Hundreds of songs on the 'love and you' theme are received by BMI each day, but it is the song with the new twist or an original approach that is accepted.

"Originality of the expression of a familiar idea in a different way is one of the major points to be remembered in the creation of a song and an ingenious title or phrase has been responsible for the success of many hits. Professional songwriters are always on the alert for some new phrase around which to build a song, amateurs, on the other hand, are content to write what they consider a good song without realizing that the same thing has been used in a thousand other songs."

ROOKIE FATHERS A FEATHER

Walter Brevig of the New York Herald Tribune staff, composer of the new BMI tune *She Wears A Feather In Her Hat,* and *Miles Apart*, which was number six on the Hit Parade in February 1937, now carries the address Private Walter Brevig, G. Company, 1222nd Reception Center, Camp Upton, N. Y.

Cyrano said, "I have kept my plume" and Kay Vincent, Fashion Editor of the Herald Tribune, has kept hers despite Hitler. Thereon hangs the song *She Wears A Feather In Her Hat* which has been picked up by BMI. Brevig will soon hear it coming over the air at Camp Upton.

"When you see a gal wearing a feather in her hat," says Brevig, "while the talk of the country centers around lease-and-lend bills, crisis in the Balkans and the invasion of England, you are impressed. It is not too hard to get a tune."

Brevig comes from a musical family. He was born in Oslo, Norway, when his parents were on a visit there and has lived on McCord Avenue in Merritt, Long Island, since he was six. A cousin in Norway is director of a large glee club and McCord Avenue is named after Nancy McCord, Broadway musical star. Brevig began on the Tribune as a copy boy and recently was promoted to the telegraph desk. He hopes to write some tunes around army life, but so far, he says, "My only taste of military life is a two-mile hike through the rain."

ROSENBAUM ANSWERS WHEELER'S CHARGE

In a statement released over the weekend, Samuel R. Rosenbaum, Chairman of the Independent Network Affiliates, answered the criticisms of Senator Wheeler concerning the alleged bias of radio commentators. Mr. Rosenbaum's statement follows:

"Senator Wheeler is quoted as stating that he questioned whether the affiliated stations have been as careful as the network originating stations to give equal time to both sides of every public question, particularly on the Lend-Lease Bill and American neutrality.

"Speaking for the affiliates, I am quite positive Senator Wheeler is not correctly informed. There is no class of business men in the country more aware of public service obligation than the owners and operators of the network-affiliated stations. We are at all times eager to bring to our listeners views on both sides of current controversial questions.

"Apart from the legal requirement, it makes for vital and thought-provoking programs and that increases our listening audience, something every station desires.

"We have no editorial policies. We do not color our news. It may be that there is an overwhelming current of public opinion running one way or another, but we do not create it. Each listener draws his own conclusion.

"It would be a calamity for American freedom if it were otherwise. We want to preserve freedom in radio from unwarranted censorship or coercion.

"If Senator Wheeler believes that individual stations have knowingly departed from this standard, our group will be the first to see to it that it be maintained."

Monopoly Report Soon—Fly

Monopoly report is in the works FCC Chairman James Lawrence Fly told a press conference early this week. Answering a specific question the Chairman said that it is possible that the Commission might receive a draft of the monopoly report from the Legal Department this week. However, Mr. Fly said that he did not want to "promise" this.

The Chairman told newsmen that the draft might be considered by the Commission next week. He stated that the general scope and extent of the Commission's report has already been discussed by the Commission and the Legal Department in outline form. "In other words," Mr. Fly said, "the Commission knows what it is going to get."

Chairman Fly told the correspondents that the Commission will take time on the report and "be sure to do the job right." He said that "a thoroughgoing and convincing Commission report is necessary."

Chairman Fly was asked regarding complaints received by the Commission in connection with news commentators. Mr. Fly said that he did not believe that a great many such complaints are received. He contended that the FCC in its administration of the Communications Act must see "that the avenues of free speech be kept open."

Engineering

REPORT ON ENGINEERING CONFERENCE

The fourth annual Broadcasting Engineering Conference opened on the campus of the Ohio State University at Columbus, February 10. Over 250 engineers from all parts of the country were in attendance. All the meetings were presided over by Dr. W. L. Everitt, Director of the Conference.

F. V. Hunt of Harvard University, speaking on the subject "Sound Reproduction From Recordings," said that it was his opinion that a frequency range up to 15,000 cycles could be attained on transcriptions. He said, however, that the development of such transcriptions would probably be expensive.

Television

The subject of "Television" was covered during five Conference periods. The first period, entitled "Television Standards," was conducted by W. R. G. Baker, Chairman of the National Television System Committee. Mr. Baker was assisted by the chairmen or their alternates of the nine NTSC panels and each one explained the part of the standards developed by his committee. Peter C. Goldmark, of the Columbia Broadcasting System, presented a paper entitled "Color Television" in which he illustrated with slides the work he has carried on in developing the CBS Color Television System. Harry Sadenwater of the RCA Manufacturing Company discussed the status of television. It was Mr. Sadenwater's belief that television can develop into the greatest entertaining and advertising medium we have ever known. Mr. Sadenwater pointed out the possibility that if television were allowed to grow on a normal basis that it could become a big factor in National Recovery at the end of the present crisis the same as Sound Broadcasting aided the nation in recovering after the World War.

The subject "Studio Acoustics" was discussed by Paul J. Washburn of Johns-Manville Corporation. He went into the factors involved in acoustically treating broadcasting studios.

Polyphase Experiment

The Polyphase Broadcasting Experiment carried on at WHO was described by Paul Loyet, technical director of the Central Broadcasting Company. He said that there was a 50% saving in the modulator capacity of the transmitter and that the scheme probably was only feasible for high-powered stations.

Re-Allocation

The re-allocation and high frequency broadcasting were the principal topics during the "General Discussion and Question Box," conducted by Andrew D. Ring, assistant chief engineer of the FCC with Lynne C. Smeby of NAB as chairman. Mr. Ring spent considerable time discussing the re-allocation problems and covered the various items in detail, using FCC release number 47182 as a guide. Mr. Ring told the engineers that the FCC had carefully investigated the obtaining of crystals before ordering the re-allocation into effect on such short notice. He said that the FCC had been assured by the manufacturers that they would be able to produce the required crystals. Upon discussing the NAB request that the regular experimental period of 1 to 6 a. m. be extended to midnight to 7 a. m., Mr. Ring asked for a vote among the engineers present to see if they thought this would be desirable. A unanimous vote was registered by all of the engineers in support of the request. The NAB requested that this special authority be given until March 30. In discussing FM rules and regulations, Mr. Ring said that the FCC was studying modifications of its coverage requirements for commercial operation.

Recent developments in Speech Input Systems was discussed by C. M. Lewis and J. D. Colvin of the RCA. They discussed the additional problems involved in extending the frequency range of audio facilities from 10,000 to 15,000 cycles.

H. F. Olson of the Radio Corporation of America, spoke on the subject "Loud Speakers." Mr. Olson discussed the various factors involved in building loud speakers with a satisfactorily low distortion.

The members of the "Round Table on Receivers" were J. Kelly Johnson of the Hazeltine Corporation, E. B. Passow of the Zenith Radio Corporation and W. L. Dunn of the Belmont Corporation. Receiving sets were discussed in light of how they are correlated with the radio transmitters in order to form the complete broadcasting system. This subject became so interesting that an additional informal session was held on the subject.

The first paper on High Frequency Broadcasting was presented by Edwin H. Armstrong of Columbia University. The chief proponent of FM discussed the status of frequency modulation.

FM COVERAGE

Stuart Bailey of Jansky & Bailey discussed the subject "FM Allocation and Coverage." He discussed the FCC procedure for determining the coverage FM stations should have under various conditions. He pointed out that it was sometimes necessary to modify an FM application more than once before the proper coverage could be arrived at.

One of the most interesting papers of the conference was that presented by Harvey Fletcher of the Bell Telephone Laboratories entitled "Hearing the Determining Factor for High Fidelity." Mr. Fletcher said that the hearing of over two million people was tested at the San Francisco and the New York World's Fairs. He discussed the tone and volume range of various music and set the limits for a perfect system. He then showed how these ideal conditions could be compromised in order to meet practical considerations and still render a high fidelity service to the listener. Mr. Fletcher discussed Binaural Transmission and described a series of tests made, using

Binaural and Diotic transmission. The Diotic system used had a frequency characteristic up to 15,000 cycles. A low pass cut-off filter was used on the Binaural system. The following table lists the low-pass cut-off frequency of the Binaural system and the percentage of the observers preferring the quality from the Binaural system as against the percent who preferred the 15,000 cycle Diotic system.

Low-pass cut off	*Binaural Percent*	*Diotic Percent*
8500 cycles	68	32
5500 "	58	42
4510 "	70	30
3750 "	50	50
2850 "	42	58

Mr. Fletcher continued that more extensive tests on this subject were needed. He felt that there is a great possibility of improvement in using a Binaural system of two 7,500-cycle channels as against a single channel of 15,000 cycles. He explained the effects produced on the ear by various sounds and said that there was very little to be gained in going above 8,000 cycles even when using one channel. Mr. Fletcher explained another experiment conducted by the Bell Laboratories. He said that a number of observers were asked to give their preference between a system cutting off at 5,000 cycles and another cutting off at 8,000. There was a preference of 20 to 1 in favor of the wider band. The same group was then subjected to a test between an 8,000 and a 15,000 cycle system. The votes between these two conditions were practically even.

M. L. Levy of the Stromberg Carlson Company discussed FM receivers. Mr. Levy covered the various design features involved in producing FM receivers.

Transmission Lines

"UHF Antennas and Transmission Lines" was the subject of the presentation made by Andrew Alford of the Mackay Radio and Telegraph Company. Mr. Alford discussed in particular the turnstyle antenna invented by Dr. Brown and the horizontal ring antenna invented by himself. He also discussed the various methods of feeding UHF antennas. He pointed out that a coaxial transmission line could be unbalanced as much as three to one without introducing serious additional losses provided the line in the first place was an efficient one. He also pointed out that open transmission lines have much lower loss for the same amount of copper used provided the line is balanced. He showed that the radiation losses on a properly balanced open line are, for all practical purposes, negligible in comparison to the copper losses. Mr. Alford also pointed out that open lines have mechanical problems which are not present in coaxial lines such as sleet forming on the conductors, thereby changing characteristics.

Raymond F. Guy, National Broadcasting Company, discussed the subject "FM Field Tests." He described the elaborate tests made by NBC, comparing amplitude modulation, frequency modulation with a deviation of 15 k.c. and FM with a 75 k.c. deviation. Mr. Guy played a set of test records showing the threshold effect with various deviations.

Kenneth A. Norton of the FCC Technical Information Department discussed UHF transmission. Mr. Norton showed how the atmosphere and ground conditions effect radio transmission with particular emphasis on the UHF spectrum. He also outlined the theory involved in reflection from the Ionosphere.

Mr. E. K. Jett, chief engineer of the FCC, was scheduled to talk on the subject "Communication and National Defense" on Tuesday night. Mr. Jett was not able to attend the conference because of an attack of flu and his place was taken by Gerald C. Gross, chief of the International Section of the FCC. Mr. Gross' talk covered the organization and functions of the Defense Communications Board. He pointed out that communication was of vital concern in our national defense.

Tuesday night, February 18, the conference was addressed by Mr. Homer Dudley on the subject "The Vocoder or Remaking Speech Electrically." Mr. Dudley demonstrated with the Vocoder the various elements involved in speech. He also showed how music could be remade from the words recited in a monotone.

The subjects of the conference during the first week and up through Wednesday of the second week have been covered. The balance of the program to be given on Thursday and Friday will be outlined in next week's NAB Reports.

COMPLETE NTSC REPORTS AVAILABLE FOR SUBSCRIPTION

Notice from Bond Geddas, Executive Vice President of RMA and Trustee of NTSC, advises that the complete reports of the proceedings, including all standards and technical data, of the National Television System Committee which were presented January 27 to the FCC, are available for subscription. The reports of the NTSC main committee and its nine panels comprise 2,000 pages in 10 bound volumes and include, in addition to the recommendations of proposed television broadcasting transmission standards, the detailed record of the meetings and discussions of the NTSC main committee and all panels. This includes the wide range of technical papers, reports of studies, tests, investigations and demonstrations, bibliographies and correspondence developed in the minutes of the work by the entire NTSC membership, which totaled 168 experts and comprise some 40 organizations.

The 10 volumes of the NTSC reports comprise a most significant contribution yet made to the literature of television, with the vast amount of material which has been developed.

A few sets of the complete reports of 10 volumes are available at cost, by subscription, and they are of especial interest to those who will be concerned in the public hearing ordered by the FCC on television, scheduled for March 20. Subscription orders at $250 for each complete set and check should be sent to Mr. Bond Geddes, Trustee, National Television System Committee, c/o Radio Manufacturers Association, 1317 F Street, N. W., Washington, D. C.

NOTICE TO ALL STANDARD BROADCAST LICENSEES

Supplementing the FCC's announcement concerning the North American Regional Broadcasting Agreement, all standard broadcast stations are permitted to test between 12 midnight and 7 a. m., local standard time, provided the operation between 12 midnight and 1 a. m. is restricted to unmodulated carrier only and precautions are taken to avoid interference to stations maintaining a regular schedule during the period from 12 midnight to 1 a. m. local standard time.

It is hoped that all broadcast licensees will cooperate in enabling adjustments to be made properly on the new frequencies. In cases where interference may be caused to regular operation, but program schedule has no particular or unusual significance, it is requested that such licensees cooperate in making the testing possible.

All testing should be done on a dummy antenna when feasible. Where no dummy antenna is available, the low power stages should be tuned completely before the last power stage is tuned.

It has been suggested that stations on local channels could check their frequency by observing the heterodyne note between their station and other stations on the channels at the outskirts of the service area. If it is found that the heterodyne note is in the order of a few cycles with the majority of the signals on the channels, it is reasonable to believe that the station is within the required tolerance of the assigned frequency. This method of checking should be used only for preliminary checking.

The monitoring schedule from March 10 to 15 has been cancelled. Monitoring schedule for the month of April should be observed at the same time as now scheduled.

Any broadcast licensee experiencing any particular difficulty which the Commission may be able to assist in resolving should advise the Commission of the facts promptly.

ARMY AERIAL TOUR OFFERS PROGRAM POSSIBILITIES

A group of well-known radio, magazine and newsreel executives have been invited by the War Department to make an aerial tour of inspection of Army camps and activities next week. Under the direction of Lieutenant Colonel Frank A. Allen Jr., chief, Pictorial and Radio Branch, the Bureau of Public Relations, the group will arrive at Dayton, Ohio, on the morning of February 27. Ed Kirby, NAB Director of Public Relations, on leave of absence as Civilian Radio Advisor to the War Department for radio, will be in the party.

To facilitate those stations who desire to broadcast the impressions of National Defense preparations of the prominent people on the tour, the itinerary and tentative arrival and departure schedule is given below.

To arrange for broadcasts, stations should contact the commanding officers at the posts concerned. Mr. Kirby will be available to assist the stations in completing preparations for any broadcasts upon arrival.

Date	*Station*
February 27	Arrive Wright Field, Dayton, Ohio, 11 a. m. Visit of inspection of Air Corps activities at that station. Leave Wright Field 3 p. m.; arrive Fort Knox, Kentucky, 5 p. m.
February 28	Visit of inspection of activities at Armored Force, Fort Knox, Kentucky. Leave Fort Knox 1:30 p. m. for Fort Sill, Oklahoma. Arrive Fort Sill, Oklahoma, 8 p. m.
March 1	Activities incident to Field Artillery School and Field Artillery Training, Fort Sill, Oklahoma. Leave Fort Sill 2 p. m.; arrive Tucson, Arizona, 8 p. m.
March 2	Leave Tucson, Arizona, 9 a. m.; arrive Los Angeles, California.
March 3	Los Angeles, California—activities incident to production of U. S. Army aircraft.
March 4	Los Angeles, California—activities incident to motion picture cooperation in furthering national defense interests.
March 5	Leave Los Angeles, California, 7:30 a. m.; arrive Fort Bliss (El Paso), Texas, 12:30 noon. Activities incident to training, 1st Cavalry Division, Fort Bliss, Texas.
March 6	Leave Fort Bliss 7:30 a. m. for San Antonio, Texas; arrive San Antonio 12:30 noon. Activities incident to Air Corps and Infantry, San Antonio, Texas.
March 7	Activities incident to Infantry and Air Corps training, San Antonio area.
March 8	Leave San Antonio 7:30 a. m., for Maxwell Field, Alabama. Arrive Maxwell Field 12:30. Activities incident to training of Air Corps personnel at that station.
March 9	Leave Maxwell Field 9 a. m. for Fort Benning, Georgia. Arrive Fort Benning, Georgia, 11 a. m.
March 10	Activities incident to Infantry School, Infantry Division, and Armored Force.
March 11	Leave Fort Benning 8 a. m. Arrive Fort Bragg 10 a. m. Activities incident to Field Artillery Firing Center and Infantry Division training. Leave Fort Bragg 2 p. m. Arrive Langley Field, Virginia, 4 p. m.
March 12	Activities incident to GHQ Air Force and Coast Artillery Training, Fort Monroe, Virginia. Depart for Washington, D. C., arrive Bolling Field.

NEW REMOTE RECORD TOPS ALL—2,563 MILES

Business of reporting "record," single station, long-distance remote pick-ups continues. Latest record is for 2563 miles—Honolulu to Fresno, Cal.

Manager Clyde F. Coombs, claims premier honors for KARM, Fresno. His claim is based on the New Year's Day broadcast, from Honolulu, of the game between the Fresno State College Bulldogs and the Roaring Rainbows of Hawaii. Says Mr. Coombs:

"We sent Dick Wegener, our sportscaster, to Hawaii with the Bulldogs to cover the Pineapple Bowl Classic. Dick not only broadcast this game, but also presented a fifteen-minute greeting program, exclusively for KARM listeners, on Christmas night.

"He used equipment he took along with him, as well as some furnished by KARM's sister CBS station, KGMB. But neither of the broadcasts were released in the Islands. RCA short-waved the broadcasts across the Pacific to San Francisco. Telephone lines from there to Fresno completed the transmission facilities.

"It's 2563 miles from Honolulu to Fresno, and only 1627 miles from Peoria to Los Angeles, the last 'record' printed in NAB Reports."

LISTENERS LIKE UTILITY SHOW

Broadcast stations continue to deliver for utility companies. Proof is the case of WROK, Rockford, Ill., and the Central Illinois Electric and Gas Company. The program is broadcast six times per week for a total of one and one half hours. Despite the fact that the original contract had a thirteen week cancellation clause, three 13-week periods have gone by with no cancellation in sight.

Recently, the utility's monthly mailing piece, "Home Fires," which goes to 30,000 Rockford homes each month, contained a story on the company's WROK program, "Town Crier." It was written without the station's knowledge. Tone of the article indicates the company's great satisfaction with the program.

The "Town Crier" gives publicity to meetings and special programs of religious, school, fraternal, civic and social organizations. It frequently contributes to public service by locating articles of value which have been lost and even finding pets which have strayed. One writer was quoted as saying the program was a "civic necessity."

According to Bill Traum, WROK promotion director, NAB's utility survey of January 16, 1940, was of assistance in getting the utility on the air.

SAM HENRY'S NEW JOB

Samuel J. Henry, who resigned as supervisor of the NAB Bureau of Radio Advertising, effective February 1, has become radio director of Vincent Tutching and Associates with offices in Washington, D. C.

ED CRAIG'S TRIBUTE TO RADIO AT WMC CEREMONY

Tribute to the American System of Broadcasting and a plea that its riches be used to maintain democracy, not destroy it, was made by Edwin W. Craig, WSM, Nashville, and NAB District 6 director, on the recent dedication program of WMC studios, Memphis.

"The American System of Broadcasting, the finest and freest to be found in the world," said Mr. Craig, "is based squarely on the American principles of democracy. In comparatively recent years this new force has come into our possession. Its full possibilities and potentialities are yet unknown, but we all know that it has an educational force. As a social force it has the power to remake our national life; and, conversely, wrongly used, to turn forces capable of destroying our way of life and our civilization. Certainly it behooves us to give serious thought to radio in all its phases that it may be used here in America to promote the greatest good—that its power not be abused lest we find that its riches have been squandered and we, as a nation, have become the poorer.

"WMC, Memphis, Tennessee, has served to make American radio better radio, and this occasion marks but another milestone in its record of faithful public service. My hearty congratulations, my sincere good wishes!"

Legislation

FEDERAL

HOUSE

H. R. 3331 (Kramer, D-Calif.) COPYRIGHT—To amend section 8 of the Copyright Act of March 4, 1909, as amended, so as to preserve the rights of authors during the present emergency, and for other purposes. Referred to Committee on Patents.

H. R. 3456 (Kennedy, D-N. Y.) To protect the public, sponsors of broadcasting programs, broadcasting stations, performers, and all persons interested in radio from being deprived of the enjoyment by means of radio broadcast of music. Referred to Committee on Interstate and Foreign Commerce.

SENATE

S. 864 (Bone, D-Wash.) COPYRIGHT—To amend section 8 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, as amended, and for other purposes. Referred to Committee on Patents.

S. 918 (Hatch, D-N. M., and Van Nuys, D-Ind.) To provide for the more economical, expeditious, and just settlement of disputes with the United States, and for other purposes. Referred to Committee on Judiciary.

STATE

Arkansas:

H. 362 (Gates) BROADCASTING—LEGISLATIVE ACTIVITIES—To create a Board of Public Information, to provide for broadcast of proceedings of both House and Senate of General Assembly. Referred to Committee on Elections.

California:

A. 354 (Field) FRAUDULENT ADVERTISING—JEWELRY—Tightens the unfair trade practices act to prevent fraudulent advertising of jewelry. Referred to Committee on Government Efficiency.

A. 2347 (Dills, et al.) MUSIC BROKERS—An act relating to the regulation and licensing of music brokers. Referred to Committee on Judiciary General.

S. 1287 (Kenny) RADIO SOLICITATION—INITIATIVE PETITIONS—An act relating to improper radio solicitation on behalf of initiative petitions. Referred to Committee on Judiciary.

Connecticut:

H. 1096 (Miller) EMPLOYMENT AGENCIES—Concerning Private Employment Agencies. Referred to Committee on Judiciary.

H. 1635 (Faulkner) COPYRIGHTS—MUSICAL COMPOSITIONS—Relates to copyrights and public performing rights in musical compositions and dramatico-musical compositions; repeals all laws in conflict herewith. Referred to Committee on Judiciary.

H. 1732 (Carpenter) SLANDER—LIBEL—Concerning uttering slanderous or libelous remarks against any race or religion, providing for fine or jail sentence. Referred to Committee on Judiciary.

H. 2409 (Same as S. 1041) LIBEL—Concerning breach of the peace, intimidation and libel. Referred to Committee on Judiciary.

H. 2424 (Same as S. 1056) CORRUPT PRACTICES—Providing for changes in statutes referring to corrupt practices—sponsor of advertising, in printed form, on radio or in movies must be disclosed. Referred to Committee on Judiciary.

H. 2453 (Same as S. 1085) COPYRIGHTED MUSIC—Concerning copyrighted music, providing that no one other than true or original composer shall issue licenses or agreements for public rendition of copyrighted music unless licensed by secretary of state—licensors shall file organization papers with secretary of state—penalties for violation. Referred to Committee on Judiciary.

S. 1041 (Geelan) LIBEL—Concerning breach of the peace, intimidation and libel. Referred to Committee on Judiciary.

S. 1056 (Coles) CORRUPT PRACTICES—Amending the provisions of Chapter 39 of the General Statutes, providing for changes in statutes referring to corrupt practices—sponsor of advertising, in printed form, on radio, or in movies must be disclosed. Referred to Committee on Judiciary.

S. 1085 (Sullivan)—COPYRIGHTED—LICENSES—Concerning copyrighted music, providing that no person, firm, corporation or association, other than true or original composer, shall issue licenses or agreements for public rendition of copyrighted music unless licensed by secretary of state. Referred to Committee on Judiciary.

S. 1196 (Murphy) DENTISTS—ADVERTISING—Amending Section 1014e of the 1939 Supplement to the General Statutes, providing for striking out subdivision twelve thereof referring to advertising by dentists. Referred to Committee on Public Health and Safety.

S. 1972 (Same as H. 1096) EMPLOYMENT AGENCIES—Concerning private employment agencies. Referred to Committee on Judiciary.

S. 2017 (Same as H. 1141) LIBEL—RETRACTION—Concerning actions of slander and libel, providing for no action of slander or libel shall be instituted until the defendant has refused to retract the alleged slanderous or libelous charge in writing after a reasonable time and providing for the filing of a bond by the plaintiff. Referred to Committee on Judiciary.

S. 2394 (Same as H. 1635) COPYRIGHTS—MUSICAL COMPOSITIONS—Concerning copyrights and public performing rights in musical compositions and dramatico-musical compositions and repealing all laws in conflict herewith. Referred to Committee on Judiciary.

S. 2491 (Same as H. 1732) SLANDER—LIBEL—Concerning uttering slanderous or libelous remarks against any race or religion, providing for fine or jail sentence. Referred to Committee on Judiciary.

Georgia:

H. 281 (Dorsey) SMALL LOANS—To regulate the business of making loans in the amount of $300.00 or less. Referred to Committee on General Judiciary No. 1.

Indiana:

H. 501 (Korn) COPYRIGHT INCOME TAX—Levies 20 per cent tax on incomes received from selling, licensing or otherwise disposing of performing rights of copyrighted compositions, gives Secretary of State authority to license such business. Referred to Committee on Judiciary B.

Maine:

H. 676 (Arzonico) DENTISTRY—Relating to the practice of dentistry; provides for annual dental examining law. Referred to Committee on Public Health.

S. 345 (Hildreth) ADVERTISING—To prevent fraudulent advertising. Referred to Committee on Judiciary.

Maryland:

H. 277 (Cordish) INSURANCE COMPANIES—ADVERTISING—Providing that it shall be unlawful for any insurance company, association, society, exchange, adviser or other person to publish or broadcast advertisements regarding insurance in unlicensed companies, associations, etc., or persons to solicit insurance business or offer advice on insurance matters. Referred to Committee on Insurance and Loans.

H. 291 (Kopers) RACIAL DISCRIMINATION—To add seven new sections to Article 27 of the Annotated Code of Maryland (1939 Edition), title "Crimes and Punishments", to be under subtitle "Racial or Religious Hatred, Propaganda Inciting", said new sections to be known as Sections 534A to 534G, inclusive, making unlawful any propaganda or acts inciting or tending to incite racial or religious hatred. Referred to Committee on Judiciary.

Minnesota:

H. 428 (Mann, et al.) MUSIC—Code to regulate ASCAP and BMI. Referred to Committee on Judiciary.

S. 469 (Mullin) EMPLOYMENT AGENCIES—Relates to licensing and regulating employment agencies. Referred to Committee on Labor.

Missouri:

H. 56 (Turner) TRUSTS AND POOLS—Repealing Section 8301, Article 1, Chapter 43, Revised Statutes, 1939, relating to pools, trusts, conspiracies and discriminations; enacting in lieu thereof, Sections 8301 and 8301a.

Montana:

H. 188 (Judiciary Committee) MUSICAL COMPOSITIONS—COPYRIGHTS—Relates to copyrights and public performance of musical compositions. Referred to Committee on Judiciary

CCH H. 1572 (Murray, et al.) RADIO—TAX—REGULATION—Regulating radio broadcasting and taxing chain stations.

New Hampshire:

H. 278 (Velishka) PRACTICE OF DENTISTRY—Relating to the practice of dentistry. Referred to Committee on Public Health.

New Jersey:

A. 54 (Herbert) MUSIC—COPYRIGHTS—Regulates monopolistic activities under the guise of copyrights by price-fixing compensations and pools; defines a method whereby copyrighted musical works shall be used; substitutes a "per piece" system of fees. Referred to Committee on Taxation.

New Mexico:

H. 81 (Love) MUSIC TEACHERS—LICENSE—To license music teachers and musical entertainers for hire. Referred to Committee on Educational Institutions.

New York:

A. 619 (Wright) (Same as S. 455) INSURANCE SERVICE ORGANIZATIONS—Prohibits insurance service organizations from using phrase "supervised by the insurance department of the state of New York" or its equivalent or any part thereof. Referred to Committee on Insurance.

A. 703 (Ehrlich) CHILD LABOR—Prohibits employment of children under 16 years of age in certain enterprises that are dangerous to life, limb or morals and authorizes education boards and districts to issue permits to child for singing, dancing, and theatrical exhibition and the making of motion pictures; exhibitions for church, academy or school or in amateur radio program at regular broadcasting station are excepted. Referred to Committee on Education.

S. 598 (Hampton) (Same as A. 703) CHILD LABOR—Prohibits employment of children under 16 years of age in certain enterprises that are dangerous to life, limb or morals and authorizes education boards and districts to issue permits to child for singing, dancing and theatrical exhibition and the making of motion pictures;

exhibitions for church, academy or school or in amateur radio program at regular broadcasting station are excepted. Referred to Committee on Education.

S. 800 (Perry) BROADCASTS—RECORDINGS—Makes it petit larceny for person to sell, lease or license any recording of broadcast obtained without consent in writing of performer or of sponsor of broadcast or of owner of broadcasting station, and provides that records may be seized on warrant and destroyed by court order; broadcasts of lectures on political, educational, religious or civic nature are excepted. Referred to Committee on Codes.

Ohio:

H. 548 (Coughlin) MUSIC BROKERS—LICENSING—To provide franchise taxes on music brokers.

Oregon:

S. 281 (McKenna, et al.) MUSIC PUBLISHERS—MONOPOLY—Prohibits a combination of two or more music publishers as monopoly; publishers to pay five cents copy fee to secretary of state.

South Carolina:

S. 120 (Parler) SMALL LOANS—REGULATION—To define and regulate the business of making loans in the amount of three hundred ($300.00) dollars or less. Referred to Committee on Banking and Insurance.

South Dakota:

H. 286 (Trippler) COPYRIGHTED MUSIC—TAX—Provides for license and franchise tax for the rendition of copyrighted music.

Tennessee:

S. 790 (Mahoney) EMPLOYMENT AGENCIES—Regulating public employment agencies.

Texas:

H. 377 (Alsup, et al.) RADIO RECEPTION—Making it a misdemeanor, and imposing a fine of not less than one dollar and not more than twenty-five dollars for any person who shall intentionally interfere, obstruct, or willfully keep radio programs from being clearly brought in over radios. Referred to Committee on Criminal Jurisprudence.

Washington:

H. 264 (Schumann) RADIO DEFAMATORY MATTER—Defines liability of station for broadcasting defamatory matter over radio, or by television. Referred to Committee on Judiciary.

Ray E. Dady, KWK, St. Louis, has accepted an appointment as Legislative Contact man at the Missouri capital. (NAB Reports, p. 32.)

NOTICE TO ATTORNEYS

The FCC has invited the attention of attorneys appearing before it to its rule (Sec. 1.254) concerning the time for filing motions. This rule is designed not merely to afford other parties to the proceedings sufficient time within which to file oppositions to motions prior to the motions hearing date, but to allow sufficient time to the Commission itself for the study of such motions before the hearing thereon. The latter purpose is sometimes overlooked by attorneys, with the result that motions are filed a day or two before the next motions hearing date with the request that they be heard on such date. The Commission realizes that there may be circumstances which may make it impossible to file earlier, in which case the presiding commissioner may waive the rule, but to expedite the orderly discharge of the Commission's business, such cases should be the exception.

Since there have been a number of inquiries concerning the day of commencement of the five-day period specified in the rule, the Commission also desires to point out that attorneys desiring to have their motions considered on Friday's Motions Docket should file such motions not later than the preceding Saturday.

EDUCATIONAL PROGRAMS

Hugh B. Wood, professor of education at the University of Oregon, Eugene, Oregon, advises the NAB that he has available for broadcasters a series of inexpensive bulletins dealing with educational programs. Interested members should communicate with Professor Wood.

NAB will be represented at the annual meeting of the American Academy of Political and Social Science by Mr. James Aull, Publicity and News Director of Radio Station KYW, Philadelphia. The appointment was made by Lee B. Wailes, Manager of Broadcasting of the Westinghouse Radio Stations, with which KYW is affiliated.

881 STATIONS

During the month of January, 1941, the Federal Communications Commission issued operating licenses to five stations and granted one permit for the construction of a new station. One operating station and one CP station were deleted. A comparative table by months follows:

	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1
Operating	769	771	775	779	783	791	799	806	810	816	825	831	835
Construction	48	51	48	47	53	56	58	57	54	52	51	51	46
	817	822	823	826	836	847	857	863	864	868	876	882	881

JOHN KIRBY?

Anyone desiring information about John Kirby should communicate with Joseph Lang, Secretary-Treasurer, Station WHOM, 29 West 57th Street, New York City.

GEORGE H. BOWLES?

Information about George H. Bowles will be furnished by Frank Katzentine, President of WKAT, Miami Beach, Florida.

Radio Movin' Day

DANVILLE-LYNCHBURG-ROANOKE

Virginia's Tri-City group of stations, WBTM, Danville, WLVA, Lynchburg, and WSLS, Roanoke, are perfecting aggressive Movin' Day plans.

It is planned to hold a Radio Rally in each city, now that preliminary conversations with the radio trade have been completed. At each call servicemen will leave in listeners' homes a brochure which sells the stations' program service. A section will be devoted to plans which the station managers have for listeners in the months ahead. Window displays will be spotted in prominent locations in shopping district.

HARTFORD

Movin' Day plans for stations in Hartford, Conn., have passed the preliminary stages, according to information via telephone this week. They plan to take Movin' Day in their stride.

FIRST LEAFLET ORDER

James L. Howe, WBTM, Danville, Va., was first station manager to forward his order for the Movin' Day leaflets.

Imprinted with city, call letters and dial location, these two-color leaflets are ideal for distribution throughout a station's entire listening area. Delivery is free. It is anticipated that large numbers of these leaflets will be used as they do a nice job, economically. All stations have been mailed convenient order blanks.

THREE GOVERNORS SAY "OK"

Three of the 48 Governors, up to Thursday, had agreed to issue Radio Movin' Day proclamations. West Virginia's Governor, Matthew M. Neely, was first to OK the proclamation. A few hours later Arkansas' Governor, Homer M. Adkins, came through. Governor Payne Ratner, Kansas, was next.

Orchids to Howard Chernoff, WCHS, Charleston, Ed Zimmerman, KARK, Little Rock, and Ben Ludy, Topeka, WIBW, for their fine work.

Gov. Ratner "will make this proclamation in all the official state papers as of March 15," said Mr. Ludy.

THIS LETTER MAY HELP

The following letter has been mailed to the heads of the Department of Education of all 48 states and the District of Columbia:

> "On March 29 approximately 90 per cent of all United States broadcast stations will change frequencies. Seven hundred and ninety-five out of 883 stations will come in at new dial locations on the sets used by the girls and boys of ——(state).
>
> "Reallocation occurs after more than three years of deliberation and planning by the government of the United States, Canada, Cuba, Mexico and Haiti. It is regarded as a major improvement in broadcasting and destined to improve over-all reception.
>
> "Perhaps you will find it agreeable to communicate with the various school executives in ——(state) to insure that all school programs be received without confusion or interruption on and after March 29. School principals and teachers, in turn, could notify their pupils of the changes and the reasons for them.
>
> "Your cooperation will be sincerely appreciated.
>
> "Enclosure: New Frequency List."

It is hoped that these letters will induce a fanning out of Movin' Day information from state headquarters.

They are no substitutes for contracts which station managers have locally. They're intended only to supplement the more effective local effort.

WHEN TO BEGIN

Several inquiries have been received concerning suggested dates for taking Movin' Day to the public. As seen here it will serve the broadcasters' purposes best to put on a "radio blitz" beginning about March 9 or a little later. Begin strong, increasing the pressure as the day approaches. This gives three weeks for "conditioning" listeners to the reasons for this major improvement in broadcasting and to make them familiar with new dial settings.

FOUR TALKS TO COME

Commissioner T. A. M. Craven and E. K. Jett, FCC chief engineer, have accepted our invitation to prepare official talks on Reallocation for station use. These two talks with those of FCC Chairman Fly and NAB President Neville Miller will be mailed as soon as material is received.

Let us know what you plan to do. It may help some other fellow. Write Art Stringer.

FIVE NEW FM GRANTS

More than 9,000,000 persons reside in the nearly 28,500 square miles of potential service area of five prospective FM broadcast stations which received construction permits from the FCC.

A population of 8,820,000 is in the contemplated 24,600 square mile service area of four FM stations of Westinghouse Radio Stations, Inc. One such station plans to serve 9,300 square miles with 4,500,000 population on 45,700 kilocycles from Philadelphia; another contemplates service to 6,700 square miles with 3,400,000 population on 46,700 kilocycles from Boston; a third, 2500 square miles with 500,000 population, on 48,100 kilocycles, from Springfield, Mass.; and the fourth, 6100 square miles, 42,000 population, on 44,900 kilocycles, from Fort Wayne, Indiana.

The other grant went to Rockford Broadcasters, Inc., at Rockford, Ill., which proposes to serve 3900 square miles with 270,000 population on 47,100 kilocycles.

Application of Columbia Broadcasting System, Inc., for a station at Boston to use 44,100 kilocycles to serve 16,230 square miles of area with more than 4,300,000 population was designated for hearing.

To date the Commission has authorzied 39 FM stations to embark on full commercial operation.

OVERTIME FOR RADIO INSPECTORS

House of Representatives with practically no debate this week passed H.R. 533 which amends section 4(f) of the Communications Act of 1934 to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the FCC.

The bill as passed by the House provides: That section 4 (f) of the Communications Act of 1934, as amended (49 Stat. 1098), is hereby further amended by inserting after the letter "(f)" the figure "(1)" and by adding after section 4 (f) as so amended the following additional paragraph:

> "(2) The Commission shall fix a reasonable rate of extra compensation for overtime services of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission, who may be required to remain on duty between the hours of 5 o'clock p. m. and 8 o'clock a. m. or on Sundays or holidays to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of part II of title III of this act, on the basis of one-half day's additional pay for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond 5 o'clock p. m. (but not to exceed 2½ days' pay for the full period from 5 o'clock p. m. to 8 o'clock a. m.) and 2 additional days' pay for Sunday or holiday duty. The said extra compensation for overtime services shall be paid by the master, owner, or agent of such vessel to the local United States collector of customs or his representative, who shall deposit such collection into the Treasury of the United States to an appropriately designated receipt account: *Provided,* That the amounts of such collections received by the said collector of customs or his representatives shall be covered into the Treasury as miscellaneous receipts; and the payments of such extra compensation to the several employees entitled thereto shall be made from the annual appropriations for salaries and expenses of the Commission: *Provided further,* That to the extent that the annual appropriations which are hereby authorized to be made from the general fund of the Treasury are insufficient, there are hereby authorized to be appropriated from the general fund of the Treasury such additional amounts as may be necessary to the extent that the amounts of such receipts are in excess of the amounts appropriated: *Provided further,* That such extra compensation shall be paid if such field employees have been ordered to report for duty and have so reported whether the actual inspection of the radio equipment or apparatus takes place or not: *And provided further,* That in those ports where customary working hours are other than those hereinabove mentioned, the inspectors in charge are vested with authority to regulate the hours of such employees so as to agree with prevailing working hours in said ports where inspections are to be made, but nothing contained in this proviso shall be construed in any manner to alter the length of a working day for the inspectors in charge and radio inspectors or the overtime pay herein fixed."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing is scheduled to be heard before the Commission during the week beginning, Monday, February 24. It is subject to change.

Wednesday, February 26

KFRO—Voice of Longview, Longview, Tex.—Modification of construction permit; **1340 kc.,** 5 KW, unlimited, DA night. Present assignment: **1340 kc.,** 1 KW, unlimited, DA night.

FUTURE HEARINGS

During the past week the Commission has announced the following future dates for broadcast hearings. They are subject to change.

March 6

Consolidated Hearing

WGNY—WGNY Broadcasting Company, Inc., Newburgh, N. Y.—C. P., **1370 kc.,** 250 watts, unlimited.

NEW—Stephen R. Rintoul, Stamford, Conn.—C. P., **1370 kc.,** 250 watts, unlimited.

March 28

KGNO—The Dodge City Broadcasting Company, Inc., Dodge City, Kans.—Modification of license, **1340 kc.,** 500 watts night, 1 KW day, unlimited. Present assignment: **1340 kc.,** 250 watts night, 1 KW day, unlimited.

March 31

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—C. P., **1410 kc.,** 1 KW, unlimited, DA night.

NEW—KNOE, Inc., Monroe, La.—C. P., **1420 kc.,** 250 watts, unlimited.

April 7

Joint Hearing

NEW—The Yankee Network, Inc., Boston, Mass.—C. P., **44300 kc.,** coverage 19,230 square miles.

NEW—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—C. P., **43100 kc.,** coverage 20,437 square miles.

April 15

Television

W1XG—General Television Corporation, Boston, Mass.—Modification of license (considered as construction permit); **50000-56000 kc.,** 500 watts visual, emission A-5, Sec. 4.4(a). Present assignment: **42000-56000, 60000-86000 kc.,** 500 watts visual, emission A-5, Sec. 4.4(a).

W1XG—General Television Corporation, Boston, Mass.—C. P., **42000-56000, 60000-86000 kc.,** 500 watts aural and visual, emission A-3 and A-5, Sec. 4.4(a). Present assignment: **42000-56000, 60000-86000 kc.,** 500 watts visual only, emission A-5, Sec. 4.4(a).

FEDERAL COMMUNICATIONS COMMISSION ACTION

NEW STATION GRANTS

Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—Granted construction permit for new broadcast station to operate on **1310 kc.,** 250 watts, unlimited time, subject to the condition that in any authorization to operate after March 29, 1941, the Commission may specify the frequency **1340 kc.** in lieu of **1310 kc.** (B-P-2978).

Vermont Radio Corp., Inc., St. Albans, Vt.—Granted construction permit for new broadcast station to operate on **1390 kc.,** with 1 KW daytime; requested facilities of station WQDM, which consents; order will be issued to dismiss renewal proceedings against WQDM (B1-P-3065).

Harbenito Broadcasting Co., Harlingen, Tex.—Granted construction permit for new broadcast station to operate on **1240 kc.,** power 250 watts, unlimited time (B3-P-2747).

Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **45700 kc.,** 9,300 square miles, population 4,500,000 (B2-PH-65).

Westinghouse Radio Stations, Inc., Boston, Mass.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **46700 kc.,** 6,700 square miles, population 3,400,000 (B1-PH-62).

Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted construction permit for new high frequency (FM) broadcast station to operate on **44900 kc.**, 6,100 square miles, 420,000 population (B4-PH-63).

Westinghouse Radio Stations, Inc., Springfield, Mass.—Granted construction permit for new high frequency (FM) broadcast station to operate on **48100 kc.**, 2,500 square miles, 500,000 population (B1-PH-64).

Rockford Broadcasters, Inc., Rockford, Ill.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **47100 kc.**, 3,900 square miles, 270,000 population (B4-PH-56).

APPLICATIONS GRANTED

W1XSN—Westinghouse Electric & Mfg. Co. (Assignor), East Springfield, Mass., Westinghouse Radio Stations, Inc. (Assignee).—Granted voluntary assignment of license from Westinghouse Electric & Mfg. Co. to Westinghouse Radio Stations, Inc., of high frequency broadcast station W1XSN (B1-ALHB-6).

W1XK—Westinghouse Electric & Mfg. Co. (Assignor), Hull, Mass., Westinghouse Radio Stations, Inc. (Assignee).—Granted voluntary assignment of license from Westinghouse Electric & Mfg. Co. to Westinghouse Radio Stations, Inc., of high frequency broadcast station W1XK (B1-ALHB-7).

WBZA-WEMA—Westinghouse Electric & Mfg. Co. (Assignor), Boston, Mass., Portable-Mobile, Westinghouse Radio Stations, Inc. (Assignee).—Granted voluntary assignment of license from Westinghouse Electric & Mfg. Co. to Westinghouse Radio Stations, Inc., of standard broadcast station WBZA and portable-mobile station WEMA (B1-AL-296).

KDKA-WEMS-WEMO-WEMC-WAHA—Westinghouse Electric & Mfg. Co. (Assignor), Pittsburgh, Pa., Portable-Mobile, Westinghouse Radio Stations, Inc. (Assignee).—Granted voluntary assignment of license from Westinghouse Electric & Mfg. Co. to Westinghouse Radio Stations, Inc., of standard broadcast station KDKA and portable-mobile relay stations WEMS, WEMO, WEMC, and WAHA (B2-AL-295).

KYW-WEMN—Westinghouse Electric & Mfg. Co. (Assignor), Philadelphia, Pa., Portable-Mobile, Westinghouse Radio Stations, Inc. (Assignee).—Granted voluntary assignment of license and construction permit from Westinghouse Electric & Mfg. Co. to Westinghouse Radio Stations, Inc., of standard broadcast station KYW and portable-mobile station WEMN (B2-APL-10).

WPIT—Westinghouse Electric & Mfg. Co. (Assignor), Saxonburg, Pa., Westinghouse Radio Stations, Inc. (Assignee).—Granted voluntary assignment of license and construction permit from Westinghouse Electric & Mfg. Co. to Westinghouse Radio Stations, Inc., of international broadcast station WPIT (B1-APLIB-1).

WBZ-WHER-WEMQ-WEMB—Westinghouse Electric & Mfg. Co. (Assignor), Boston, Mass., Portable-Mobile, Westinghouse Radio Station, Inc. (Assignee).—Granted voluntary assignment of license and construction permit (B1-P-2998), (construction permit for reinstatement of construction permit as modified, B1-P-2161), from Westinghouse Electric & Mfg. Co. to Westinghouse Radio Stations, Inc. (B1-ALP-11).

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Granted construction permit to make changes in equipment and increase power from 100 watts to 250 watts, night and day (B3-P-3015).

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted construction permit to move transmitter site to approximately 9 miles south of center of city and install directional antenna for nighttime use, subject to the condition that no interference is caused to Naval aeronautical communications on **542 kc.**; station operates on **550 kc.**, 1 KW night, 5 KW day (B1-P-2907).

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Granted construction permit to move transmitter to approximately 1000 feet from present location; increase power from 1 KW day and night to 5 KW day and night (Shares with WHAZ and WBBR), install new equipment and directional antenna with different adjustments for day and night use (B1-P-2955).

DESIGNATED FOR HEARING

WEEU—Berks Broadcasting Co., Reading, Pa.—Application for construction permit to increase time of operation from daytime to unlimited and install directional antenna for night use; **830 kc.**, 1 KW LS. (B2-P-3048).

WOOD—King-Trendle Broadcasting Corp. (Assignor), WOOD Broadcasting Corp. (Assignee), Grand Rapids, Mich.—Amended application for consent to voluntary assignment of license for station WOOD from King-Trendle Broadcasting Corp. to WOOD Broadcasting Corp.; station operates on **1270 kc.**, 500 watts, shares WASH (B2-AL-285).

Columbia Broadcasting System, Inc., Boston, Mass.—Application for construction permit for new high frequency (FM) broadcast station to operate on frequency **44100 kc.**, 16,230 square miles, hours of operation: minimum 3 day, 3 night (B1-PH-79), designated for hearing.

General Electric Co., Schenectady, N. Y.—Designated for hearing renewal applications of television relay stations W2XI and W2XD, together with main television station W2XB, which is located at New Scotland, N. Y.

MISCELLANEOUS

WMC—Memphis Publishing Co., Memphis, Tenn.—Granted special temporary authority to operate with 5 KW power night, using directional antenna, for a period not to exceed thirty days, in order to overcome interference from Cuban Station CMBC, provided such operation with additional power terminates immediately when CMBC ceases operation on frequency **780 kc.**, reduces power so that additional interference is not involved, and pending reallocation effective March 29, 1941.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate additional time March 8, 1941, in order to broadcast the Knights of Columbus Athletic Meet from Madison Square Garden only.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to operate with power of 250 watts from 10 p. m., February 12, 1941 to 2 a. m., EST, February 13, 1941, in order to broadcast the Brooklyn Boy Scout Dinner and the Annual Brooklyn Republican Dinner only.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Granted special temporary authority to operate from 5:30 p. m. to 8 p. m., February 27 and 28, from 6 p. m. to 8 p. m., March 1, from 6 p. m. to 8 p. m., March 8, 15, and 22, 1941, in order to broadcast basketball games described in letter dated January 30, 1941, only.

WSVA—Shenandoah Valley Broadcast Corp., Harrisonburg, Va.—Granted special temporary authority to operate from 8:28 p. m. to 10 p. m., EST, on February 12, 1941, in order to broadcast an address by Honorable Robert P. Taft, Senator from Ohio, only.

W2XOY—General Electric Co., Albany, N. Y.—Granted extension of special temporary authority to relay through high frequency broadcast station W2XOY the frequency modulated programs of high frequency broadcast station W2XMN for the period beginning February 11 to not later than March 1, 1941.

W9XZR—Zenith Radio Corp., Chicago, Ill.—Granted special temporary authority to operate a high frequency experimental broadcast station on **32800 kc.**, 5000 watts power, special emission for frequency modulation, with transmitter located at 135 South LaSalle St., Chicago, Ill., instead of 505 N. Michigan Ave., Chicago, as authorized December 21, 1940, for the period ending in no event later than March 1, 1941.

WBOS—Westinghouse Electric & Mfg. Co., Hull Mass.—Granted special temporary authority to operate international broadcast station WBOS with a power of 50 KW using two WL-895R tubes in lieu of tubes specified in construction permit application, File No. B1-PIB-23 for the purpose of obtaining data on performance of such tubes preparatory to securing final approval for a period not to exceed thirty days.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate simultaneously with station KLX from 10 p. m. to 11 p. m., PST, on February 11, 1941, in order to broadcast matter incidental to blackout in cooperation with the American Legion and National Defense Committee only.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted construction permit to install a new transmitter (B5-P-3078).

WIGM—George F. Meyer, Medford, Ore.—Granted modification of construction permit (B4-P-2501, authorizing new station to operate on **1500 kc.**, 100 watts, unlimited time), for extension of commencement date to April 19, 1941 (B4-MP-1159).

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit (B2-P-2658 authorizing increase in power from 1 to 5 KW, using DA at night) for authority to install new transmitter and extend completion date to 180 days after grant (B2-MP-1160).

KATE—Albert Lea Broadcasting Co., Albert Lea, Minn.—Granted modification of license to change name from Albert Lea Broadcasting Co. to Albert Lea-Austin Broadcasting Co., Inc. (B4-ML-1047).

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted authority to determine operating power by direct measurement of antenna input on **1230 kc.**, under NARBA in accordance with Sec. 3.54 (B5-Z-657).

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-659).

WDSM—WDSM, Inc., Superior, Wisc.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-488).

WEDC—Emil Denemark, Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-651).

WMAN—Richland, Inc., Mansfield, Ohio.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-645).

WJJD—WJJD, Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-664).

WCBT—J. Winfield Grew, Jr., Roanoke Rapids, N. C.—Granted modification of construction permit (B3-P-2647, authorizing new station to operate on **1200 kc.**, 250 watts, unlimited time), for approval of studio site at 251 Roanoke Ave., Roanoke Rapids, N. C. (B3-MP-1161).

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Granted modification of construction permit (B4-P-2625 which authorized new equipment, changes in directional antenna system, increase in power to 5 KW day and night) for extension of completion date from February 25 to April 25 (B4-MP-1169).

WBRY—American Republican, Inc., Waterbury, Conn.—Granted modification of construction permit (B1-P-2756, which authorized installation of new transmitter and DA for day and night use and increase in power) for extension of commencement date to February 22, 1941 (B1-MP-1165).

WRLC—R. C. LeTourneau, Toccoa, Ga.—Granted modification of construction permit (B3-P-2767, authorizing a new station to operate on **1420 kc.**, 250 watts, unlimited time), for installation of new transmitter and change type of antenna (B3-MP-1166).

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted modification of construction permit (B3-P-1929, which authorized increase in power to 1 KW night, 5 KW day; change in frequency to **1120 kc.**; new transmitter and installation of DA for night use; and move of transmitter), for changes in transmitting equipment and extension of commencement date to 30 days after grant and completion date to 180 days thereafter (B2-MP-1123).

W45D—The Evening News Assn., Detroit, Mich.—Granted modification of construction permit (B2-PH-21, which authorized a new FM broadcast station) for approval of transmitter, antenna changes, and change in population from 5,641,981 to 2,498,000; **44500 kc.**; 6,820 square miles (B2-MPH-3).

W63NY—Marcus Loew Booking Agency, New York City.—Granted modification of construction permit (B1-PH-3, which authorized a new FM broadcast station), for approval of transmitter and antenna and change population from 13,950,852 to 12,074,192; **46300 kc.**; 8,500 square miles (B1-MPH-1).

W59NY—Frequency Broadcasting Corp., New York City.—Granted modification of construction permit (B1-PH-47, which authorized a new FM broadcast station) for approval of transmitter and change in population from 11,900,000 to 11,000,000; **45900 kc.**; 8,500 square miles (B1-MPH-6).

W45CM—WBNS, Inc., Columbus, Ohio.—Granted modification of construction permit (B2-PH-8, which authorized a new FM broadcast station) for change in type of transmitter; **44500 kc.**; coverage 12,400 square miles (B2-MPH-5).

WEIX—Memphis Publishing Co., Portable-Mobile (Area of Memphis, Tenn.).—Granted construction permit for increase in power of relay station from 5 to 22 watts, and install new transmitter (B3-PRE-378). Also granted license to cover same (B3-LRE-338).

KRJF—Star Printing Co., Miles City, Mont.—Granted modification of construction permit, which authorized a new station, for approval of studio and transmitter sites at U. S. Highway No. 212, south near intersection of road to Miles City Country Club; approval of antenna, and change in type of requested transmitting equipment; **1310 kc.**, 250 watts, unlimited time (B5-MP-1127).

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted petition for leave to amend application of KEEN (KVL, Inc.) for construction permit to change frequency from **1370 kc.** to **1420 kc.**, using 100 watts night, 250 watts day, unlimited time; to substitute Evergreen Broadcasting Corp. as applicant; and show change of call letters to KEVR; complete application to be filed on new form.

WRVA—Larus & Brother Co., Inc., Richmond, Va.—Dismissed without prejudice, at request of petitioner, petition to intervene in the hearing on the application of Symons Broadcasting Co., Ellensburg, Wash., for a new station to operate on **1110 kc.**, 1 KW, unlimited time.

KGIR—KGIR, Inc., Butte, Mont.—Granted motion for authority to take depositions in re application of KGNO, The Dodge City Broadcasting Co., Inc., Dodge City, Kans., for modification of license to increase power to 500 watts night, 1 KW day, on **1340 kc.**

KGIR—KGIR, Inc., and State of Montana.—Granted petition to continue hearing on application of KGNO now scheduled for February 26, for a period of 30 days.

State of Montana—Granted petition to intervene in the hearing on application of KGNO, subject to conditions Attorney General of Montana amend his petition to comply with rules within 10 days after receipt of order.

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Granted motion to consolidate hearing and continue hearing now set for February 17, for period of 20 days, on applications of WGNY, Newburgh, N. Y., and Stephen R. Rintoul, Stamford, Conn., for authority to operate on **1370 kc.**, 250 watts, unlimited time.

Stephen R. Rintoul, Stamford, Conn.—Dismissed petition to intervene in the hearing on application of WGNY listed on previous page; new issue to be incorporated "to determine the radio service available in Stamford and Newburgh."

Park Cities Broadcasting Corp., Dallas, Tex.—Granted motion for consent to amend application for new station to operate on **940 kc.**, 500 watts, unlimited time, so as to change frequency power and type of equipment, etc.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—Granted motion for continuance of deposition proceedings scheduled for February 20, and hearing now scheduled for February 28, on application for construction permit to operate on **940 kc.**, 1 KW, unlimited time, DA day and night, until Commission has acted on petition of KRBC for reconsideration.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted petition to amend application for construction permit to operate on **1100 kc.**, 5 KW night, 10 KW local sunset, DA night, unlimited time, by substituting redesigned directional antenna system and in certain particulars pertaining to equipment.

WOV—Greater New York Broadcasting Corp., New York City.—Dismissed without prejudice petition to intervene in the hearing on application of WDGY listed above.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m., PST, to the conclusion of the Junior Chamber of Commerce Americanism Rally on February 20, 1941, in order to broadcast said rally only.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 to 5 p. m. and from 7:15 to 9:30 p. m., March 1, from 7:15 to 9:30 p. m., March 3. from 7 to 11 p. m., March 7 and 8, from 4 to 5 p. m., March 8 and 15, and from 7:45 to 9:30 p. m., CST, March 15, 1941. in order to broadcast sports events listed in letter dated February 7, 1941, only.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with station KTHS on **1060 kc.**, from 6 p. m. to 9:30 p. m., EST, February 15, 1941, in order to broadcast speech of Thomas S. Beck on the subject "Our South American Relations" only.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitter units to be installed and operated from the State-Lake Bldg., Chicago, Ill.; Link Transmitter Type No. 50-UTX, 100 watts aural; temporary steel tower to be used on roof of said building, in order to conduct tests, from February 18 to not later than March 19, 1941, in accordance with construction permit.

William H. Amesbury, Minneapolis, Minn.—Dismissed application for new broadcast station to operate on **630 kc.**, 1 KW power, unlimited time, using directional antenna night and day (B4-P-2746).

WAKR—Summit Radio Corp., Akron, Ohio.—Dismissed petition without prejudice to applicant filing an amended application showing the proposed antenna pattern, within such period as the Commission may determine. (Applicant requested construction permit to install new transmitter, make changes in directional antenna, and increase power from 1 KW to 5 KW.)

William D. and Violet Hutton Hudson, Clarkville, Tenn.—Granted petition for reconsideration and grant without hearing the application for a new station to operate on **1370 kc.**, 250 watts, unlimited time; cancelled the hearing now scheduled and granted application (B3-P-2983).

Clinton Broadcasting Corp., Clinton, Ia.—Adopted amended order to permit construction of new station authorized on February 4, to commence construction immediately.

Courier-Post Publishing Co., Hannibal, Mo.—Adopted amended order to permit construction of new station authorized on February 4, to commence construction immediately.

Burlington Broadcasting Co., Burlington, Ia.—Adopted decision and order to permit construction of new station to start immediately.

J. Leslie Doss, Bessemer, Ala.—Denied petition requesting Commission to reconsider its action of December 4, 1940, designating for hearing application for new station to use **1370 kc.**, 250 watts power, unlimited time.

APPLICATIONS FILED AT FCC

570 Kilocycles

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Modification of construction permit (B4-P-2579) which authorized installation of directional antenna for night use and increase power, requesting authority to make changes in directional antenna system.

590 Kilocycles

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii. —Construction permit to move formerly licensed RDA 1-D 1 KW transmitter from fronting on Kapiolani Blvd., Honolulu, Hawaii, to Kapiolani Blvd., Honolulu, Hawaii, for use as an auxiliary transmitter.

610 Kilocycles

NEW—Inter-City Advertising Co., Charlotte, N. C.—Construction permit for a new station to be operated on **610 kc.**, 500 watts night, 1 KW day, unlimited time, directional antenna day and night, Class III-B. Amended re antenna and to give transmitter site as NW Charlotte, N. C.

620 Kilocycles

NEW—Yankee Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new station to be operated on **620 kc.**, 1 KW, unlimited time, directional antenna day and night, Class III-B.

680 Kilocycles

WPTF—WPTF Radio Company, Raleigh, N. C.—Modification of construction permit (B3-P-2216) as modified, for new equipment, increase in power from 5 KW to 50 KW, changes in directional system, requesting extension of completion date from 3-16-41 to 4-16-41.

780 Kilocycles

KFDY—South Dakota State College, Brookings, S. Dak.—Authority to determine operating power by direct measurement of antenna power on **790 kc.** under North American Regional Broadcasting Agreement.

KFDY—South Dakota State College, Brookings, S. Dak.—Authority to make changes in automatic frequency control equipment on **790 kc.** under North American Regional Broadcasting Agreement.

800 Kilocycles

WFAA—A. H. Belo Corp., Dallas, Tex.—Authority to determine operating power by direct measurement of antenna power on **820 kc.** under North American Regional Broadcasting Agreement.

WBAP—Carter Publications, Inc., Fort Worth, Tex.—Authority to determine operating power by direct measurement of antenna power on **820 kc.** under North American Regional Broadcasting Agreement.

920 Kilocycles

NEW—Alamance Broadcasting Co., Inc., Burlington, N. C.—Construction permit for a new station to be operated on **890 kc.**, **920 kc.** under the North American Regional Broadcasting Agreement, 1 KW, daytime, Class III.

940 Kilocycles

NEW—Park Cities Broadcasting Corp., Dallas, Tex.—Construction permit for a new station to be operated on **940 kc.**, 500 watts, unlimited time, Class III-B. Amended re stock ownership.

950 Kilocycles

WTRY—Troy Broadcasting Company, Inc., Troy, N. Y.—License to cover construction permit (B1-P-2910) to install directional antenna, change time from daytime to unlimited time, using 1 KW power night and day.

WTRY—Troy Broadcasting Company, Inc., Troy, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WRC—National Broadcasting Co., Inc., Washington, D. C.— Modification of construction permit (B1-P-243) as modified for increase in power and installation of directional antenna for night use, requesting extension of completion date from 3-5-41 to 4-5-41.

1120 Kilocycles

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Modification of construction permit (B1-P-2710) for change in hours of operation and installation of directional antenna for night use, requesting approval of directional antenna for night use and approval of transmitter site at 300 feet northeast of present site, Speedway West of Soldiers Field, Boston, Mass.

1140 Kilocycles

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Extension of special experimental authorization to operate unlimited time, directional antenna after sunset at Tulsa, Okla., period 8-1-40 to 8-1-41. Amended to change name from Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcasting Station WAPI) to Voice of Alabama, Inc., and change period 8-1-40 to 8-1-41 to period beginning 3-29-41.

1170 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power on **1170 kc.**, and under North American Regional Broadcasting Agreement **1210 kc.**

1180 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.— Modification of construction permit (B5-P-2783) as modified, for changes in equipment, increase in power from 10 KW to 50 KW, requesting extension of completion date from 3-8-41 to 5-7-41.

1200 Kilocycles

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Authority to determine operating power by direct measurement of antenna power.

NEW—Mosby's Incorporated, Anaconda, Mont.—Construction permit for a new station to be operated on **1110 kc.**, 500 watts night, 1 KW day, unlimited time. Amended to change requested frequency from **1110 kc.** to **1200 kc.** (Class IV), power from 500 watts night, 1 KW day, to 250 watts;

make changes in requested antenna; change requested type of transmitter, and give transmitter and studio sites as Lincoln St., north of Front, Anaconda, Mont.

WOLS—O. Lee Stone, Florence, S. C.—Authority to determine operating power by direct measurement of antenna power.

WBLJ—Dalton Broadcasting Corp., Dalton, Ga.—Authority to transfer control of corporation from J. B. Roach to Kenemer Brothers, 59 shares of common stock.

WCED—The Tri-County Broadcasting Co., DuBois, Penna.—Authority to determine operating power by direct measurement of antenna power.

KPHO—M. C. Reese, Phoenix, Ariz.—Construction permit to install a new transmitter.

WJOB—O. E. Richardson & F. L. Adair, Hammond, Ind.—Authority to determine operating power by direct measurement of antenna power.

1210 Kilocycles

WATN—Watertown Broadcasting Corp., Watertown, N. Y.—License to cover construction permit (B1-P-809) as modified for a new station.

WATN—Authority to determine operating power by direct measurement of antenna power.

WLAG—LaGrange Broadcasting Co., LaGrange, Ga.—Modification of construction permit (B3-P-2763) for a new station, requesting authority to install a new transmitter and make changes in antenna.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Penna.—Voluntary assignment of license from John H. Stenger, Jr., to Wilkes-Barre-Scranton Broadcasting Co., Inc.

WGGA—Henry Estes, Austin Dean and L. H. Christian, d/b as Gainesville Broadcasters, Gainesville, Ga.—Modification of construction permit (B3-P-2627) for a new station, requesting approval of antenna, and approval of transmitter and studio sites at Atlanta Road, Gainesville, Ga. Amended to give transmitter and studio sites as Athens Road, Gainesville, Ga., make changes in requested antenna, and request frequency **1240 kc.** under North American Regional Broadcasting Agreement.

1230 Kilocycles

NEW—Texas Star Broadcasting Co., Houston, Tex.—Construction permit for a new station on **1210 kc.,** 250 watts, unlimited time, Class IV. Amended to change frequency from **1210 kc.** to **1230 kc.** under North American Regional Broadcasting Agreement.

WNAC—The Yankee Network, Inc., Boston, Mass.—Modification of construction permit (B1-MP-322) for increase in power, changes in equipment and installation of directional antenna for day and night use, requesting extension of commencement dates from 9-29-40 and 3-24-41 to 3-29-41 and 6-29-41 respectively.

WFBM—WFBM, Inc., Indianapolis, Ind.—Modification of construction permit (B4-ML-354) to increase power using directional antenna at night requesting extension of completion date from 2-25-41 to 4-25-41.

1260 Kilocycles

WHLD—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Authority to determine operating power by direct measurement of antenna power, under North American Regional Broadcasting Agreement **1290 kc.**

KOIL—Central States Broadcasting Co., Lincoln, Nebr.—Authority to determine operating power by direct measurement of antenna power.

1300 Kilocycles

WHBL—Press Publishing Company, Sheboygan, Wis.—Construction permit to increase power from 250 watts night, 1 KW day to 1 KW day and night, and install directional antenna for night use. Class III-A. Amended: re changes in directional antenna system.

1310 Kilocycles

WBRK—Harold Thomas, Pittsfield, Mass.—Authority to install new automatic frequency control equipment on **1340 kc.** under North American Regional Broadcasting Agreement.

KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Authority to determine operating power by direct measurement of antenna power on **1340 kc.** under North American Regional Broadcasting Agreement.

1330 Kilocycles

KGB—Don Lee Broadcasting System, San Diego, Calif.—Modification of construction permit (B5-P-2940) for changes in equipment, requesting extension of commencement and completion dates from 10-10-40 and 4-10-41 to 4-10-41 and 6-9-41 respectively.

1350 Kilocycles

KTSM—Tri State Broadcasting Co., Inc., El Paso, Tex.—Modification of license to increase power from 500 watts to 1 KW. Amended: to request power of 500 watts night, 1 KW day.

1370 Kilocycles

WCNC—Aubrey G. McCabe & Trim W. Aydlett, d/b as Albemarle Broadcasting Co., Elizabeth City, N. C.—Voluntary assignment of license from Aubrey G. McCabe and Trim W. Aydlett, d/b as Albemarle Broadcasting Co. to Albemarle Broadcasting Co. Amended: re corporate structure.

KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Construction permit to change frequency from **1370 kc.** to **1210 kc.,** increase power from 100 watts to 250 watts, and install new equipment.

WDEF—Joe W. Engel, Chattanooga, Tenn.—Authority to determine operating power by direct measurement of antenna power.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Authority to determine operating power by direct measurement of antenna power.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Authority to make changes in automatic frequency control equipment on **1400 kc.** under North American Regional Broadcasting Agreement.

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Modification of license to change frequency from **1370 kc.** to **1210 kc.**

1430 Kilocycles

KGEZ—Donald C. Treloar, Kalispell, Mont.—Modification of construction permit (B3-P-2573) for new transmitter, increase in power and change of frequency, requesting authority to install directional antenna for night use.

WOKO—WOKO, Inc., Albany, N. Y.—Authority to determine operating power by direct measurement of antenna power.

KINY—Edwin A. Kraft, Juneau, Alaska.—Construction permit to make changes in equipment and antenna and increase power from 1 KW to 5 KW.

1500 Kilocycles

WSYB—Philip Weiss, tr/as Philip Weiss Music Co., Rutland, Vt.—Construction permit to install new transmitter, directional antenna for night use, increase power from 250 watts to 1 KW, and change frequency from **1500 kc.** to **1350 kc.**

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Authority to transfer control of corporation from James F. Hopkins to Richard A. Connell, 110 2/3 shares of stock.

1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-P-3027) to move old main transmitter to site of main transmitter, for use as auxiliary transmitter with power of 1 KW, emergency use only.

FM APPLICATIONS

NEW—Gibraltar Service Corporation, Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **46100 kc.,** 9,318 square miles, population 3,998,402.

NEW—General Electric Co., Schenectady, N. Y.—Modification of construction permit (B1-PH-19) for a new high frequency broadcast station, requesting approval of transmitter, changes in antenna, and change population from 1,560,000 to 805,060.

NEW—News Syndicate Co., Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.,** 8,500 square miles, population 11,212,416. Amended to change type of transmitter.

NEW—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **48300 kc.,** 9,110 square miles, population 11,717,445. Amended to change coverage from 9,110 to 8,550 square miles, and population from 11,717,445 to 10,817,455.

NEW—The Yankee Network, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **46700 kc.**, 8,500 square miles, population 11,298,250, transmitter to be located at Palisades Park, Clifside, N. J. Amended to change frequency from **46700 kc.** to **44700 kc.**, and give location of studio as 25 W. 45th St., New York, N. Y.

NEW—Metro-Goldwyn-Mayer Studios, Inc., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on **45500 kc.** 7,060 square miles, population 2,467,178, with directional antenna.

NEW—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **48300 kc.**, 9,600 square miles, population 3,900,000. Amended to change coverage from 9,600 to 9,400 square miles.

TELEVISION APPLICATIONS

NEW—Allen B. DuMont Laboratories, Inc., Portable-Mobile (Area of New York, N. Y.).—License to cover construction permit (B1-PVB-70) for a new television station.

NEW—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-30) as modified for a new television broadcast station, requesting extension of completion date from 2-13-41 to 4-13-41.

MISCELLANEOUS APPLICATIONS

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new special relay broadcast station to be operated on **330000, 333000, 336000 kc.**, or any three suitable frequencies in the band **330** to **350 mc.**, 25 watts, special emission for frequency modulation.

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new special relay broadcast station to be operated on **330000, 333000, 336000 kc.**, or any three suitable frequencies in the band **330** to **350 mc.**, 25 watts, special emission for frequency modulation.

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new special relay broadcast station to be operated on **330000, 333000, 336000 kc.**, or any three suitable frequencies in the band **330** to **350 mc.**, 25 watts, special emission for frequency modulation.

WEPA—Edwin H. Armstrong, Portable-Mobile (area of New York).—Modification of construction permit (B1-PRE-277) as modified for a new special relay broadcast station, for extension of commencement and completion dates from 10-7-40 and 4-20-41 to 60 days after grant and 180 days thereafter, respectively, and specify new group "I" frequencies of **156750, 158400, 159300** and **161100 kc.**

KRCO—Columbia Broadcasting System, Inc., Portable-Mobile (area of Los Angeles, Calif.).—License to cover construction permit (B5-PRE-377) for a new relay broadcast station.

NEW—Echo Park Evangelistic Association, Los Angeles, Calif.—Construction permit for a new relay broadcast station to be operated on **350000 kc.**, or any channel allotted by FCC, 20 watts, special emission for frequency modulation with 100 maximum swing for 100 per cent modulation.

NEW—Guy S. Cornish, Portable-Mobile (area of Cincinnati, Ohio).—License to cover construction permit (B2-PARE-1) for a new Class II experimental public address relay station.

KALW—Board of Education of the San Francisco Unified School District, San Francisco, Calif.—Modification of construction permit (B5-PED-14) to make changes in equipment.

NEW—Echo Park Evangelistic Association, Portable-Mobile (area of Los Angeles, Calif.).—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 40 watts, A-3 emission.

NEW—J. J. White, tr/as Greenville Broadcasting Co., Portable-Mobile (area of Greenville, N. C.).—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 40 watts, A-3 emission.

WBKY—University of Kentucky, Beattyville, Ky.—License to cover construction permit (B2-PED-17) for a new noncommercial educational station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Continental Premium Mart—Complaints have been issued charging Continental Premium Mart, Milwaukee, a distributor of novelty jewelry and other merchandise, and Irving Cohn, trading as Irvin Novelty Co., Danville, Ill., a distributor of candy and novelty merchandise, with the use of lottery methods in the sale of their products.

The respondents, according to the complaints, sell to dealers assortments of their merchandise so packed and assembled as to involve the use of a lottery scheme when the merchandise is sold to the consuming public.

Charging that the respondents' practices have been contrary to Federal Government public policy and the Federal Trade Commission Act, the complaints grant the respondents 20 days for filing answers. (4462-4464)

Grand Rapids Furniture Company, Inc.—A complaint has been issued charging Grand Rapids Furniture Co., Inc., 300-302 Monroe St., Passaic, N. J., with misrepresenting, through use of the name "Grand Rapids" in its corporate name and through representations made in its advertising and otherwise, that it deals exclusively in furniture manufactured and originating in Grand Rapids, Mich. Pointing out that furniture made in Grand Rapids has widespread good will and popularity, the complaint alleges that only a small portion of the respondent's furniture is made there. The complaint grants the respondent corporation 20 days for answering the charges. (4463)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Eaula Candy Company—Paul Botwin and Eaula Louise Botwin, trading as Eaula Candy Co., Columbia, S. C., have been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a game of chance, gift enterprise or lottery scheme.

According to Commission findings, the respondents distribute candy and other merchandise to operators of, and concessionaires with, motion picture and burlesque theaters and tent shows.

The respondents are further ordered to cease selling or distributing any merchandise so packed and assembled that its sale to the public may be made by means of a lottery, and to discontinue supplying others with assortments of individual packages or boxes of candy, together with other articles of merchandise of varying values, or separately, which other articles may be distributed by means of a game of chance to purchasers of the individual packages or boxes of candy. (3249)

Empire State Candy Company—B. M. Bennett, trading as Empire State Candy Co., Athens, Ga., and York Cone Co., York, Pa., have been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a game of chance, gift enterprise or lottery scheme.

Empire State Candy Co. is further ordered to cease selling or distributing candy or any merchandise so packed and assembled that its sale to the public may be made by means of a lottery, and to discontinue supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which devices may be used in selling such candy or merchandise to the public. (4400-3891)

E. B. Hall, trading as E. W. Hall, 3679 Olive St., St. Louis, has been ordered to cease and desist from disseminating advertisements representing that "Texas Wonder", a medicinal preparation, is a cure or remedy for inflammation of the bladder or kidneys, stones in the kidneys, tuberculosis of the kidneys, or any other bladder or kidney disorders, or for diabetes, rheumatism, swollen joints, weak or lame back, pains in the back, or lumbago.

The order also directs the respondent to discontinue advertising that the preparation possesses any therapeutic value in the treatment of any of the ailments mentioned, in excess of such slight symptomatic relief as it may afford in cases of swollen joints and pains in the back, because of its mild diuretic properties. (4330)

Jacobs Candy Co., Inc., New Orleans, and H. & D. Sales Co., and Nathan J. Hubbard and Arthur Easton Davis, its officers, Knoxville, Tenn., have been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a game of chance, gift enterprise or lottery scheme.

Jacobs Candy Co., Inc., manufacturer of candy and nut confections, is ordered to cease selling and distributing any merchandise so packed and assembled that its sale to the public may be made by means of a lottery, and to discontinue supplying others with assortments of merchandise, together with push or pull cards, punch boards or other devices, or separately, which devices may be used in selling merchandise to the public by means of a lottery scheme. (3586)

H. & D. Sales Co., and the respondents Hubbard and Davis, distributors of knives, fountain pens, flashlights and other merchandise, are directed to cease supplying to others any merchandise, together with punch boards, push or pull cards, or other lottery devices, or such devices either with assortments of merchandise or separately, which devices may be used in selling or distributing such merchandise to the public. (3956)

Simmon's Cut Rate Drug Store—Carl D. Bates, trading as Simmon's Cut Rate Drug Store, Canandaigua, N. Y., has been ordered to cease advertising that "Mrs. Bee Femo Caps," a medicinal preparation also known as "Femo Caps" and "Bee Caps," is competent for treating delayed menstruation, and is safe and harmless. The order also prohibits dissemination of advertising which fails to reveal that use of the preparation may cause gastro-intestinal disturbances and other serious ailments or conditions. (4366)

Allen B. Wrisley Company—An order of April 6, 1939, which had directed Allen B. Wrisley Co., and others, Chicago, to cease and desist from misrepresentation of the olive oil content of certain soaps, has been modified.

Respondents in the case are Allen B. Wrisley Co. and Allen B. Wrisley Distributing Co., also trading as Regal Soap Co., and Karl Mayer, George A. Wrisley and Wrisley B. Oleson, trading as Karl Mayer & Co., all of Chicago.

Upon petition of the respondents, the United States Circuit Court of Appeals, Chicago, had reviewed the Commission's order, and directed that it be modified in some particulars.

Under the Commission's order as modified, the respondents are directed to cease representing that a soap which does not contain olive oil to the exclusion of all other oils is an olive oil soap.

The respondent further is ordered to cease using the brand names or labels "Olivilo", "Royal Olive Oil Pure", "Purito Olive Oil Castile", "Olive-Skin Pure Toilet Soap", or "Del Gloria Castile Made With Pure Olive Oil" or other similar brand names or labels containing the word "Olive" or the letters "Oliv" or any equivalent term, to refer to soap the oil content of which is not wholly olive oil.

The order further provides that nothing contained therein shall prevent the respondents from using brand names containing the word "olive", or any derivative thereof or other similar words, to describe a soap containing olive oil combined with other oils if the respondent shall clearly and truthfully designate that such soap is not made wholly of olive oil, and if olive oil is present in an amount sufficient substantially to effect its detergent or other qualities.

The prohibitions of the Commission's modified order are not to apply to the trade names or labels "Palm and Olive Oil Soap", "Palm and Olive Soap", and "Oliv-Palm Complexion Soap." (3021)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

Arthrene Company—F. B. Allderdice, trading as Arthrene Co., Jacksonville, Fla., agrees to cease advertising that the product "Arthrene" produces circulation, reduces swelling, dissolves crystals or cleanses the blood of uric acid, and that it is an effective remedy or cure for arthritis, neuritis, sciatica, rheumatism or gout, or has any therapeutic value in the treatment of these ailments in excess of affording temporary symptomatic relief. (02729)

Lillian M. Camp, 246 Fifth Ave., New York, a dealer in products designed to improve personal appearance has entered into a stipulation to cease advertising that her product "Superior Hair Pencils" will have any effect on the roots of the hair; that her product "Leg Pads" are approved by the American Medical Association, and that she owns or controls a shop wherein she employs the makers of wigs and hair goods. The respondent further stipulates that she will desist from representing, by use of the brand name "Face Lifters" or otherwise, that she possesses a commodity that will alter the shape or structure of the face. (02731)

Cooter Brokerage Company—Paul M. Cooter, trading as Cooter Brokerage Co., Merchandise Mart, Chicago, has stipulated to cease advertising that "Moon Rose Complexion Soap" reconditions or fortifies the skin, replaces the oils of the skin, stimulates the oil glands of the skin, and causes the skin to breathe. The respondent further agrees to discontinue representing that Moon Rose Complexion Soap penetrates the pores or has any effect on the skin other than to cleanse the surface, and that use of the product prevents blemishes, enhances beauty, or causes one to look young. (02733)

General Laboratories, Inc., Des Moines, Iowa, stipulates that it will discontinue using the word "Laboratories" in its trade name until such time as it shall own or control an adequately equipped and supervised laboratory. The respondent further agrees to cease representing that "Blue Cross Rat Killer" will prevent rats from destroying baby chicks; that the product is recommended by the United States Government; that it will kill rats instantly, rid rat-infested areas of rats, is the most effective or economical poison on the market, and that rates which consume a killing potion will not die on the premises. (02732)

Mrs. W. W. Hadley—Trading as Mrs. W. W. Hadley, Kate J. Hadley, 175 Tremont St., Boston, entered into a stipulation to cease advertising that "Indian Preparation", a depilatory, is an effective cure for superfluous hair; that it is not a depilatory or that no similar products are used by dermatologists or sold in the proprietary trade, and that the preparation will open the pores, loosen the hair follicles, gradually destroying the roots of the hair, or remove superfluous hair without injury to the skin. The respondent further agrees to cease representing, through use of the word "Indian" in the trade name or by pictorial representations, that the formula of her preparation was obtained from the Indian race. (02735)

Link Chemical Co., 520½ Commercial St., Emporia, Kans., agrees to discontinue advertising that "G-I-M-P First Aid" is a competent treatment for strains, sprains, muscular aches and soreness and has any therapeutic value in treating these conditions in excess of affording a temporary relief from superficial pains. The respondent also agrees to discontinue representing that the preparation is effective for treating colds; that it is effective for treating athlete's foot in excess of affording temporary relief from itching; that the preparation penetrates into the tissues and kills infection and that there is no other germicide possessing equal germicidal properties which is equally safe. (02730)

Login Corporation, San Francisco, originally organized as L. P. Ginsburg & Co., Inc., and Louis P. Gainsborough, president and principal owner, have entered into a stipulation to cease certain representations in the sale of peat moss.

The stipulation relates that in advertisements the respondents employed the name "Viking Swedish Peat Moss" and the trade name "Svenska Peat Aktiebolaget", accompanied by the words "Stockholm, Rotterdam, London", and "San Francisco Office, 149 California St." According to the stipulation, the respondent also advertised that "Arrangements have been perfected for exporting the finest of our Swedish Peat Moss to America for distribution direct-to-users at considerable savings."

However, according to the stipulation, Login Corporation with its principal place of business in San Francisco, is not a Swedish corporation with a San Francisco branch office and does not sell peat moss direct from Sweden to American consumers.

Under their stipulation, the respondents agree to cease making representations of this character.

The stipulation points out that Login Corporation, at its San Francisco headquarters, packs fruit and exports it to Europe where, in London and Rotterdam, respectively, it controls two subsidiary companies operating under the name L. P. Ginsburg & Co. (3036)

John A. Martin, 93 Atlantic St., Jersey City, N. J., a manufacturer of preparations for treating the hair or scalp, entered into a stipulation in which he agrees to discontinue the use in advertisements of the words "Nu Gro" or "Nu Hair" or any other words consisting of a combination of letters the resultant normal pronunciation of which simulates the words "New Grow" or "New Hair," as a trade designation for such products. The stipulation points out that the respondent's products so advertised will not cause hair to grow or promote its growth. (3035)

N. J. Newman Advertising Agency—N. J. Newman, trading as N. J. Newman Advertising Agency, 810 South Spring St., Los Angeles, in disseminating advertisements of "Entromul" on behalf of Thomas J. McBride, trading as The Entromul Co., Los Angeles, agrees to cease representing that the preparation will have a beneficial influence on an excess acid condition of the bowels or colon and that it has any significant value in the treatment of simple mucous colitis. (02734)

Oneida Chemical Company, Utica, N. Y., agrees to cease advertising that "Rat-Bombs" or "Oneida Ratsirup" are effective in destroying mice other than common house mice; that the products are endorsed by the United States Department of Agriculture, and that use of the products will make rats and mice go outside or underground to die, except in cases where their burrows or habitats are underground or outside of the homes or other buildings. (02727)

Pompeian Company, Inc., 4201 Philadelphia Ave., Baltimore, has stipulated to cease advertising that "Pompeian Milk Massage Cream" works differently from regular or ordinary cosmetic cleansing creams; that its use will remove dirt to a greater extent than ordinary cleansing methods, including soap and water, and that use of the preparation will leave the face "looking years younger". (02736)

Roy Tailors—Roy D. Pastor and Abraham Nathan, trading as The Roy Tailors, 21 West Third St., Cincinnati, have entered into a stipulation in which they agree to cease using certain representations in the sale of men's clothing.

The respondents stipulate that they will discontinue employing the word "Virgin" to designate the wool fiber in any fabric used in manufacturing their garments, when such fiber is not new wool (wool which has never been reclaimed from any spun, woven, knitted, felted or otherwise manufactured product).

Under their stipulation, the respondents further agree to cease employing the words "wool", "woolen", "all wool", "worsted", "tropical worsted", "Cheviot" or any other term descriptive of wool to refer to any fabric or product not consisting wholly of wool. The stipulation provides that in the case of fabrics or products composed partly of wool and partly of other fibers, such terms may be used as descriptive of the wool content if there are also employed in immediate connection therewith and in conspicuous type other words truthfully designating each constituent fiber or material in the order of its predominance by weight, beginning with the largest single constituent. If any particular fiber is not present in substantial amount by weight then the percentage in which it is actually present is to be disclosed.

The respondents further stipulate that they will cease using the word "silk" to refer to any fiber not obtained from the cocoon of the silkworm.

The respondents further agree that no provision of their stipulation shall be construed as permitting the labeling of any wool product in any manner other than in strict conformity with the provisions of the Wool Products Labeling Act of 1939, after its effective date, July 14, 1941. (02737)

Frank R. Waxman, Raymond-Commerce Building, Newark, N. J., in disseminating advertisements of "Bilaphen Tablets" on behalf of Victoria Chemical Company, Newark, stipulates that he will cease representing that the product will aid in relieving an upset stomach, unless limited to relief of the condition when due to constipation. The respondent also agrees to desist from advertising that Bilaphen Tablets will cause the liver to return to normal functioning and will cause normal or natural movements. (02728)

Zehr & Company—James A. Zehr and Jacob H. Zehr, trading as Zehr & Co., Pettisville, Ohio, have entered into a stipulation in which they agree to cease representing that "Zerco Dri-Cod", a poultry and livestock feed, when admixed to other feeds, assures a balanced ration at all times, when in fact such is not the case.

The respondents further agree to cease employing the word "balanced", alone or in connection with the word "completely", as descriptive of their product, and to desist from use of the statement "The completely balanced cod liver oil powder" or other similar representation implying that their feed is lacking in no essential nutritional factor. (3034)

FTC CLOSES SEVERAL CASES

The Federal Trade Commission closed its proceeding against Clover Farm Stores Corporation and its wholly owned subsidiary, The Lane Lease Company, both of 4300 Euclid Ave., Cleveland, without prejudice to the Commission's right to resume proceedings, should the facts so warrant. The respondents had been charged with violation of the brokerage provision of the Robinson-Patman Act.

According to information received by the Commission, The Lane Lease Company has been dissolved; its brokerage business has been terminated and the Clover Farm Stores Corporation does not intend to assume the dissolved corporation's business or engage in the business of a food broker.

The Commission has also dismissed its complaint issued in April, 1938, charging the Gulf Refining Company, Pittsburgh, with violation of the Federal Trade Commission Act in the sale of lubricating oil.

Also the Commission closed its proceeding against Clover Farm Stores Corporation and its wholly owned subsidiary, The Lane Lease Company, both of 4300 Euclid Ave., Cleveland, without prejudice to the Commission's right to resume proceedings, should the facts so warrant. The respondents had been charged with violation of the brokerage provision of the Robinson-Patman Act.

According to information received by the Commission, The Lane Lease Company has been dissolved; its brokerage business has been terminated and the Clover Farm Stores Corporation does not intend to assume the dissolved corporation's business or engage in the business of a food broker.

The Commission closed its proceeding against Clover Farm Stores Corporation and its wholly owned subsidiary, The Lane Lease Company, both of 4300 Euclid Ave., Cleveland, without prejudice to the Commission's right to resume proceedings, should the facts so warrant. The respondents had been charged with violation of the brokerage provision of the Robinson-Patman Act.

According to information received by the Commission, The Lane Lease Company has been dissolved; its brokerage business has been terminated and the Clover Farm Stores Corporation does not intend to assume the dissolved corporation's business or engage in the business of food broker. (4334)

The Commission has closed its case against Merchant Calculating Machine Company, Oakland and Emeryville, Calif., and Dwight R. Cooke, its district manager for Washington, D. C. and certain areas of Virginia and Maryland, without prejudice to the Commission's right to resume proceedings, should the facts so warrant. The respondent had been charged with violation of the Federal Trade Commission Act in the sale of calculating machines. (3970)

November 1941 Broadcast Advertising Unit Report

The volume of broadcast advertising in the month of November, in terms of time units, is presented on the following pages as reported by 203 broadcasting stations and the national networks. The report of national network business presented herein is complete since it includes the business of the Columbia Broadcasting System, the Mutual Broadcasting System and the National Broadcasting Company. Non-national network business presented herein (regional network, national spot and local business), is not complete for the entire industry; the figures represent the total of such business placed on the 203 stations reporting.

On the last page of this analysis, there appears a complete roster for the 203 stations for November business. There is included also in the list seven additional stations reporting for the month, but from which reports were received too late for inclusion in this tabulation.

A majority of the stations reporting November business had also reported for the months of September and October. However, there is not a constant sample of stations for the three months and this fact is mentioned because it impairs comparison of unit volume presented for those months. An analysis of the reporting stations discloses that of the 216 stations reporting for September, 43 failed to report in October. There were 32 new stations reporting in the month of October, bringing the total of October reports to 205. Of the 205 October reports, 25 stations failed to report November business and 30 new stations reported, bringing the November total to 210. Further, 9 of the 30 stations reporting November business which had not reported in October had reported in September and were renewing their cooperation.

It is obvious from the above discussion of the sample represented here that it is not possible to compare reliably the November reports with those of October and September. Two developments are needed in this Broadcast Advertising Volume Analysis to establish statistical stability—consistent month-by-month reporting of cooperating stations—and more stations cooperating.

The Legend

A program unit equals one minute of program time. An announcement unit is equal to one announcement, unless the time consumed is one and one-half minutes or longer, in which case the units are calculated to the nearest number of minutes.

Advertising business placed in radio is classified under two major headings—"Retail" and "General." Retail Advertising is defined as the advertising placed by businesses which sell direct to consumers. General is that advertising placed by businesses which sell for resale and not direct to consumers.

In Retail Advertising the analysis presented here classifies retail businesses according to their principal retail line. No attempt is made to classify according to specific product advertised. This classification is most useful to the broadcasting industry since advertising is placed by the individual retail store and such buying units as have similar business are grouped together.

In General Advertising the classification is primarily an analysis of the products advertised by businesses engaged in selling to others for resale. The significance of this to the radio industry is that advertising campaigns are carried for individual products and in this analysis similar products are grouped together. Also included in the general classification are such service businesses as Financial, Insurance, Professional and Service, and Transportation which, because of their nature, could not properly be considered retail.

There appears on the following page Table I of the November 1940 Broadcast Advertising Unit Report. In this table, program and announcement units are presented for retail and general advertising with a total of the two showing the source of such business by national network, regional network, national non-network and local placement. The tables which follow present: Table II, program units by type of sponsoring business and source of business, first for retail and then for general advertising. Table III presents program and announcement units by type of sponsoring business and class of station, first for retail advertising and then for general advertising. Table IV presents program and announcement units by type of sponsoring business and by station metropolitan district or city population, first for retail, then for general advertising.

What Does It Show?

In November, the 203 stations reporting and all national networks carried broadcast advertising amounting to 3,885,232 units, divided as follows: Program units, 3,591,708 and announcements units, 293,425.

Although direct comparison with October is not accurate, there is shown a decrease from October to November of about 15%. One factor seriously affecting November advertising volume is a thirty-day month against the thirty-one day October and the situation of October having five Tuesdays, Wednesdays and Thursdays for the month, as compared to November with five

Fridays and Saturdays. Also, the political advertising carried during October was more than two and one-half times as great as that placed in November. The third factor is that of the World Series baseball broadcasts sponsored by Gillette Safety Razor which, of course, did not repeat in November.

There are some significant gains in advertising by various retail classifications. Boots and Shoes increased in program units to offset a decrease in announcement units. There was a slight increase in program units of Department and Dry Goods Stores, although announcement units fell off. Drug Store experience was the same. Electric and Gas Appliances and Supplies rose in both program and announcement units. Furniture and Home Furnishings up in program units, off in announcement units. Grocers and Food Stores up sharply in program units, off in announcement units. Sporting Goods up in both program and announcement units. Stationers increased in both. Notable decreases are found in Amusements, Automotive, Bakers, Building Supplies, Heating and Plumbing, Hotels and Restaurants, Jewelers and Miscellaneous.

In General Advertising, gains are found in Agriculture, Automotive, Building Materials, Confections, Educational, Housing Equipment and Supplies, Jewelry and Silverware, Religion, Radio, Tobacco and Wearing Apparel. Notable decreases in General Advertising for November are found in Financial, Industrial, Insurance, Medical, Miscellaneous, Political, Professional, Public Utilities, Publications, Toilet Requisites (explained completely by Gillette World Series mentioned above), and Transportation.

These comparisons of November business with October must be made with realization of the difference of composition in days between the two months. Any increases shown are greater than the figures show and declines are actually less.

How to Use It

Last week, the owner and manager of an NAB member station visited the Research Department and asked, "What good is this report of Broadcast Advertising Units?" This gave your Research Director a welcomed opportunity. Before the manager left, he had discarded his request to discontinue reporting and substituted in his thinking a plan of action secured by a memorandum on his "things-to-do-today" pad.

On his memorandum appeared first a list of missing business developed by comparing his station's October report against the consolidated industry report for that month. There was a second list of business classifications in which he had substantial announcement business, but the industry report showed potential program unit business. The third list was drawn up because of the advance warning found in the consolidated report that he might have difficulty in holding a certain class of accounts. These were indicated by those classes of business in the consolidated report which showed an industry decline or faltered in trend from the previous month's report.

Of course, the NAB member, in drawing up his lists, referred to the tabulation of stations in the same classification as his own and to the business placed in cities of the approximate size in which he operates. Further, he pinned down the local situation he faced in signing retail and general advertising accounts. Naturally, he considered carefully where he gets his business; whether it is local, national spot, regional network or national network.

But the net result—when he left your Research Director's office, he had made a decision—to hold a sales meeting as soon as he could get back to his station.

TABLE I

BROADCAST ADVERTISING—203 STATIONS AND ALL NATIONAL NETWORKS

Source of Business	Retail		General		Total		
	Pgm. Units	Ann. Units	Pgm. Units	Ann. Units	Pgm. Units	Ann. Units	Total
National Network	....	....	2,452,390	....	2,452,390	....	2,452,390
Regional Network	5,145	1,756	98,854	6,549	103,999	8,305	112,304
National Non-Network	57,316	5,596	416,281	87,855	473,597	93,451	567,048
Local	405,105	154,279	156,716	37,390	561,821	191,669	753,490
TOTAL other than National Network	467,566	161,631	671,851	131,794	1,139,417	293,425	1,432,842
GRAND TOTAL	467,566	161,631	3,124,241	131,794	3,591,807	293,425	3,885,232

TABLE II

BROADCAST ADVERTISING—203 STATIONS AND ALL NATIONAL NETWORKS BY TYPE OF SPONSORING BUSINESS AND BY SOURCE OF BUSINESS

RETAIL ADVERTISING UNITS

November 1940

Type of Sponsoring Business	National Network		Regional Network		National Non-Network		Local		Total Other Than National Network		Totals	
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Amusements	------	------	------	**99**	**60**	**111**	**14,739**	**7,938**	**14,799**	**8,148**	**14,799**	**8,148**
011 Theaters	------	------	------	99	------	72	6,056	5,251	6,056	5,422	6,056	5,422
019 Miscellaneous	------	------	------	------	60	39	8,683	2,687	8,743	2,726	8,743	2,726
Automotive	------	------	**390**	**89**	**10,731**	**325**	**37,431**	**16,978**	**48,555**	**17,392**	**48,555**	**17,392**
021 Aviation	------	------	------	26	------	------	------	41	------	67	------	67
022 Garages and Service Stations	------	------	------	35	------	51	9,320	2,802	9,320	3,888	9,320	3,888
024 Parts and Accessories	------	------	------	------	8,580	158	3,695	1,515	12,275	1,673	12,275	1,673
025 Passenger Cars	------	------	390	25	1,200	33	22,246	9,813	23,836	9,871	23,836	9,871
026 Tires and Tubes	------	------	------	------	130	26	2,023	1,189	2,153	1,215	2,153	1,215
027 Trucks	------	------	------	------	------	------	75	82	75	82	75	82
028 Tractors	------	------	------	------	------	------	75	107	75	107	75	107
029 Miscellaneous	------	------	------	3	821	57	------	429	821	489	821	489
Bakeries	------	------	**120**	**4**	**315**	------	**8,536**	**4,244**	**8,971**	**4,248**	**8,971**	**4,248**
039 Miscellaneous	------	------	120	4	315	------	8,536	4,244	8,971	4,248	8,971	4,248
Book Stores	------	------	**420**	------	**60**	------	**300**	**132**	**780**	**132**	**780**	**132**
049 Miscellaneous	------	------	420	------	60	------	300	132	780	132	780	132
Boots and Shoes	------	------	------	**192**	**450**	**99**	**8,291**	**3,890**	**8,741**	**4,181**	**8,741**	**4,181**
051 Men's	------	------	------	------	------	------	130	80	130	80	130	80
052 Men's and Women's	------	------	------	------	------	27	120	102	120	129	120	129
053 Women's	------	------	------	------	------	------	255	188	255	188	255	188
059 Miscellaneous	------	------	------	192	450	72	7,786	3,520	8,236	3,784	8,236	3,784
Building Supplies and Contractors	------	------	**30**	**6**	**110**	**53**	**14,337**	**5,337**	**14,477**	**5,396**	**14,477**	**5,396**
069 Miscellaneous	------	------	30	6	110	53	14,337	5,337	14,477	5,396	14,477	5,396
Clothing Stores	------	------	**1,100**	**488**	**10,032**	**572**	**53,219**	**27,067**	**64,351**	**28,127**	**64,351**	**28,127**
071 Men's	------	------	555	193	8,707	330	19,487	9,243	28,749	9,766	28,749	9,766
072 Men's and Women's	------	------	------	------	------	------	825	896	825	896	825	896
073 Women's	------	------	165	69	95	109	13,209	9,532	13,469	9,710	13,469	9,710
074 Credit Clothing	------	------	------	------	------	26	1,315	1,918	1,315	1,944	1,315	1,944
079 Miscellaneous	------	------	380	226	1,230	107	18,383	5,478	19,993	5,811	19,993	5,811
Dairies	------	------	**240**	------	**390**	**341**	**5,668**	**1,445**	**6,298**	**1,786**	**6,298**	**1,786**
099 Miscellaneous	------	------	240	------	390	341	5,668	1,445	6,298	1,786	6,298	1,786
Department and Dry Goods Stores	------	------	**705**	**52**	**12,023**	**1,649**	**48,072**	**11,814**	**60,800**	**13,515**	**60,800**	**13,515**
159 Miscellaneous	------	------	705	52	12,023	1,649	48,072	11,814	60,800	13,515	60,800	13,515
Drug Stores	------	------	**120**	------	**1,770**	**128**	**14,905**	**3,467**	**16,795**	**3,595**	**16,795**	**3,595**
169 Miscellaneous	------	------	120	------	1,770	128	14,905	3,467	16,795	3,595	16,795	3,595

	Educational	------	------	**60**	**52**	**3,060**	**56**	**2,575**	**1,057**	**5,695**	**1,165**	**5,695**	**1,165**
179	Miscellaneous	------	------	60	52	3,060	56	2,575	1,057	5,695	1,165	5,695	1,165
	Electric and Gas Appliances and Supply	------	------	------	**160**	**20**	**82**	**10,915**	**3,481**	**10,935**	**3,723**	**10,935**	**3,723**
189	Miscellaneous	------	------	------	160	20	82	10,915	3,481	10,935	3,723	10,935	3,723
	Furniture and Home Furnishings	------	------	**120**	**74**	**690**	**20**	**56,576**	**13,964**	**57,386**	**14,058**	**57,386**	**14,058**
219	Miscellaneous	------	------	120	74	690	20	56,576	12,964	57,386	14,058	57,386	14,058
	Grocers and Food Stores	------	------	**1,575**	**85**	**10,515**	**629**	**22,589**	**4,289**	**31,679**	**5,003**	**34,679**	**5,003**
221	Chain	------	------	585	64	10,110	527	275	13	10,970	604	10,970	604
222	Independent	------	------	------	------	------	------	------	------	------	------	------	------
239	Miscellaneous	------	------	990	21	405	102	22,314	4,276	23,709	4,399	23,709	4,399
	Heating and Plumbing	------	------	**60**	**28**	**355**	**103**	**7,470**	**4,343**	**7,885**	**4,474**	**7,885**	**4,474**
249	Miscellaneous	------	------	60	28	355	103	7,470	4,343	7,885	4,474	7,885	4,474
	Hotels and Restaurants	------	------	------	**106**	**990**	**126**	**7,201**	**5,919**	**8,191**	**6,151**	**8,191**	**6,151**
259	Miscellaneous	------	------	------	106	990	126	7,201	5,919	8,191	6,151	8,191	6,151
	Jewelers	------	------	------	------	**475**	**442**	**25,247**	**17,138**	**25,722**	**17,580**	**25,722**	**17,580**
279	Miscellaneous	------	------	------	------	475	442	25,247	17,138	25,722	17,580	25,722	17,580
	Merchandized Chains	------	------	------	------	**1,549**	**498**	**30**	**97**	**1,570**	**595**	**1,570**	**595**
299	Miscellaneous	------	------	------	------	1,540	498	30	97	1,570	595	1,570	595
	Miscellaneous	------	------	**205**	**94**	**2,575**	**289**	**54,956**	**15,175**	**57,736**	**15,558**	**57,736**	**15,558**
301	Agriculture	------	------	------	------	210	86	3,363	832	3,573	918	3,573	918
302	Auctions	------	------	------	------	------	------	65	73	65	73	65	73
303	Beverages	------	------	------	------	------	------	------	------	------	------	------	------
304	Cleaners-Dyers-Laundries	------	------	------	------	160	24	15,648	5,945	15,808	5,969	15,808	5,969
305	Farms and Orchards (Produce)	------	------	------	------	------	33	1,620	433	1,620	466	1,620	466
306	Florists-Nurseries	------	------	120	------	845	------	4,511	1,000	5,476	1,000	5,476	1,000
307	General Stores	------	------	------	------	------	------	4,620	471	4,620	471	4,620	471
308	Confectionery (Ice Cream, etc.)	------	------	------	------	45	74	1,912	667	1,957	741	1,957	741
311	Shoe Repairing	------	------	------	------	195	------	666	337	861	337	861	337
312	Specialty Shops	------	------	35	81	880	17	2,911	4,138	3,826	4,236	3,826	4,236
315	Undertakers	------	------	50	------	------	2	3,175	376	3,225	378	3,225	378
349	Miscellaneous	------	------	------	13	240	53	16,465	903	16,705	969	16,705	969
	Musical Instruments	------	------	------	**156**	**905**	**22**	**5,103**	**1,697**	**6,008**	**1,875**	**6,008**	**1,875**
359	Miscellaneous	------	------	------	156	905	22	5,103	1,697	6,008	1,875	6,008	1,875
	Office Equipment	------	------	------	**26**	**80**	**25**	**250**	**659**	**330**	**710**	**330**	**710**
369	Miscellaneous	------	------	------	26	80	25	250	659	330	710	330	710
	Radio	------	------	------	**30**	------	------	**2,218**	**1,674**	**2,218**	**1,704**	**2,218**	**1,704**
409	Miscellaneous	------	------	------	30	------	------	2,218	1,674	2,218	1,704	2,218	1,704
	Real Estate	------	------	------	**15**	------	------	**1,765**	**444**	**1,765**	**459**	**1,765**	**459**
419	Miscellaneous	------	------	------	15	------	------	1,765	444	1,765	459	1,765	459
	Sporting Goods	------	------	------	------	------	**13**	**1,537**	**388**	**1,537**	**401**	**1,537**	**401**
439	Miscellaneous	------	------	------	------	------	13	1,537	388	1,537	401	1,537	401
	Stationers	------	------	------	------	------	**5**	**670**	**370**	**670**	**375**	**670**	**375**
449	Miscellaneous	------	------	------	------	------	5	670	370	670	375	670	375
	Toilet Goods and Beauty Shops	------	------	------	------	**170**	**8**	**502**	**1,272**	**672**	**1,280**	**672**	**1,280**
459	Miscellaneous	------	------	------	------	170	8	502	1,272	672	1,280	672	1,280
	Totals	------	------	**5,145**	**1,756**	**57,316**	**5,596**	**405,105**	**154,279**	**467,566**	**161,631**	**467,566**	**161,631**

TABLE II—Continued

GENERAL ADVERTISING UNITS

November 1940

	Type of Sponsoring Business	National Network		Regional Network		National Non-Network		Local		Total Other Than National Network		Totals	
		Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
	Agriculture	------	------	**1, 625**	**330**	**12, 150**	**1, 054**	**4, 776**	**869**	**18, 551**	**2, 253**	**18, 551**	**2, 253**
501	Cattle Foods	------	------	600	129	7, 225	495	1, 365	89	9, 190	713	9, 190	713
502	Seeds	------	------	130	198	1, 235	335	240	72	1, 605	605	1, 605	605
503	Farm Machinery	------	------	690	3	1, 305	53	390	60	2, 385	116	2, 385	116
504	Nurseries	------	------	------	------	2, 055	------	------	------	2, 055	------	2, 055	------
505	Live Stock	------	------	195	------	------	67	2, 573	350	2, 768	417	2, 768	417
509	Miscellaneous	------	------	10	------	330	104	208	298	548	402	548	402
	Alcoholic Beverages	------	------	**4, 440**	**500**	**30, 338**	**6, 208**	**3, 430**	**1, 092**	**38, 208**	**7, 800**	**38, 208**	**7, 800**
511	Beers	------	------	3, 880	500	28, 103	5, 277	2, 740	832	34, 723	6, 609	34, 723	6, 609
512	Wines	------	------	560	------	2, 235	931	300	260	3, 095	1, 191	3, 095	1, 191
513	Liquors	------	------	------	------	------	------	390	------	390	------	390	------
519	Miscellaneous	------	------	------	------	------	------	------	------	------	------	------	------
	Amusements	------	------	------	------	------	**275**	**225**	**55**	**225**	**330**	**225**	**330**
529	Miscellaneous	------	------	------	------	------	275	225	55	225	330	225	330
	Automotive	**143, 810**	------	**15, 019**	**528**	**46, 889**	**2, 520**	**4, 677**	**905**	**66, 585**	**3, 953**	**210, 395**	**3, 953**
531	Aviation	------	------	------	------	------	------	------	------	------	------	------	------
533	Gas and Oil	95, 910	------	14, 409	414	41. 295	1, 757	3, 912	470	59, 616	2, 641	155, 526	2, 641
534	Parts and Accessories	------	------	------	65	795	162	------	53	795	280	795	280
535	Passenger Cars	41, 510	------	610	49	4, 184	258	------	69	4, 794	376	46, 304	376
536	Tires and Tubes	6, 390	------	------	------	180	47	115	286	295	333	6, 685	333
537	Trucks	------	------	------	------	------	2	------	------	------	2	------	2
538	Tractors	------	------	------	------	315	------	390	26	705	26	705	26
539	Miscellaneous	------	------	------	------	120	294	260	1	380	295	380	295
	Building Materials	**17, 730**	------	**300**	**38**	**1, 595**	**161**	**781**	**357**	**2, 676**	**556**	**20, 406**	**556**
549	Miscellaneous	17, 730	------	300	38	1, 595	161	781	357	2, 676	556	20, 406	556
	Confections	**48, 370**	------	**995**	**194**	**10, 600**	**3, 968**	**380**	**210**	**11, 975**	**4, 372**	**60, 345**	**4, 372**
559	Miscellaneous	48, 370	------	995	194	10, 600	3, 968	380	210	11, 975	4, 372	60, 345	4, 372
	Educational	**9, 720**	------	------	------	**330**	**63**	------	------	**330**	**63**	**10, 050**	**63**
569	Miscellaneous	9, 720	------	------	------	330	63	------	------	330	63	10, 050	63
	Financial	**4, 540**	------	**400**	**41**	**3, 525**	**1, 102**	**16, 544**	**5, 541**	**20, 469**	**6, 684**	**25, 009**	**6, 684**
571	Banks and Trust Companies	315	------	345	15	780	173	8, 509	2, 687	9, 634	2, 875	9, 949	2, 875
572	Real Estate and Home Financing	------	------	------	------	125	31	2, 255	245	2, 380	276	2, 380	276
573	Stock and Bond Houses	------	------	------	------	------	46	760	26	760	72	760	72
579	Miscellaneous	4, 225	------	55	26	2, 620	852	5, 020	2, 583	7, 695	3, 461	11, 920	3, 461
	Groceries	**954, 335**	------	**36, 986**	**2, 069**	**152, 665**	**24, 398**	**29, 266**	**8, 640**	**218, 017**	**35, 107**	**1, 172, 352**	**35, 107**
581	Baking Products	7, 050	------	3, 150	428	11, 730	3, 550	11, 440	3, 822	26, 320	7, 800	33, 370	7, 800
582	Beverages	------	------	------	------	------	------	------	------	------	------	------	------
583	Coffee and Tea	59, 970	------	2, 595	161	12, 710	1, 696	3, 335	591	18, 640	2, 448	78, 610	2, 448
584	Soft Drinks	15, 510	------	390	163	21, 326	4, 425	1, 645	318	23, 361	4, 906	38, 871	4, 906
589	Miscellaneous	32, 325	------	1, 005	------	3, 530	462	632	251	5, 167	713	37, 492	713
585	Shortening	64, 980	------	2, 535	38	6, 665	736	315	14	9, 515	788	74, 495	788
586	Cereals and Breakfast Foods	135, 322	------	1, 515	64	15, 425	1, 356	------	78	16, 940	1, 498	152, 262	1, 498
587	Condiments	2, 640	------	120	143	1, 245	543	------	41	1, 365	727	4, 005	727
588	Dairy Products	56, 775	------	2, 541	198	4, 790	1, 627	4, 230	1, 200	11, 561	3, 025	68, 336	3, 025
591	Meats-Fish-Poultry	7, 290	------	875	26	8, 980	634	1, 880	1, 055	11, 735	1, 715	19, 025	1, 715
592	Laundry Soaps and Cleansers	315, 675	------	11, 200	152	37, 350	2, 642	294	166	48, 844	2, 960	364, 519	2, 960
593	Flour	68, 956	------	4, 985	76	13, 724	1, 093	975	174	19, 684	1, 343	88, 640	1, 343
594	Sugar	------	------	605	120	10	207	------	------	615	327	615	327
595	Disinfectants and Exterminators	------	------	------	------	730	64	390	30	1, 120	94	1, 120	94
599	Miscellaneous	187, 842	------	4, 570	500	14, 450	5, 363	4, 130	900	23, 150	6, 763	210, 992	6, 763
	Hotels and Resorts	------	------	------	------	------	------	------	------	------	------	------	------
609	Miscellaneous	------	------	------	------	------	------	------	------	------	------	------	------
	Housing Equipment and Supplies	**21, 540**	------	**1. 740**	**81**	**11, 597**	**1, 251**	**4, 420**	**362**	**17, 757**	**1, 694**	**39, 297**	**1, 694**
611	Air Conditioning	------	------	------	------	750	------	------	------	750	------	750	------
612	Automatic Heating	------	------	------	------	3, 130	4	------	60	3, 130	64	3, 130	64
613	Automatic Refrigeration	------	------	------	------	------	------	390	------	390	------	390	------
614	Fixtures	18, 900	------	------	------	720	------	------	------	720	------	19, 620	------
615	Fuel	2, 640	------	480	55	1, 365	222	1, 495	174	3, 340	451	5, 980	451
616	Furniture and Furnishings	------	------	870	26	4, 012	288	1, 050	46	5, 932	360	5, 932	360
617	Heaters and Stoves	------	------	390	------	1, 530	637	1, 485	57	3, 405	694	3, 405	694
629	Miscellaneous	------	------	------	------	90	100	------	25	90	125	90	125
	Industrial	**12, 480**	------	**240**	------	**330**	**18**	**135**	**82**	**705**	**100**	**13, 185**	**100**
639	Miscellaneous	12, 480	------	240	------	330	18	135	82	705	100	13, 185	100

	Insurance	**16,035**	------	**855**	**54**	**4,485**	**309**	**1,320**	**758**	**6,660**	**1,121**	**22,695**	**1,121**
649	Miscellaneous	16,035	------	855	54	4,485	309	1,320	758	6,660	1,121	22,695	1,121
	Jewelry and Silverware	**6,720**	------	------	------	**120**	------	------	------	**120**	------	**6,840**	------
659	Miscellaneous	6,720	------	------	------	120	------	------	------	120	------	6,840	------
	Medical	**269,090**	------	**12,325**	**1,394**	**54,383**	**21,764**	**888**	**160**	**67,596**	**23,318**	**336,686**	**23,318**
669	Miscellaneous	269,090	------	12,325	1,394	54,383	21,764	888	160	67,596	23,318	336,686	23,318
	Miscellaneous	**15,615**	------	**3,620**	**87**	**10,953**	**1,547**	**7,420**	**1,919**	**21,993**	**3,553**	**37,608**	**3,553**
671	Cards and Stationery	3,120	------	------	------	------	125	------	------	------	125	3,120	125
672	Chamber of Commerce and Merchants Associations	------	------	750	------	525	21	4,060	1,523	5,335	1,544	5,335	1,544
673	Pet Foods	5,055	------	------	------	3,033	380	130	------	3,163	380	8,218	380
674	Phonograph Records	------	------	630	------	4,170	124	510	------	5,310	124	5,310	124
675	Veterinary and Animal Medicine	------	------	65	3	1,040	67	90	20	1,195	90	1,195	90
699	Miscellaneous	7,440	------	2,175	84	2,185	830	2,630	376	6,990	1,290	14,430	1,290
	Political	**178,239**	------	**3,879**	**194**	**7,636**	**1,433**	**11,003**	**2,381**	**22,518**	**4,008**	**200,748**	**4,008**
701	Local	------	------	55	------	205	49	2,635	871	2,895	920	2,895	920
702	State	------	------	775	124	2,536	614	1,240	117	4,551	855	4,551	855
703	National	178,230	------	2,119	12	3,020	446	785	128	5,924	586	184,154	586
709	Miscellaneous	------	------	930	58	1,875	324	6,343	1,265	9,148	1,647	9,148	1,647
	Professional and Service	------	------	------	**4**	**550**	**1**	**9,122**	**6,981**	**9,672**	**6,989**	**9,672**	**6,989**
711	Opticians-Optometrists	------	------	------	------	115	1	4,682	4,752	4,797	4,753	4,797	4,753
712	Chiropractors	------	------	------	------	------	------	810	228	810	228	810	228
713	Dentists	------	------	------	------	240	------	2,940	1,737	3,180	1,737	3,180	1,737
714	Physicians (Medical)	------	------	------	------	------	------	120	56	120	56	120	56
715	Hospitals	------	------	------	------	195	------	60	45	255	45	255	45
719	Miscellaneous	------	------	------	4	------	------	510	166	510	170	510	170
	Public Utilities	**10,740**	------	**270**	------	**15,085**	**2,520**	**3,245**	**1,261**	**18,600**	**3,781**	**29,310**	**3,781**
721	Electric Companies	------	------	150	------	6,805	1,628	2,720	769	9,675	2,397	9,675	2,397
722	Gas Companies	------	------	120	------	2,925	255	405	335	3,450	590	3,450	590
723	Electric and Gas Companies	------	------	------	------	4,815	196	------	99	4,815	295	4,815	295
724	Telegraph Companies	------	------	------	------	------	242	------	53	------	295	------	295
725	Telephone Companies	10,740	------	------	------	480	199	------	------	480	199	11,220	199
729	Miscellaneous	------	------	------	------	60	------	120	5	180	5	180	5
	Publications	**6,765**	------	**500**	**52**	**5,848**	**612**	**10,059**	**2,023**	**16,407**	**2,687**	**23,172**	**2,687**
731	Books	5,010	------	5	------	895	88	------	------	900	88	5,910	88
732	Magazines	1,755	------	480	26	2,803	133	------	26	3,283	185	5,038	185
733	Newspapers	------	------	15	------	2,150	355	10,059	1,235	12,224	1,590	12,224	1,590
739	Miscellaneous	------	------	------	26	------	36	------	762	------	824	------	824
	Religion	**52,230**	------	**8,472**	------	**7,815**	------	**41,555**	**221**	**57,842**	**221**	**110,072**	**221**
749	Miscellaneous	52,230	------	8,472	------	7,815	------	41,555	221	57,842	221	110,072	221
	Radio	------	------	**60**	**4**	**2,050**	**169**	**2,715**	**341**	**4,825**	**511**	**4,825**	**514**
751	Sets	------	------	60	4	1,615	126	2,655	330	4,330	460	4,330	460
752	Stations	------	------	------	------	------	------	------	------	------	------	------	------
753	Tubes	------	------	------	------	45	------	------	------	45	------	45	------
759	Miscellaneous	------	------	------	------	390	43	60	11	450	54	450	54
	Sporting Goods	------	------	**60**	------	**120**	**12**	------	------	**180**	**12**	**180**	**12**
769	Miscellaneous	------	------	60	------	120	12	------	------	180	12	180	12
	Tobacco	**274,950**	------	**4,515**	**201**	**11,585**	**1,542**	**1,010**	**323**	**17,110**	**2,066**	**292,090**	**2,066**
771	Cigars	21,765	------	1,350	78	2,085	384	60	34	3,495	496	25,260	496
772	Cigarettes	192,055	------	2,235	110	5,410	926	240	4	7,885	1,040	199,940	1,040
773	Tobacco	61,130	------	300	13	925	161	------	26	1,225	200	62,355	200
774	Miscellaneous Tobacco	------	------	630	------	3,165	46	120	116	3,915	162	3,915	162
779	Miscellaneous	------	------	------	------	------	25	620	143	620	168	620	168
	Toilet Requisites	**371,915**	------	**2,100**	**69**	**18,655**	**5,104**	**265**	**127**	**21,020**	**5,309**	**392,935**	**5,300**
781	Antiseptics	------	------	------	------	345	99	30	------	375	99	375	99
782	Dentifrices	83,250	------	315	------	1,958	577	------	------	2,273	577	85,523	577
783	Perfumes-Cosmetics-Lotions	61,005	------	120	5	2,470	1,701	------	15	2,590	1,721	63,595	1,721
784	Toilet Soaps	150,795	------	------	26	8,595	785	------	------	8,595	811	159,390	811
789	Miscellaneous	76,865	------	1,665	38	5,287	1,942	235	112	7,187	2,092	84,052	2,092
	Transportation	**2,550**	------	**270**	**152**	**2,000**	**919**	**2,565**	**2,470**	**4,835**	**3,541**	**7,385**	**3,541**
791	Airways	1,950	------	------	------	------	3	------	------	------	3	1,950	3
792	Bus Lines	------	------	195	97	350	134	420	444	965	675	965	675
793	Railroads	600	------	75	13	1,650	278	300	133	2,025	424	2,625	424
794	Steamships	------	------	------	------	------	30	------	8	------	38	------	38
795	Tours	------	------	------	26	------	------	180	4	180	30	180	30
799	Miscellaneous	------	------	------	16	------	474	1,665	1,881	1,665	2,371	1,665	2,371
	Wearing Apparel	**11,580**	------	**1,083**	**197**	**4,785**	**903**	**885**	**123**	**6,753**	**1,223**	**18,333**	**1,223**
801	Men's Wear	10,980	------	------	------	810	81	60	7	870	88	11,850	88
802	Women's Wear	------	------	------	------	60	32	------	------	60	32	60	32
809	Miscellaneous	600	------	1,083	197	3,915	790	825	116	5,823	1,103	6,423	1,103
	Watches	------	------	------	**360**	**192**	**10,002**	------	**186**	**192**	**10,518**	**192**	**10,548**
819	Miscellaneous	------	------	------	360	192	10,002	------	186	192	10,548	192	10,548
	MBS Locally Sponsored	**23,445**	------	------	------	------	------	------	------	------	------	**23,445**	------
	Totals	**2,452,390**	------	**98,854**	**6,519**	**416,281**	**87,855**	**156,716**	**37,390**	**671,851**	**131,794**	**3,124,241**	**131,794**

TABLE III

STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK) BY TYPE OF SPONSORING BUSINESS AND BY CLASS OF STATION

RETAIL ADVERTISING UNITS

November 1940

		Clear Channel Stations				Regional Stations						Local Stations						Totals	
		Unlimited		Part-Time		Unlimited		Limited & Day		Part-Time		Unlimited		Day		Part-Time			
	Total Commercial Operating Stations	45		8		240		68		31		360		10		26		788	
	Total Stations Reporting	29		5		87		15		2		64		0		1		203	
	Type of Sponsoring Business	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
	Amusements	**270**	**236**	**45**	**73**	**5,953**	**2,824**	**792**	**645**	**70**	**66**	**7,669**	**4,299**	-----	-----	-----	**5**	**14,799**	**8,148**
011	Theaters	60	154	-----	63	2,822	1,689	552	467	30	60	2,592	2,984	-----	-----	-----	5	6,056	5,422
019	Miscellaneous	210	82	45	10	3,131	1,135	240	178	40	6	5,077	1,315	-----	-----	-----	-----	8,743	2,726
	Automotive	**1,395**	**716**	**15**	**91**	**25,206**	**6,673**	**2,362**	**1,698**	**30**	**334**	**19,547**	**7,863**	-----	-----	-----	**17**	**48,555**	**17,392**
021	Aviation	-----	-----	-----	-----	-----	4	-----	26	-----	-----	-----	37	-----	-----	-----	-----	-----	67
022	Garages and Service Stations	660	18	15	4	3,128	1,368	327	128	-----	30	5,190	2,323	-----	-----	-----	17	9,320	3,888
024	Parts and Accessories	-----	48	-----	-----	11,377	645	240	135	-----	103	658	742	-----	-----	-----	-----	12,275	1,673
025	Passenger Cars	565	558	-----	87	9,345	4,036	1,735	1,332	30	201	12,161	3,657	-----	-----	-----	-----	23,836	9,871
026	Tires and Tubes	150	50	-----	-----	915	396	60	32	-----	-----	1,028	737	-----	-----	-----	-----	2,153	1,215
027	Trucks	-----	4	-----	-----	-----	-----	-----	1	-----	-----	75	77	-----	-----	-----	-----	75	82
028	Tractors	-----	15	-----	-----	-----	65	-----	-----	-----	-----	75	27	-----	-----	-----	-----	75	107
029	Miscellaneous	20	23	-----	-----	441	159	-----	44	-----	-----	360	263	-----	-----	-----	-----	821	489
	Bakeries	**450**	**158**	**315**	-----	**3,945**	**1,947**	**438**	**595**	**30**	**48**	**3,793**	**1,495**	-----	-----	-----	**5**	**8,971**	**4,248**
039	Miscellaneous	450	158	315	-----	3,945	1,947	438	595	30	48	3,793	1,495	-----	-----	-----	5	8,971	4,248
	Book Stores	-----	-----	-----	-----	**135**	**111**	**225**	**3**	-----	-----	**420**	**18**	-----	-----	-----	-----	**780**	**132**
049	Miscellaneous	-----	-----	-----	-----	135	111	225	3	-----	-----	420	18	-----	-----	-----	-----	780	132
	Boots and Shoes	**810**	**93**	**15**	**30**	**3,805**	**1,749**	**216**	**335**	**208**	**18**	**3,687**	**1,956**	-----	-----	-----	-----	**8,711**	**4,181**
051	Men's	-----	-----	-----	-----	-----	24	-----	-----	-----	-----	130	56	-----	-----	-----	-----	130	80
052	Men's and Women's	-----	-----	-----	-----	45	80	-----	-----	-----	-----	75	49	-----	-----	-----	-----	120	129
053	Women's	-----	4	-----	-----	255	106	-----	-----	-----	-----	-----	78	-----	-----	-----	-----	255	188
059	Miscellaneous	810	89	15	30	3,505	1,539	216	335	208	18	3,482	1,773	-----	-----	-----	-----	8,236	3,784
	Building Supplies and Contractors	**510**	**94**	**60**	**77**	**5,358**	**2,108**	**342**	**628**	-----	**56**	**8,207**	**2,428**	-----	-----	-----	**5**	**14,477**	**5,396**
069	Miscellaneous	510	94	60	77	5,358	2,108	342	628	-----	56	8,207	2,428	-----	-----	-----	5	14,477	5,396
	Clothing Stores	**5,216**	**1,025**	**870**	**220**	**37,118**	**12,321**	**2,851**	**3,046**	**240**	**431**	**18,056**	**11,016**	-----	-----	-----	**68**	**64,351**	**28,127**
071	Men's	2,646	423	165	62	18,110	4,082	458	1,250	240	62	7,130	3,885	-----	-----	-----	2	28,749	9,766
072	Men's and Women's	-----	-----	-----	-----	480	740	-----	44	-----	-----	345	112	-----	-----	-----	-----	825	896
073	Women's	1,095	330	105	43	6,360	3,515	1,953	972	-----	348	3,956	4,446	-----	-----	-----	56	13,469	9,710
074	Credit Clothing	-----	-----	-----	-----	520	1,194	-----	167	-----	-----	795	583	-----	-----	-----	-----	1,315	1,944
079	Miscellaneous	1,475	272	600	115	11,648	2,790	440	613	-----	21	5,830	1,990	-----	-----	-----	10	19,993	5,811
	Dairies	**195**	**128**	-----	-----	**2,958**	**882**	**15**	**45**	-----	**72**	**3,130**	**659**	-----	-----	-----	-----	**6,298**	**1,786**
099	Miscellaneous	195	128	-----	-----	2,958	882	15	45	-----	72	3,130	659	-----	-----	-----	-----	6,298	1,786
	Department and Dry Goods Stores	**4,645**	**674**	**30**	**37**	**28,107**	**6,765**	**8,078**	**958**	**130**	**77**	**19,675**	**4,967**	-----	-----	**135**	**37**	**60,800**	**13,515**
159	Miscellaneous	4,645	674	30	37	28,107	6,765	8,078	958	130	77	19,675	4,967	-----	-----	135	37	60,800	13,515
	Drug Stores	**375**	**57**	**1,440**	-----	**9,440**	**1,322**	**1,254**	**588**	**83**	**4**	**4,203**	**1,624**	-----	-----	-----	-----	**16,795**	**3,595**
169	Miscellaneous	375	57	1,440	-----	9,440	1,322	1,254	588	83	4	4,203	1,624	-----	-----	-----	-----	16,795	3,595
	Educational	**205**	**81**	**90**	**8**	**2,430**	**530**	**1,885**	**57**	-----	**21**	**1,085**	**468**	-----	-----	-----	-----	**5,695**	**1,165**
179	Miscellaneous	205	81	90	8	2,430	530	1,885	57	-----	21	1,085	468	-----	-----	-----	-----	5,695	1,165
	Electric and Gas Appliances and Supply	-----	**123**	-----	**7**	**6,185**	**1,358**	**456**	**552**	-----	**80**	**4,291**	**1,603**	-----	-----	-----	-----	**10,935**	**3,723**
189	Miscellaneous	-----	123	-----	7	6,185	1,358	456	552	-----	80	4,294	1,603	-----	-----	-----	-----	10,935	3,723
	Furniture and Home Furnishings	**1,563**	**690**	**270**	**156**	**27,615**	**5,514**	**6,072**	**1,701**	-----	**259**	**21,816**	**5,738**	-----	-----	**50**	-----	**57,386**	**14,058**
219	Miscellaneous	1,563	690	270	156	27,615	5,514	6,072	1,701	-----	259	21,816	5,738	-----	-----	50	-----	57,386	14,058
	Grocers and Food Stores	**4,695**	**107**	-----	**123**	**18,167**	**2,493**	**3,877**	**205**	-----	**84**	**7,925**	**1,938**	-----	-----	**15**	**53**	**34,679**	**5,003**
221	Chain	3,720	7	-----	-----	5,640	370	60	-----	-----	-----	1,550	227	-----	-----	-----	-----	10,970	604
222	Independent	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
239	Miscellaneous	975	100	-----	123	12,527	2,123	3,817	205	-----	84	6,375	1,711	-----	-----	15	53	23,709	4,399
	Heating and Plumbing	**340**	**149**	-----	-----	**4,000**	**2,110**	**525**	**261**	-----	**148**	**3,020**	**1,806**	-----	-----	-----	-----	**7,885**	**4,474**
249	Miscellaneous	340	149	-----	-----	4,000	2,110	525	261	-----	148	3,020	1,806	-----	-----	-----	-----	7,885	4,474
	Hotels and Restaurants	**1,215**	**343**	-----	**20**	**1,966**	**1,845**	**627**	**664**	-----	**54**	**4,368**	**3,155**	-----	-----	**15**	**70**	**8,191**	**6,151**
259	Miscellaneous	1,215	343	-----	20	1,966	1,845	627	664	-----	54	4,368	3,155	-----	-----	15	70	8,191	6,151
	Jewelers	**760**	**812**	**215**	**285**	**9,220**	**6,630**	**1,230**	**1,590**	**375**	**215**	**13,922**	**8,043**	-----	-----	-----	**5**	**25,722**	**17,580**
279	Miscellaneous	760	812	215	285	9,220	6,630	1,230	1,590	375	215	13,922	8,043	-----	-----	-----	5	25,722	17,580
	Merchandized Chains	**630**	**16**	-----	-----	**445**	**161**	-----	**67**	-----	**21**	**495**	**330**	-----	-----	-----	-----	**1,570**	**595**
299	Miscellaneous	630	16	-----	-----	445	161	-----	67	-----	21	495	330	-----	-----	-----	-----	1,570	595

	Miscellaneous	**1,390**	**701**	**900**	**42**	**23,990**	**6,623**	**4,220**	**1,855**	**960**	**191**	**26,276**	**6,100**	-----	-----	-----	**46**	**57,736**	**15,558**
301	Agriculture	-----	42	-----	26	1,368	336	855	158	-----	15	1,350	341	-----	-----	-----	-----	3,573	918
302	Auctions	-----	18	-----	-----	60	10	-----	-----	-----	-----	5	45	-----	-----	-----	-----	65	73
303	Beverages	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
304	Cleaners-Dyers-Laundries	60	114	-----	-----	7,399	2,748	205	737	90	97	8,054	2,273	-----	-----	-----	-----	15,808	5,969
305	Farm and Orchards (Produce)	110	13	150	-----	195	200	120	34	120	-----	925	219	-----	-----	-----	-----	1,620	466
306	Florists-Nurseries	-----	42	-----	16	4,005	375	640	35	-----	10	831	522	-----	-----	-----	-----	5,476	1,000
307	General Stores	1,075	13	60	-----	770	113	2,085	-----	-----	-----	630	345	-----	-----	-----	-----	4,620	471
203	Confectionery (Ice Cream, etc.)	-----	104	315	-----	555	199	-----	107	-----	30	1,087	271	-----	-----	-----	30	1,957	741
311	Shoe Repairing	-----	8	-----	-----	666	162	-----	25	-----	12	195	122	-----	-----	-----	8	861	337
312	Specialty Shops	85	215	375	-----	1,527	1,890	225	729	-----	18	1,614	1,376	-----	-----	-----	8	3,826	4,236
315	Undertakers	-----	32	-----	-----	2,090	107	30	11	-----	-----	1,105	228	-----	-----	-----	-----	3,225	378
349	Miscellaneous	60	100	-----	-----	5,355	483	60	19	750	9	10,480	358	-----	-----	-----	-----	16,705	969
	Musical Instruments	**345**	**100**	-----	-----	**2,468**	**504**	**2,010**	**357**	**20**	**66**	**1,165**	**848**	-----	-----	-----	-----	**6,008**	**1,875**
359	Miscellaneous	345	100	-----	-----	2,468	504	2,010	357	20	66	1,165	848	-----	-----	-----	-----	6,008	1,875
	Office Equipment	**40**	**1**	-----	-----	**100**	**190**	-----	**26**	-----	-----	**190**	**493**	-----	-----	-----	-----	**330**	**710**
369	Miscellaneous	40	1	-----	-----	100	190	-----	26	-----	-----	190	493	-----	-----	-----	-----	330	710
	Radio	-----	**21**	-----	**29**	**1,440**	**704**	**168**	**423**	-----	**11**	**610**	**516**	-----	-----	-----	-----	**2,218**	**1,704**
409	Miscellaneous	-----	21	-----	29	1,440	704	168	423	-----	11	610	516	-----	-----	-----	-----	2,218	1,704
	Real Estate	-----	**4**	-----	-----	**645**	**334**	**430**	**81**	-----	**15**	**690**	**25**	-----	-----	-----	-----	**1,765**	**459**
419	Miscellaneous	-----	4	-----	-----	645	334	430	81	-----	15	690	25	-----	-----	-----	-----	1,765	459
	Sporting Goods	**135**	-----	-----	-----	**407**	**171**	**145**	-----	-----	-----	**850**	**230**	-----	-----	-----	-----	**1,537**	**401**
439	Miscellaneous	135	-----	-----	-----	407	171	145	-----	-----	-----	850	230	-----	-----	-----	-----	1,537	401
	Stationers	-----	**9**	-----	**12**	**360**	**177**	-----	**26**	-----	**1**	**310**	**150**	-----	-----	-----	-----	**670**	**375**
449	Miscellaneous	-----	9	-----	12	360	177	-----	26	-----	1	310	150	-----	-----	-----	-----	670	375
	Toilet Goods and Beauty Shops	**30**	**2**	-----	-----	**230**	**398**	**12**	**84**	-----	**4**	**400**	**792**	-----	-----	-----	-----	**672**	**1,280**
459	Miscellaneous	30	2	-----	-----	230	398	12	84	-----	4	400	792	-----	-----	-----	-----	672	1,280
	Totals	**25,214**	**6,340**	**4,265**	**1,210**	**221,693**	**66,444**	**38,230**	**16.490**	**2,146**	**2,276**	**175,803**	**68,560**	-----	-----	**215**	**311**	**467.566**	**161,631**

TABLE III—Continued

GENERAL ADVERTISING UNITS

November 1940

	Clear Channel Stations				Regional Stations						Local Stations						Totals	
	Unlimited		Part-Time		Unlimited		Limited & Day		Part-Time		Unlimited		Day		Part-Time			
Total Commercial Operating Stations	45		8		240		68		31		360		10		26		788	
Total Stations Reporting	29		5		87		15		2		64		0		1		203	
Type of Sponsoring Business	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Agriculture	4,760	352	1,115	137	9,036	942	1,590	405	195	-----	1,855	417	-----	-----	-----	-----	18,551	2,253
501 Cattle Foods	2,480	95	725	70	3,680	391	720	58	195	-----	1,390	99	-----	-----	-----	-----	9,190	713
502 Seeds	730	211	-----	53	615	114	260	139	-----	-----	-----	88	-----	-----	-----	-----	1,605	605
503 Farm Machinery	390	21	390	9	1,395	56	210	30	-----	-----	-----	-----	-----	-----	-----	-----	2,385	116
504 Nurseries	450	-----	-----	-----	1,605	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	2,055	-----
505 Live Stock	440	-----	-----	5	1,603	207	400	27	-----	-----	325	178	-----	-----	-----	-----	2,768	417
509 Miscellaneous	270	25	-----	-----	138	174	-----	151	-----	-----	140	52	-----	-----	-----	-----	548	402
Alcoholic Beverages	3,845	121	825	126	16,238	3,602	3,610	579	160	151	13,530	3,221	-----	-----	-----	-----	38,208	7,800
511 Beers	3,525	121	825	126	13,843	3,175	3,610	295	30	151	12,890	2,741	-----	-----	-----	-----	34,723	6,609
512 Wines	320	-----	-----	-----	2,395	427	-----	284	130	-----	250	480	-----	-----	-----	-----	3,095	1,191
513 Liquors	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	390	-----	-----	-----	-----	-----	390	-----
519 Miscellaneous	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Amusements	-----	100	-----	-----	225	188	-----	-----	-----	-----	-----	42	-----	-----	-----	-----	225	330
529 Miscellaneous	-----	100	-----	-----	225	188	-----	-----	-----	-----	-----	42	-----	-----	-----	-----	225	330
Automotive	13,097	440	1,122	45	33,502	2,263	3,794	242	855	-----	14,215	963	-----	-----	-----	-----	66,585	3,953
531 Aviation	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
533 Gas and Oil	11,080	290	1,122	21	30,080	1,685	3,734	62	855	-----	12,745	583	-----	-----	-----	-----	59,616	2,641
534 Parts and Accessories	-----	20	-----	14	195	94	-----	50	-----	-----	600	102	-----	-----	-----	-----	795	280
535 Passenger Cars	1,897	39	-----	10	2,147	184	-----	-----	-----	-----	750	143	-----	-----	-----	-----	4,794	376
536 Tires and Tubes	-----	-----	-----	-----	115	138	60	130	-----	-----	120	65	-----	-----	-----	-----	295	333
537 Trucks	-----	-----	-----	-----	-----	2	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	2
538 Tractors	-----	-----	-----	-----	705	-----	-----	-----	-----	-----	-----	26	-----	-----	-----	-----	705	26
539 Miscellaneous	120	91	-----	-----	260	160	-----	-----	-----	-----	-----	44	-----	-----	-----	-----	380	295
Building Materials	1,070	88	260	23	1,046	215	-----	36	-----	4	300	190	-----	-----	-----	-----	2,676	556
549 Miscellaneous	1,070	88	260	23	1,046	215	-----	36	-----	4	300	190	-----	-----	-----	-----	2,676	556
Confections	5,540	1,531	120	246	5,040	1,919	195	155	-----	131	1,080	390	-----	-----	-----	-----	11,975	4,372
559 Miscellaneous	5,540	1,531	120	246	5,040	1,919	195	155	-----	131	1,080	390	-----	-----	-----	-----	11,975	4,372
Educational	35	2	60	-----	165	61	10	-----	-----	-----	60	-----	-----	-----	-----	-----	330	63
569 Miscellaneous	35	2	60	-----	165	61	10	-----	-----	-----	60	-----	-----	-----	-----	-----	330	63
Financial	2,415	380	-----	90	10,739	3,624	895	347	120	96	6,300	2,142	-----	-----	-----	5	20,469	6,684
571 Banks and Trust Companies	710	240	-----	10	4,354	1,690	220	72	-----	11	4,350	852	-----	-----	-----	-----	9,634	2,875
572 Real Estate and Home Financing	520	18	-----	38	1,170	62	235	-----	-----	5	455	148	-----	-----	-----	5	2,380	276
573 Stock and Bond Houses	-----	23	-----	-----	760	49	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	760	72
579 Miscellaneous	1,185	99	-----	42	4,455	1,823	440	275	120	80	1,495	1,142	-----	-----	-----	-----	7,695	3,461
Groceries	46,980	5,768	9,320	646	110,595	17,705	9,945	1,569	2,190	257	38,687	9,162	-----	-----	300	-----	218,017	35,107
581 Baking Products	3,510	565	390	45	14,147	4,092	1,130	602	-----	4	7,143	2,492	-----	-----	-----	-----	26,320	7,800
582 Beverages	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
583 Coffee and Tea	3,470	434	935	115	9,755	1,640	1,890	26	-----	5	2,590	228	-----	-----	-----	-----	18,640	2,448
584 Soft Drinks	585	188	465	-----	9,872	1,739	1,110	600	-----	13	11,029	2,366	-----	-----	300	-----	23,361	4,906
589 Miscellaneous	120	32	60	-----	3,027	188	375	76	-----	11	1,585	406	-----	-----	-----	-----	5,167	713
585 Shortening	2,535	339	810	16	2,760	401	-----	-----	315	-----	3,095	32	-----	-----	-----	-----	9,515	788
586 Cereals and Breakfast Foods	6,445	432	1,005	147	7,240	741	990	26	630	-----	630	152	-----	-----	-----	-----	16,940	1,498
587 Condiments	710	154	40	24	390	414	-----	-----	105	52	120	83	-----	-----	-----	-----	1,365	727
588 Dairy Products	1,260	578	-----	126	7,461	1,422	440	16	-----	75	2,400	808	-----	-----	-----	-----	11,561	3,025
591 Meats-Fish-Poultry	2,340	261	195	-----	7,550	987	330	70	-----	-----	1,320	397	-----	-----	-----	-----	11,735	1,715
592 Laundry Soaps and Cleansers	13,985	797	1,545	38	26,209	1,628	2,220	34	615	72	4,270	391	-----	-----	-----	-----	48,844	2,960
593 Flour	3,960	245	2,740	-----	10,414	602	900	41	525	-----	1,145	455	-----	-----	-----	-----	19,684	1,343
594 Sugar	215	67	195	-----	205	260	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	615	327
595 Disinfectants and Exterminators	315	68	-----	-----	805	20	-----	-----	-----	-----	-----	6	-----	-----	-----	-----	1,120	94
599 Miscellaneous	7,530	1,608	940	135	10,760	3,571	560	78	-----	25	3,360	1,346	-----	-----	-----	-----	23,150	6,763
Hotels and Resorts	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
609 Miscellaneous	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Housing Equipment and Supplies	5,400	274	315	33	8,412	1,148	630	99	-----	-----	3,000	140	-----	-----	-----	-----	17,757	1,694
611 Air Conditioning	-----	-----	-----	-----	750	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	750	-----
612 Automatic Heating	-----	-----	-----	-----	3,130	4	-----	60	-----	-----	-----	-----	-----	-----	-----	-----	3,130	64
613 Automatic Refrigeration	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	390	-----	-----	-----	-----	-----	390	-----
614 Fixtures	330	-----	-----	-----	390	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	720	-----
615 Fuel	1,035	85	-----	-----	1,705	331	-----	-----	-----	-----	600	35	-----	-----	-----	-----	3,340	451
616 Furniture and Furnishings	2,370	4	315	-----	1,897	297	240	7	-----	-----	1,110	52	-----	-----	-----	-----	5,932	360
617 Heaters and Stoves	1,575	165	-----	33	540	435	390	8	-----	-----	900	53	-----	-----	-----	-----	3,405	694
629 Miscellaneous	90	20	-----	-----	-----	81	-----	24	-----	-----	-----	-----	-----	-----	-----	-----	90	125

	Industrial	**5**	**39**	**120**	-----	**240**	**12**	-----	**13**	-----	-----	**340**	**36**	-----	-----	-----	-----	**705**	**100**
639	Miscellaneous	5	39	120	-----	240	12	-----	13	-----	-----	340	36	-----	-----	-----	-----	705	100
	Insurance	**1, 770**	**57**	**630**	**102**	**2, 955**	**502**	**980**	**112**	**65**	-----	**260**	**348**	-----	-----	-----	-----	**6, 660**	**1, 121**
649	Miscellaneous	1, 770	57	630	102	2, 955	502	980	112	65	-----	260	348	-----	-----	-----	-----	6, 660	1, 121
	Jewelry and Silverware	**120**	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	**120**	-----
659	Miscellaneous	120	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	120	-----
	Medical	**25, 420**	**5, 795**	**3, 935**	**1, 075**	**28, 865**	**12, 376**	**2, 365**	**1, 023**	**300**	**238**	**6, 711**	**2, 776**	-----	-----	-----	**35**	**67, 596**	**23, 318**
669	Miscellaneous	25, 420	5, 795	3, 935	1, 075	28, 865	12, 376	2, 365	1, 023	300	238	6, 711	2, 776	-----	-----	-----	35	67, 596	23, 318
	Miscellaneous	**6, 170**	**509**	**65**	**100**	**10, 870**	**1, 356**	**720**	**281**	-----	-----	**4, 168**	**1, 307**	-----	-----	-----	-----	**21, 993**	**3, 553**
671	Cards and Stationery	-----	17	-----	-----	-----	108	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	125
672	Chamber of Commerce and Merchants Associations	285	36	-----	-----	2, 600	532	360	118	-----	-----	2, 090	858	-----	-----	-----	-----	5, 335	1, 544
673	Pet Foods	1, 775	84	-----	-----	860	179	-----	-----	-----	-----	528	117	-----	-----	-----	-----	3, 163	380
674	Phonograph Records	2, 685	76	-----	-----	2, 625	48	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	5, 310	124
675	Veterinary and Animal Medicine	455	-----	65	-----	450	83	225	4	-----	-----	-----	3	-----	-----	-----	-----	1, 195	90
699	Miscellaneous	970	296	-----	100	4, 335	406	135	159	-----	-----	1, 550	329	-----	-----	-----	-----	6, 990	1, 290
	Political	**3, 146**	**313**	**537**	**49**	**11, 568**	**1, 824**	**937**	**405**	**105**	**13**	**6, 225**	**1, 404**	-----	-----	-----	-----	**22, 518**	**4, 608**
701	Local	325	67	-----	-----	1, 475	382	95	135	-----	1	1, 000	335	-----	-----	-----	-----	2, 895	920
702	State	980	75	60	45	2, 806	490	75	43	30	-----	600	202	-----	-----	-----	-----	4, 551	855
703	National	501	63	387	-----	2, 626	219	150	47	75	-----	2, 185	257	-----	-----	-----	-----	5, 924	586
709	Miscellaneous	1, 340	108	90	4	4, 661	733	617	180	-----	12	2, 440	610	-----	-----	-----	-----	9, 148	1, 647
	Professional and Service	**270**	**267**	**60**	**9**	**6, 907**	**3, 160**	**460**	**397**	**105**	**104**	**1, 870**	**2, 716**	-----	-----	-----	**36**	**9, 672**	**6, 989**
711	Opticians-Optometrists	270	267	-----	9	3, 297	2, 743	120	156	105	83	1, 005	1, 459	-----	-----	-----	36	4, 797	4, 753
712	Chiropractors	-----	-----	60	-----	295	85	85	21	-----	-----	370	122	-----	-----	-----	-----	810	228
713	Dentists	-----	-----	-----	-----	2, 985	566	-----	151	-----	21	195	999	-----	-----	-----	-----	3, 180	1, 737
714	Physicians (Medical)	-----	-----	-----	-----	-----	56	-----	-----	-----	-----	120	-----	-----	-----	-----	-----	120	56
715	Hospitals	-----	-----	-----	-----	60	-----	195	-----	-----	-----	-----	45	-----	-----	-----	-----	255	45
719	Miscellaneous	-----	-----	-----	-----	270	10	60	69	-----	-----	180	91	-----	-----	-----	-----	510	170
	Public Utilities	**1, 165**	**286**	**60**	-----	**10, 050**	**1, 658**	**390**	**128**	-----	-----	**6, 605**	**1, 700**	-----	-----	**330**	**9**	**18, 600**	**3, 781**
721	Electric Companies	795	43	-----	-----	2, 925	1, 024	-----	52	-----	-----	5, 625	1, 269	-----	-----	330	9	9, 675	2, 397
722	Gas Companies	-----	142	60	-----	2, 865	299	390	24	-----	-----	135	125	-----	-----	-----	-----	3, 450	590
723	Electric and Gas Companies	250	25	-----	-----	3, 720	128	-----	-----	-----	-----	845	142	-----	-----	-----	-----	4, 815	295
724	Telegraph Companies	-----	16	-----	-----	-----	128	-----	52	-----	-----	-----	99	-----	-----	-----	-----	-----	295
725	Telephone Companies	-----	60	-----	-----	480	74	-----	-----	-----	-----	-----	65	-----	-----	-----	-----	480	199
729	Miscellaneous	120	-----	-----	-----	60	5	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	180	5
	Publications	**2, 130**	**176**	**945**	-----	**5, 961**	**936**	**1, 243**	**307**	-----	-----	**6, 128**	**1, 108**	-----	-----	-----	**160**	**16, 407**	**2, 687**
731	Books	60	-----	-----	-----	390	65	450	23	-----	-----	-----	-----	-----	-----	-----	-----	900	88
732	Magazines	585	-----	55	-----	1, 920	70	273	87	-----	-----	450	28	-----	-----	-----	-----	3, 283	185
733	Newspapers	1, 485	174	890	-----	3, 651	773	520	165	-----	-----	5, 678	318	-----	-----	-----	160	12, 224	1, 590
739	Miscellaneous	-----	2	-----	-----	-----	28	-----	32	-----	-----	-----	762	-----	-----	-----	-----	-----	824
	Religion	**4, 740**	**8**	**90**	-----	**23, 587**	**73**	**5, 250**	**55**	**2, 280**	**3**	**21, 535**	**81**	-----	-----	**360**	**1**	**57, 842**	**221**
749	Miscellaneous	4, 740	8	90	-----	23, 587	73	5, 250	55	2, 280	3	21, 535	81	-----	-----	360	1	57, 842	221
	Radio	**1, 855**	**108**	-----	**6**	**2, 535**	**207**	**300**	**156**	-----	-----	**135**	**37**	-----	-----	-----	-----	**4, 825**	**514**
751	Sets	1, 420	75	-----	6	2, 475	186	300	156	-----	-----	135	37	-----	-----	-----	-----	4, 330	460
752	Stations	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
753	Tubes	45	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	45	-----
759	Miscellaneous	390	33	-----	-----	60	21	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	450	54
	Sporting Goods	**180**	**11**	-----	**1**	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	**180**	**12**
769	Miscellaneous	180	11	-----	1	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	180	12
	Tobacco	**7, 055**	**197**	**300**	**52**	**6, 565**	**1, 290**	-----	**26**	-----	**17**	**3, 220**	**484**	-----	-----	-----	-----	**17, 140**	**2, 066**
771	Cigars	1, 185	38	-----	26	1, 830	296	-----	26	-----	-----	480	110	-----	-----	-----	-----	3, 495	496
772	Cigarettes	3, 450	16	-----	26	2, 695	782	-----	-----	-----	17	1, 740	199	-----	-----	-----	-----	7, 885	1, 040
773	Tobacco	415	51	-----	-----	510	123	-----	-----	-----	-----	300	26	-----	-----	-----	-----	1, 225	200
774	Miscellaneous Tobacco	1, 965	4	300	-----	1, 530	42	-----	-----	-----	-----	120	116	-----	-----	-----	-----	3, 915	162
779	Miscellaneous	40	88	-----	-----	-----	47	-----	-----	-----	-----	580	33	-----	-----	-----	-----	620	168
	Toilet Requisites	**6, 187**	**1, 470**	**850**	**197**	**11, 308**	**2, 564**	**345**	**83**	-----	**13**	**2, 330**	**973**	-----	-----	-----	-----	**21, 020**	**5, 300**
781	Antiseptics	30	-----	-----	21	345	78	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	375	99
782	Dentifrices	605	91	-----	-----	1, 353	139	-----	-----	-----	-----	315	347	-----	-----	-----	-----	2, 273	577
783	Perfumes-Cosmetics-Lotions	1, 330	904	70	37	835	750	45	17	-----	-----	310	13	-----	-----	-----	-----	2, 590	1, 721
784	Toilet Soaps	3, 200	171	615	78	4, 275	512	-----	26	-----	-----	505	24	-----	-----	-----	-----	8, 595	811
789	Miscellaneous	1, 022	304	165	61	4, 500	1, 085	300	40	-----	13	1, 200	589	-----	-----	-----	-----	7, 187	2, 092
	Transportation	**1, 710**	**454**	-----	**61**	**2, 175**	**1, 656**	-----	**219**	-----	**8**	**950**	**1, 143**	-----	-----	-----	-----	**4, 835**	**3, 541**
791	Airways	-----	-----	-----	-----	-----	3	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	3
792	Bus Lines	-----	37	-----	5	705	209	-----	26	-----	-----	260	398	-----	-----	-----	-----	965	675
793	Railroads	1, 635	67	-----	13	390	326	-----	18	-----	-----	-----	-----	-----	-----	-----	-----	2, 025	424
794	Steamships	-----	-----	-----	-----	-----	14	-----	-----	-----	-----	-----	24	-----	-----	-----	-----	-----	38
795	Tours	-----	-----	-----	-----	180	-----	-----	-----	-----	-----	-----	30	-----	-----	-----	-----	180	30
799	Miscellaneous	75	350	-----	43	900	1, 104	-----	175	-----	8	690	691	-----	-----	-----	-----	1, 665	2, 371
	Wearing Apparel	**2, 220**	**322**	**510**	**149**	**3, 775**	**610**	-----	**34**	-----	**13**	**188**	**88**	-----	-----	**60**	**7**	**6, 753**	**1, 223**
801	Men's Wear	195	20	-----	9	615	26	-----	26	-----	-----	-----	-----	-----	-----	60	7	870	88
802	Women's Wear	-----	-----	-----	-----	60	26	-----	6	-----	-----	-----	-----	-----	-----	-----	-----	60	32
809	Miscellaneous	2, 025	302	510	140	3, 100	558	-----	2	-----	13	188	88	-----	-----	-----	-----	5, 823	1, 103
	Watches	-----	**3, 300**	-----	**612**	**192**	**5, 314**	-----	-----	-----	**30**	-----	**1, 292**	-----	-----	-----	-----	**192**	**10, 548**
819	Miscellaneous	-----	3, 300	-----	612	192	5, 314	-----	-----	-----	30	-----	1, 292	-----	-----	-----	-----	192	10, 548
	Totals	**147, 285**	**22, 368**	**21, 239**	**3, 759**	**322, 551**	**65, 505**	**33, 659**	**6, 671**	**6, 375**	**1, 078**	**139, 692**	**32, 160**	-----	-----	**1, 050**	**253**	**671, 851**	**131, 794**

TABLE IV

STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK) BY TYPE OF SPONSORING BUSINESS AND BY STATION METROPOLITAN DISTRICT OR CITY POPULATION

RETAIL ADVERTISING UNITS

November 1940

		2,500,000 and over		1,000,000 to 2,500,000		500,000 to 1,000,000		250,000 to 500,000		100,000 to 250,000		50,000 to 100,000		25,000 to 50,000		10,000 to 25,000		Less than 10,000		Totals	
	Total Commercial Operating Stations	52		60		44		93		106		58		104		160		111		788	
	Total Stations Reporting	12		20		20		39		28		16		27		23		18		203	
	Type of Sponsoring Business	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
	Amusements	**60**	**62**	**375**	**593**	**3,100**	**529**	**1,282**	**1,045**	**2,960**	**1,125**	**1,586**	**579**	**2,004**	**1,113**	**2,260**	**2,203**	**1,172**	**899**	**14,799**	**8,148**
011	Theaters	60	27	-----	178	1,035	288	417	723	1,610	712	290	350	777	712	780	1,700	1,087	732	6,056	5,422
019	Miscellaneous	-----	35	375	415	2,065	241	865	322	1,350	413	1,296	229	1,227	401	1,480	503	85	167	8,743	2,726
	Automotive	-----	**281**	**5,196**	**607**	**11,855**	**1,597**	**8,964**	**3,444**	**2,793**	**1,792**	**1,900**	**1,468**	**9,814**	**3,143**	**4,990**	**2,844**	**3,043**	**2,216**	**48,555**	**17,392**
021	Aviation	-----	-----	-----	-----	-----	-----	-----	-----	-----	30	-----	-----	-----	11	-----	-----	-----	26	-----	67
022	Garages and Service Stations	-----	42	-----	-----	365	164	1,875	548	430	367	730	349	3,610	986	1,765	811	545	621	9,320	3,888
024	Parts and Accessories	-----	103	-----	146	9,540	172	1,005	217	752	94	-----	159	608	287	75	292	295	203	12,275	1,673
025	Passenger Cars	-----	136	4,585	395	1,950	968	5,874	2,588	1,611	1,086	435	865	4,696	1,239	2,610	1,421	2,075	1,173	23,836	9,871
026	Tires and Tubes	-----	-----	150	32	-----	75	210	67	-----	182	735	55	540	560	390	181	128	63	2,153	1,215
027	Trucks	-----	-----	-----	-----	-----	-----	-----	4	-----	1	-----	-----	-----	-----	75	51	-----	26	75	82
028	Tractors	-----	-----	-----	-----	-----	-----	-----	-----	-----	9	-----	-----	-----	45	75	-----	-----	53	75	107
029	Miscellaneous	-----	-----	461	34	-----	218	-----	20	-----	23	-----	40	360	15	-----	88	-----	51	821	489
	Bakeries	**75**	**53**	**705**	**178**	**450**	**49**	**2,175**	**259**	**1,090**	**732**	**720**	**643**	**3,230**	**891**	**418**	**843**	**108**	**600**	**8,971**	**4,248**
039	Miscellaneous	75	53	705	178	450	49	2,175	259	1,090	732	720	643	3,230	891	418	843	108	600	8,971	4,248
	Book Stores	**180**	-----	**135**	**26**	-----	**4**	-----	**11**	-----	**70**	-----	**6**	**420**	-----	-----	**12**	**45**	**3**	**780**	**132**
049	Miscellaneous	180	-----	135	26	-----	4	-----	11	-----	70	-----	6	420	-----	-----	12	45	3	780	132
	Boots and Shoes	**583**	**125**	**825**	**175**	**790**	**252**	**2,845**	**764**	**1,025**	**558**	**115**	**365**	**2,055**	**652**	**300**	**759**	**203**	**531**	**8,741**	**4,181**
051	Men's	-----	-----	-----	-----	130	-----	-----	24	-----	4	-----	-----	-----	-----	-----	20	-----	32	130	80
052	Men's and Women's	-----	-----	-----	-----	-----	30	-----	19	-----	58	-----	-----	120	7	-----	-----	-----	15	120	129
053	Women's	-----	-----	-----	24	-----	-----	255	14	-----	-----	-----	26	-----	3	-----	83	-----	38	255	188
059	Miscellaneous	583	125	825	151	660	222	2,590	707	1,025	496	115	339	1,935	642	300	656	203	446	8,236	3,784
	Building Supplies and Contractors	-----	**26**	**403**	**159**	**220**	**140**	**4,769**	**1,227**	**909**	**394**	**1,005**	**606**	**3,662**	**1,032**	**2,080**	**1,060**	**1,429**	**752**	**14,477**	**5,396**
069	Miscellaneous	-----	26	403	159	220	140	4,769	1,227	909	394	1,005	606	3,662	1,032	2,080	1,060	1,429	752	14,477	5,396
	Clothing Stores	**1,610**	**1,291**	**9,697**	**1,427**	**7,114**	**2,742**	**19,346**	**5,796**	**10,979**	**3,939**	**2,172**	**3,166**	**6,302**	**4,717**	**4,550**	**2,953**	**2,581**	**2,093**	**64,351**	**28,127**
071	Men's	195	436	4,807	301	4,089	1,103	10,901	2,348	3,910	1,080	578	955	2,742	1,893	1,260	848	267	802	28,749	9,766
072	Men's and Women's	-----	-----	-----	-----	225	38	-----	373	480	171	-----	119	120	65	-----	-----	-----	130	825	896
073	Women's	495	773	1,475	646	1,355	913	2,820	1,660	2,710	1,281	855	689	1,705	1,330	1,335	1,641	719	777	13,469	9,710
074	Credit Clothing	-----	-----	-----	30	450	135	390	210	-----	508	205	521	200	465	70	75	-----	-----	1,315	1,944
079	Miscellaneous	920	85	3,415	450	995	553	5,235	1,205	3,879	899	534	882	1,535	964	1,885	389	1,595	384	19,993	5,811
	Dairies	**195**	**7**	**435**	**270**	**135**	**467**	**90**	**381**	**2,188**	**100**	**135**	**71**	**1,470**	**269**	**1,305**	**197**	**345**	**24**	**6,298**	**1,786**
099	Miscellaneous	195	7	435	270	135	467	90	381	2,188	100	135	71	1,470	269	1,305	197	345	24	6,298	1,786
	Department and Dry Goods Stores	**135**	**37**	**11,790**	**1,161**	**6,395**	**1,704**	**9,037**	**2,041**	**9,950**	**2,561**	**5,175**	**911**	**11,365**	**2,325**	**3,605**	**1,770**	**3,348**	**1,005**	**60,800**	**13,515**
159	Miscellaneous	135	37	11,790	1,161	6,395	1,704	9,037	2,041	9,950	2,561	5,175	911	11,365	2,325	3,605	1,770	3,348	1,005	60,800	13,515
	Drug Stores	**1,440**	**4**	**2,085**	**201**	**2,513**	**88**	**5,075**	**341**	**1,292**	**660**	**375**	**47**	**1,190**	**724**	**1,788**	**884**	**1,037**	**646**	**16,795**	**3,595**
169	Miscellaneous	1,440	4	2,085	201	2,513	88	5,075	341	1,292	660	375	47	1,190	724	1,788	884	1,037	646	16,795	3,595
	Educational	**1,740**	**12**	**1,065**	**12**	**180**	**52**	**1,030**	**159**	**315**	**148**	**225**	**226**	**105**	**197**	**510**	**148**	**525**	**211**	**5,695**	**1,165**
179	Miscellaneous	1,740	12	1,065	12	180	52	1,030	159	315	148	225	226	105	197	510	148	525	211	5,695	1,165
	Electric & Gas Appliances & Supply	-----	**2**	**356**	**144**	**600**	**198**	**240**	**502**	**3,245**	**681**	**500**	**369**	**2,874**	**618**	**2,565**	**765**	**555**	**444**	**10,935**	**3,723**
189	Miscellaneous	-----	2	356	144	600	198	240	502	3,245	681	500	369	2,874	618	2,565	765	555	444	10,935	3,723
	Furniture and Home Furnishings	**65**	**206**	**6,440**	**694**	**5,600**	**1,317**	**16,048**	**2,611**	**9,625**	**2,745**	**2,705**	**1,130**	**8,082**	**2,430**	**4,870**	**1,814**	**3,951**	**1,111**	**57,386**	**14,058**
219	Miscellaneous	65	206	6,440	694	5,600	1,317	16,048	2,611	9,625	2,745	2,705	1,130	8,082	2,430	4,870	1,814	3,951	1,111	57,386	14,058
	Grocers and Food Stores	**3,315**	**121**	**4,980**	**155**	**3,975**	**399**	**9,307**	**858**	**4,020**	**732**	**645**	**84**	**3,270**	**727**	**1,525**	**588**	**3,642**	**1,339**	**34,679**	**5,003**
221	Chain	-----	-----	4,185	-----	2,070	205	1,410	115	1,650	82	-----	-----	1,020	104	-----	20	635	78	10,970	604
222	Independent	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
239	Miscellaneous	3,315	121	795	155	1,905	194	7,897	743	2,370	650	645	84	2,250	623	1,525	568	3,007	1,261	23,709	4,399
	Heating and Plumbing	-----	**42**	**555**	**150**	**470**	**615**	**1,520**	**811**	**1,430**	**769**	**1,195**	**731**	**1,590**	**721**	**490**	**228**	**635**	**407**	**7,885**	**4,474**
249	Miscellaneous	-----	42	555	150	470	615	1,520	811	1,430	769	1,195	731	1,590	721	490	228	635	407	7,885	4,474
	Hotels and Restaurants	**960**	**150**	**2,160**	**629**	**150**	**279**	**1,446**	**1,296**	**850**	**717**	**80**	**350**	**1,450**	**1,129**	**125**	**968**	**970**	**633**	**8,191**	**6,151**
259	Miscellaneous	960	150	2,160	629	150	279	1,446	1,296	850	717	80	350	1,450	1,129	125	968	970	633	8,191	6,151
	Jewelers	**240**	**103**	**3,330**	**1,441**	**825**	**996**	**7,965**	**3,306**	**2,760**	**2,912**	**725**	**1,846**	**5,992**	**4,016**	**3,455**	**1,869**	**430**	**1,091**	**25,722**	**17,580**
279	Miscellaneous	240	103	3,330	1,441	825	996	7,965	3,306	2,760	2,912	725	1,846	5,992	4,016	3,455	1,869	430	1,091	25,722	17,580
	Merchandized Chains	-----	-----	**315**	**76**	-----	**42**	**690**	**182**	**420**	**17**	**25**	**4**	-----	**74**	**120**	**192**	-----	**8**	**1,570**	**595**
299	Miscellaneous	-----	-----	315	76	-----	42	690	182	420	17	25	4	-----	74	120	192	-----	8	1,570	595

Miscellaneous	**920**	**73**	**3, 447**	**391**	**9, 840**	**1, 453**	**13, 730**	**3, 467**	**8, 151**	**1, 902**	**2, 060**	**1, 551**	**8, 343**	**2, 618**	**6, 413**	**2, 439**	**4, 832**	**1, 664**	**57, 736**	**15, 558**
301 Agriculture	-----	4	60	20	-----	11	495	73	918	58	40	114	1, 030	75	340	312	690	251	3, 573	918
302 Auctions	-----	-----	-----	-----	-----	-----	-----	-----	60	2	-----	4	5	62	-----	5	-----	-----	65	73
303 Beverages	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
304 Cleaners-Dyers-Laundries	-----	-----	1, 442	167	1, 425	809	3, 858	1, 553	2, 107	550	1, 635	483	1, 615	1, 142	2, 990	741	736	524	15, 808	5, 969
305 Farm and Orchards (Produce)	110	-----	120	40	120	9	345	77	-----	87	60	3	160	56	705	46	-----	148	1, 620	466
306 Florists-Nurseries	-----	5	160	43	60	71	3, 560	82	385	141	85	97	755	138	313	265	158	158	5, 476	1, 000
307 General Stores	780	-----	-----	-----	60	27	295	27	240	100	-----	-----	415	159	335	80	2, 495	78	4, 620	471
308 Confectionery (Ice Cream, etc.)	-----	30	-----	-----	480	183	-----	82	555	34	-----	72	337	58	585	211	-----	71	1, 957	741
311 Shoe Repairing	-----	8	195	-----	390	45	195	45	81	33	-----	53	-----	60	-----	82	-----	11	861	337
312 Specialty Shops	-----	26	150	71	-----	172	707	1, 330	665	642	85	657	1, 641	567	415	385	163	386	3, 826	4, 236
315 Undertakers	-----	-----	60	32	60	-----	480	-----	1, 235	69	75	-----	480	179	485	85	350	13	3, 225	378
349 Miscellaneous	30	-----	1, 260	18	7, 245	126	3, 795	198	1, 905	186	80	68	1, 905	122	245	227	240	24	16, 705	969
Musical Instruments	**780**	**4**	**1, 920**	**66**	**200**	**113**	**680**	**370**	**775**	**135**	**128**	**94**	**1, 105**	**184**	**405**	**584**	**15**	**325**	**6, 008**	**1, 875**
359 Miscellaneous	780	4	1, 920	66	200	113	680	370	775	135	128	94	1, 105	184	405	584	15	325	6, 008	1, 875
Office Equipment	-----	-----	**40**	**1**	-----	**17**	**70**	**16**	-----	**96**	-----	**21**	**120**	**84**	**60**	**411**	**40**	**64**	**330**	**710**
369 Miscellaneous	-----	-----	40	1	-----	17	70	16	-----	96	-----	21	120	84	60	411	40	64	330	710
Radio	-----	**11**	**150**	**23**	**360**	**29**	**855**	**355**	**390**	**379**	**120**	**120**	**30**	**368**	**65**	**269**	**248**	**150**	**2, 218**	**1, 704**
409 Miscellaneous	-----	11	150	23	360	29	855	355	390	379	120	120	30	368	65	269	248	150	2, 218	1, 704
Real Estate	-----	**19**	**690**	**53**	**180**	**26**	**120**	**247**	-----	**70**	-----	**2**	**245**	**2**	-----	**3**	**530**	**37**	**1, 765**	**459**
419 Miscellaneous	-----	19	690	53	180	26	120	247	-----	70	-----	2	245	2	-----	3	530	37	1, 765	459
Sporting Goods	-----	-----	-----	-----	-----	**22**	**495**	**36**	**175**	**158**	-----	**31**	**610**	**86**	-----	**49**	**257**	**19**	**1, 537**	**401**
439 Miscellaneous	-----	-----	-----	-----	-----	22	495	36	175	158	-----	31	610	86	-----	49	257	19	1, 537	401
Stationers	-----	-----	-----	-----	**60**	**42**	**180**	**107**	**300**	**77**	-----	**5**	-----	**107**	-----	**25**	**130**	**12**	**670**	**375**
449 Miscellaneous	-----	-----	-----	-----	60	42	180	107	300	77	-----	5	-----	107	-----	25	130	12	670	375
Toilet Goods and Beauty Shops	-----	**4**	**30**	**58**	**380**	**88**	**40**	**97**	**50**	**141**	**55**	**81**	**30**	**108**	**75**	**181**	**12**	**522**	**672**	**1, 280**
459 Miscellaneous	-----	4	30	58	380	88	40	97	50	141	55	81	30	108	75	181	12	522	672	1, 280
Totals	**12, 298**	**2, 636**	**57, 124**	**8, 690**	**55, 392**	**13, 260**	**107, 999**	**29, 729**	**65, 692**	**23, 610**	**21, 646**	**14, 507**	**75, 358**	**28, 335**	**41, 974**	**24, 058**	**30, 083**	**16, 806**	**467, 566**	**161, 631**

TABLE IV—Continued

GENERAL ADVERTISING UNITS

November 1940

	2,500,000 and over		1,000,000 to 2,500,000		500,000 to 1,000,000		250,000 to 500,000		100,000 to 250,000		50,000 to 100,000		25,000 to 50,000		10,000 to 25,000		Less than 10,000		Totals	
Total Commercial Operating Stations	52		60		44		93		106		58		104		160		111		788	
Total Stations Reporting	12		20		20		39		28		16		27		23		18		203	
Type of Sponsoring Business	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Agriculture	**1,115**	**137**	**1,680**	**55**	**1,155**	**36**	**1,155**	**186**	**3,848**	**309**	**1,870**	**290**	**1,733**	**305**	**1,505**	**332**	**4,490**	**603**	**18,551**	**2,253**
501 Cattle Foods	725	70	245	34	915	24	1,065	45	1,835	122	1,215	139	500	59	1,050	44	1,640	176	9,190	713
502 Seeds	-----	53	405	1	240	-----	-----	56	310	146	390	99	-----	26	-----	88	260	136	1,605	605
503 Farm Machinery	390	9	390	-----	-----	-----	-----	21	300	3	-----	4	855	6	-----	30	450	43	2,385	116
504 Nurseries	-----	-----	390	-----	-----	-----	60	-----	270	-----	-----	-----	-----	-----	-----	-----	1,335	-----	2,055	-----
505 Live Stock	-----	5	250	-----	-----	-----	-----	39	1,133	38	85	22	170	63	455	80	675	170	2,768	417
509 Miscellaneous	-----	-----	-----	20	-----	12	30	25	-----	-----	180	26	208	151	-----	90	130	78	548	402
Alcoholic Beverages	**1,295**	**364**	**4,415**	**268**	**5,515**	**718**	**6,403**	**1,625**	**5,330**	**836**	**1,500**	**646**	**6,150**	**2,327**	**5,400**	**401**	**2,200**	**615**	**38,208**	**7,800**
511 Beers	195	104	4,045	172	5,190	500	6,153	1,402	4,445	644	1,500	646	5,595	2,150	5,400	401	2,200	590	34,723	6,609
512 Wines	1,100	260	370	96	325	218	250	223	885	192	-----	-----	165	177	-----	-----	-----	25	3,095	1,191
513 Liquors	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	390	-----	-----	-----	-----	-----	390	-----
519 Miscellaneous	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Amusements	-----	**36**	-----	**42**	-----	**39**	**225**	**141**	-----	**30**	-----	**26**	-----	**16**	-----	-----	-----	-----	**225**	**330**
529 Miscellaneous	-----	36	-----	42	-----	39	225	141	-----	30	-----	26	-----	16	-----	-----	-----	-----	225	330
Automotive	**1,930**	**17**	**5,225**	**419**	**10,055**	**526**	**13,134**	**682**	**9,660**	**885**	**5,257**	**364**	**12,110**	**310**	**4,775**	**493**	**4,439**	**257**	**66,585**	**3,953**
531 Aviation	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
533 Gas and Oil	1,780	-----	3,975	239	8,895	252	12,102	379	8,775	713	4,595	257	11,890	229	3,165	384	4,439	188	59,616	2,641
534 Parts and Accessories	-----	7	-----	21	-----	26	-----	46	-----	50	195	25	-----	47	600	8	-----	50	795	280
535 Passenger Cars	30	10	1,250	16	1,169	95	912	3	570	89	92	82	160	1	620	61	-----	19	4,794	376
536 Tires and Tubes	-----	-----	-----	56	-----	104	120	154	-----	12	115	-----	60	7	-----	-----	-----	-----	295	333
537 Trucks	-----	-----	-----	2	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	2
538 Tractors	-----	-----	-----	-----	-----	-----	-----	-----	315	-----	-----	-----	-----	26	390	-----	-----	-----	705	26
539 Miscellaneous	120	-----	-----	85	-----	49	-----	100	-----	21	260	-----	-----	-----	-----	40	-----	-----	380	295
Building Materials	**225**	**6**	**415**	**40**	**150**	**72**	**305**	**130**	**225**	**40**	**75**	**69**	**180**	**109**	**771**	**33**	**330**	**57**	**2,676**	**556**
549 Miscellaneous	225	6	415	40	150	72	305	130	225	40	75	69	180	109	771	33	330	57	2,676	556
Confections	**1,630**	**414**	**2,120**	**558**	**2,520**	**632**	**2,395**	**1,094**	**955**	**589**	**1,665**	**503**	**480**	**329**	**90**	**40**	**120**	**213**	**11,975**	**4,372**
559 Miscellaneous	1,630	414	2,120	558	2,520	632	2,395	1,094	955	589	1,665	503	480	329	90	40	120	213	11,975	4,372
Educational	-----	**2**	**15**	-----	-----	-----	**20**	-----	**65**	-----	-----	-----	-----	-----	**60**	-----	**170**	**61**	**330**	**63**
569 Miscellaneous	-----	2	15	-----	-----	-----	20	-----	65	-----	-----	-----	-----	-----	60	-----	170	61	330	63
Financial	**955**	**165**	**1,945**	**522**	**2,160**	**730**	**5,377**	**995**	**2,383**	**1,098**	**2,039**	**759**	**3,885**	**1,261**	**1,310**	**670**	**415**	**481**	**20,469**	**6,684**
571 Banks and Trust Companies	455	29	1,075	163	850	271	1,957	544	813	525	444	478	2,205	498	480	255	355	112	9,634	2,875
572 Real Estate and Home Financing	-----	10	65	-----	455	36	810	72	190	2	300	28	500	38	-----	4	60	86	2,380	276
573 Stock and Bond Houses	-----	-----	-----	23	-----	-----	-----	23	130	26	-----	-----	240	-----	390	-----	-----	-----	760	72
579 Miscellaneous	500	126	805	336	855	423	2,610	356	1,250	545	295	253	940	728	440	411	-----	283	7,695	3,461
Groceries	**9,290**	**1,980**	**28,155**	**3,534**	**21,985**	**4,894**	**44,754**	**6,197**	**38,654**	**4,600**	**17,859**	**3,389**	**26,058**	**3,856**	**15,274**	**2,572**	**15,988**	**4,085**	**218,017**	**35,107**
581 Baking Products	740	293	2,180	72	2,770	1,562	4,550	1,369	5,457	1,737	2,510	420	4,768	449	1,080	537	2,265	1,361	26,320	7,800
582 Beverages	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
583 Coffee and Tea	1,105	219	2,235	328	1,320	142	3,890	506	3,140	273	2,125	435	640	263	2,145	132	2,040	150	18,640	2,448
584 Soft Drinks	300	444	1,320	358	1,980	166	6,055	979	2,460	190	1,993	511	3,550	1,018	4,125	408	1,578	832	23,361	4,906
589 Miscellaneous	-----	11	540	107	180	143	450	96	1,697	149	295	-----	1,495	205	315	2	195	-----	5,167	713
585 Shortening	-----	32	765	68	630	87	2,625	258	3,680	65	750	136	750	48	-----	56	315	38	9,515	788
586 Cereals and Breakfast Foods	1,965	26	4,370	134	1,845	124	3,085	371	1,845	191	315	215	1,800	115	705	141	1,010	181	16,940	1,498
587 Condiments	570	112	80	49	275	158	130	156	195	65	30	37	5	5	65	-----	15	145	1,365	727
588 Dairy Products	240	410	1,475	247	2,055	989	915	426	1,305	134	1,356	216	1,440	214	1,250	303	1,525	86	11,561	3,025
591 Meats-Fish-Poultry	840	91	2,520	202	1,620	281	2,360	230	1,515	123	1,255	125	750	438	350	210	525	15	11,735	1,715
592 Laundry Soaps and Cleansers	580	135	6,660	577	4,975	277	11,094	461	8,845	426	3,650	298	6,430	345	2,655	90	3,955	351	48,844	2,960
593 Flour	510	-----	1,170	56	1,110	64	6,020	179	3,690	83	2,160	309	2,460	131	474	138	2,090	383	19,684	1,343
594 Sugar	-----	-----	20	8	-----	-----	585	140	-----	120	10	59	-----	-----	-----	-----	-----	-----	615	327
595 Disinfectants and Exterminators	-----	-----	300	16	315	26	-----	42	390	-----	-----	-----	-----	-----	45	6	70	4	1,120	94
599 Miscellaneous	2,440	207	4,520	1,312	2,910	875	2,995	984	4,435	1,044	1,410	628	1,970	625	2,065	549	405	539	23,150	6,763
Hotels and Resorts	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
609 Miscellaneous	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Housing Equipment and Supplies	**870**	**69**	**3,060**	**83**	**2,100**	**108**	**4,747**	**607**	**1,695**	**208**	**825**	**101**	**2,340**	**50**	**1,510**	**126**	**610**	**342**	**17,757**	**1,694**
611 Air Conditioning	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	750	-----	-----	-----	750	-----
612 Automatic Heating	-----	-----	-----	-----	-----	4	2,880	60	-----	-----	-----	-----	-----	-----	250	-----	-----	-----	3,130	64
613 Automatic Refrigeration	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	390	-----	-----	-----	-----	-----	390	-----
614 Fixtures	330	-----	-----	-----	390	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	720	-----
615 Fuel	-----	39	705	53	525	48	430	73	675	116	195	-----	180	-----	510	114	120	8	3,340	451
616 Furniture and Furnishings	450	-----	1,410	5	1,185	18	1,437	92	585	33	330	4	435	-----	-----	-----	100	208	5,932	360
617 Heaters and Stoves	-----	10	945	25	-----	38	-----	334	435	59	300	97	1,335	50	-----	12	390	69	3,405	694
629 Miscellaneous	90	20	-----	-----	-----	-----	-----	48	-----	-----	-----	-----	-----	-----	-----	-----	-----	57	90	125

	Industrial	-----	-----	**120**	**13**	**120**	-----	**30**	**12**	**120**	**5**	**5**	**39**	**420**	**18**	**60**	-----	**430**	**13**	**705**	**100**
639	Miscellaneous	-----	-----	120	13	120	-----	30	12	120	5	5	39	120	18	60	-----	130	13	705	100
	Insurance	**245**	**78**	**1,175**	**30**	**380**	-----	**980**	**82**	**1,335**	**75**	**330**	**179**	**75**	**177**	**1,285**	**191**	**855**	**309**	**6,660**	**1,121**
649	Miscellaneous	245	78	1,175	30	380	-----	980	82	1,335	75	330	179	75	177	1,285	191	855	309	6,660	1,121
	Jewelry and Silverware	-----	-----	**120**	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	**120**	-----
659	Miscellaneous	-----	-----	120	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	120	-----
	Medical	**7,480**	**1,365**	**8,245**	**3,250**	**7,045**	**3,322**	**14,500**	**5,437**	**6,933**	**3,281**	**6,052**	**2,400**	**6,291**	**1,881**	**5,975**	**1,061**	**5,075**	**4,621**	**67,596**	**23,348**
669	Miscellaneous	7,480	1,365	8,245	3,250	7,045	3,322	14,500	5,137	6,933	3,281	6,052	2,400	6,291	1,881	5,975	1,061	5,075	1,621	67,596	23,318
	Miscellaneous	**1,415**	**437**	**5,080**	**296**	**4,285**	**253**	**2,540**	**531**	**3,045**	**554**	**1,150**	**172**	**4,708**	**987**	**4,030**	**228**	**1,740**	**395**	**21,993**	**3,553**
671	Cards and Stationery	-----	-----	-----	15	-----	-----	-----	53	-----	15	-----	-----	-----	-----	-----	-----	-----	42	-----	125
672	Cham. of Com. & Merch. Asso.	-----	-----	365	28	1,470	46	1,035	81	1,225	366	115	69	140	695	670	133	315	126	5,335	1,544
673	Pet Foods	600	17	1,105	126	650	80	315	62	265	-----	-----	4	168	72	-----	19	60	-----	3,163	380
674	Phonograph Records	150	76	2,385	-----	765	33	870	15	510	-----	630	-----	-----	-----	-----	-----	-----	-----	5,310	124
675	Veterinary and Animal Medicine	65	-----	95	-----	260	-----	-----	13	125	33	65	19	-----	3	-----	-----	585	22	1,195	90
699	Miscellaneous	600	44	1,130	127	1,140	94	320	307	920	140	340	80	1,400	217	360	76	780	205	6,990	1,290
	Political	**1,362**	**195**	**3,092**	**468**	**1,445**	**188**	**4,905**	**672**	**3,224**	**577**	**1,595**	**208**	**4,098**	**4,108**	**4,415**	**358**	**1,352**	**234**	**22,518**	**4,008**
701	Local	110	23	440	44	270	32	845	189	210	176	265	25	340	379	220	48	195	4	2,895	920
702	State	371	62	285	119	390	47	1,060	243	780	139	440	42	270	107	510	36	445	60	4,551	855
703	National	656	61	666	64	280	38	1,475	89	384	63	280	16	1,583	153	135	74	465	28	5,924	586
709	Miscellaneous	225	49	1,701	241	505	71	1,525	151	1,850	199	610	125	1,905	469	580	200	247	142	9,148	1,647
	Professional and Service	**405**	**67**	**360**	**85**	**625**	**694**	**3,757**	**1,924**	**2,535**	**1,023**	**275**	**956**	**1,140**	**1,775**	**325**	**86**	**550**	**379**	**9,672**	**6,989**
711	Opticians-Optometrists	105	67	360	59	130	484	2,252	1,390	990	792	215	900	595	788	-----	65	150	208	4,797	4,753
712	Chiropractors	-----	-----	-----	-----	135	116	215	-----	120	8	-----	26	230	2	25	14	85	62	810	228
713	Dentists	-----	-----	-----	26	360	42	900	504	1,425	141	60	30	195	973	240	-----	-----	21	3,180	1,737
714	Physicians (Medical)	-----	-----	-----	-----	-----	-----	-----	-----	-----	56	-----	-----	120	-----	-----	-----	-----	-----	120	56
715	Hospitals	-----	-----	-----	-----	-----	-----	-----	-----	-----	26	-----	-----	-----	8	-----	7	255	4	255	45
719	Miscellaneous	-----	-----	-----	-----	-----	52	390	30	-----	-----	-----	-----	-----	4	60	-----	60	84	510	170
	Public Utilities	**450**	**33**	**3,855**	**160**	**1,095**	**666**	**4,245**	**723**	**1,270**	**1,114**	**1,690**	**244**	**1,500**	**388**	**2,570**	**194**	**1,925**	**259**	**18,609**	**3,781**
721	Electric Companies	450	9	255	51	1,095	450	1,125	468	775	732	1,470	120	405	202	2,570	172	1,530	193	9,675	2,397
722	Gas Companies	-----	-----	-----	69	-----	33	2,760	65	15	236	30	-----	255	115	-----	6	390	66	3,450	590
723	Electric and Gas Companies	-----	-----	3,600	21	-----	173	240	-----	-----	26	130	27	840	48	-----	-----	5	-----	4,815	295
724	Telegraph Companies	-----	-----	-----	3	-----	10	-----	118	-----	71	-----	67	-----	15	-----	11	-----	-----	-----	295
725	Telephone Companies	-----	24	-----	16	-----	-----	-----	72	480	49	-----	30	-----	8	-----	-----	-----	-----	480	199
729	Miscellaneous	-----	-----	-----	-----	-----	-----	120	-----	-----	-----	60	-----	-----	-----	-----	5	-----	-----	180	5
	Publications	**1,275**	**474**	**725**	**164**	**2,335**	**800**	**5,793**	**435**	**2,910**	**161**	**425**	**29**	**640**	**448**	**1,811**	**452**	**793**	**321**	**16,407**	**2,687**
731	Books	-----	3	20	-----	-----	-----	30	-----	820	-----	-----	-----	30	-----	-----	-----	-----	85	900	88
732	Magazines	60	21	465	21	970	2	190	26	380	17	125	-----	30	-----	510	-----	553	98	3,283	185
733	Newspapers	1,215	450	240	143	1,365	67	5,573	401	1,710	145	-----	29	580	141	1,301	152	240	62	12,224	1,590
739	Miscellaneous	-----	-----	-----	-----	-----	731	-----	8	-----	2	-----	-----	-----	7	-----	-----	-----	76	-----	824
	Religion	**2,700**	**1**	**6,355**	**21**	**4,275**	**40**	**10,875**	**18**	**5,187**	**44**	**4,650**	**43**	**10,920**	**65**	**8,020**	**28**	**4,860**	**21**	**57,842**	**221**
749	Miscellaneous	2,700	1	6,355	21	4,275	10	10,875	18	5,187	44	4,650	13	10,920	65	8,020	28	4,860	21	57,842	221
	Radio	**990**	**33**	**645**	**46**	**300**	**80**	**60**	**52**	**2,985**	**133**	**625**	**32**	-----	**427**	**420**	**5**	-----	**6**	**4,825**	**514**
751	Sets	600	-----	645	46	255	80	60	31	2,085	133	565	32	-----	127	120	5	-----	6	4,330	460
752	Stations	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
753	Tubes	-----	-----	-----	-----	45	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	45	-----
759	Miscellaneous	390	33	-----	-----	-----	-----	-----	21	-----	-----	60	-----	-----	-----	-----	-----	-----	-----	450	54
	Sporting Goods	-----	**3**	**60**	-----	**120**	-----	-----	-----	-----	-----	-----	**9**	-----	-----	-----	-----	-----	-----	**180**	**12**
769	Miscellaneous	-----	3	60	-----	120	-----	-----	-----	-----	-----	-----	9	-----	-----	-----	-----	-----	-----	180	12
	Tobacco	**405**	**347**	**4,490**	**663**	**2,025**	**143**	**2,310**	**480**	**2,095**	**130**	**2,820**	**117**	**2,305**	**190**	**570**	**219**	**120**	**77**	**17,140**	**2,066**
771	Cigars	195	52	930	165	945	72	300	70	945	68	-----	26	120	43	60	-----	-----	-----	3,495	496
772	Cigarettes	210	244	2,915	472	930	39	1,080	58	705	52	515	-----	1,530	23	-----	152	-----	-----	7,885	1,040
773	Tobacco	-----	51	645	26	150	32	-----	52	130	-----	-----	-----	300	13	-----	-----	-----	26	1,225	200
774	Miscellaneous Tobacco	-----	-----	-----	-----	-----	-----	930	-----	315	-----	1,860	42	315	8	375	61	120	51	3,915	162
779	Miscellaneous	-----	-----	-----	-----	-----	-----	-----	-----	-----	10	445	49	40	103	135	6	-----	-----	620	168
	Toilet Requisites	**2,025**	**425**	**5,307**	**979**	**2,525**	**1,111**	**1,535**	**1,108**	**3,365**	**749**	**4,103**	**508**	**1,515**	**141**	**240**	**84**	**405**	**195**	**21,020**	**5,300**
781	Antiseptics	-----	-----	-----	-----	-----	-----	255	21	120	-----	-----	78	-----	-----	-----	-----	-----	-----	375	99
782	Dentifrices	-----	73	605	10	-----	355	-----	-----	870	139	483	-----	315	-----	-----	-----	-----	-----	2,273	577
783	Perfumes-Cosmetics-Lotions	650	149	1,050	508	45	315	330	393	160	123	25	169	165	64	165	-----	-----	-----	2,590	1,721
784	Toilet Soaps	280	56	2,760	104	1,570	58	2,630	317	955	118	130	108	270	-----	-----	24	-----	26	8,595	811
789	Miscellaneous	1,095	147	892	357	910	383	1,320	377	1,260	369	465	153	765	77	75	60	405	169	7,187	2,092
	Transportation	**1,635**	**39**	**585**	**360**	**310**	**466**	**435**	**4,071**	**785**	**381**	**450**	**405**	**405**	**322**	**210**	**653**	**20**	**144**	**4,835**	**3,541**
791	Airways	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	3	-----	3
792	Bus Lines	-----	-----	-----	-----	-----	115	-----	78	665	66	180	78	90	155	30	183	-----	-----	965	675
793	Railroads	1,560	-----	75	43	60	55	60	176	-----	68	270	-----	-----	4	-----	65	-----	13	2,025	424
794	Steamships	-----	-----	-----	-----	-----	-----	-----	-----	-----	14	-----	-----	-----	-----	-----	-----	-----	24	-----	38
795	Tours	-----	-----	60	-----	-----	-----	-----	4	120	-----	-----	-----	-----	-----	-----	-----	-----	26	180	30
799	Miscellaneous	75	39	450	317	250	296	375	813	-----	233	-----	27	315	163	180	405	20	78	1,665	2,371
	Wearing Apparel	**1,170**	**103**	**2,130**	**196**	**865**	**74**	**780**	**279**	**370**	**149**	**1,235**	**264**	**203**	**12**	-----	**120**	-----	**26**	**6,753**	**1,223**
801	Men's Wear	300	15	-----	12	-----	-----	-----	-----	-----	9	570	26	-----	-----	-----	-----	-----	26	870	88
802	Women's Wear	60	32	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	60	32
809	Miscellaneous	810	56	2,130	184	865	74	780	279	370	140	665	238	203	12	-----	120	-----	-----	5,823	1,103
	Watches	-----	**1,229**	**192**	**1,496**	-----	**1,607**	-----	**2,331**	-----	**2,137**	-----	**531**	-----	**4,102**	-----	**61**	-----	**54**	**492**	**10,548**
819	Miscellaneous	-----	1,229	192	1,496	-----	1,607	-----	2,331	-----	2,137	-----	531	-----	1,102	-----	61	-----	54	192	10,548
	Totals	**38,567**	**7,719**	**89,566**	**43,718**	**73,390**	**17,469**	**134,260**	**26,212**	**98,074**	**19,111**	**53,495**	**11,953**	**83,856**	**47,007**	**54,356**	**8,107**	**46,587**	**10,768**	**671,851**	**431,791**

STATIONS COOPERATING
in the
BROADCAST ADVERTISING UNIT VOLUME REPORT—NOVEMBER 1940

DISTRICT 1

- Connecticut
  - WICC—Bridgeport
  - WDRC—Hartford
  - WTHT— ”
- Maine
  - WCOU—Lewiston
- Massachusetts
  - WAAB—Boston
  - WBZ— ”
  - WEEI— ”
  - WNAC— ”
  - WOCB—near Hyannis
  - WLAW—Lawrence
  - WLLH—Lowell
  - WBZA—Springfield
  - WORC—Worcester
- New Hampshire
- Rhode Island
  - WEAN—Providence
- Vermont
  - WCAX—Burlington

DISTRICT 2

- New York
  - WABY—Albany
  - WOKO— ”
  - WENY—Elmira
  - WHCU—Ithaca
  - WJTN—Jamestown
  - WABC—New York City
  - WEAF— ”
  - WINS— ”
  - WJZ— ”
  - WQXR— ”
  - WHDL—Olean
  - WHAM—Rochester
  - WHEC— ”
  - WTRY—Troy
  - WIBX—Utica
  - WFAS—White Plains

DISTRICT 3

- Delaware
- New Jersey
  - WSNJ—Bridgeton
  - WCAM—Camden
- Pennsylvania
  - WHJB—Greensburg
  - WHP—Harrisburg
  - KYW—Philadelphia
  - WCAU— ”
  - KDKA—Pittsburgh
  - KQV— ”
  - WCAE— ”
  - WARM—Scranton
  - WGBI— ”
  - WBAX—Wilkes-Barre
  - WRAK—Williamsport

DISTRICT 4

- District of Columbia
  - WJSV—Washington
  - WMAL— ”
  - WOL— ”
  - WRC— ”
- Maryland
  - WBAL—Baltimore
  - WCBM— ”
  - WFBR— ”
  - WTBO—Cumberland
  - WBOC—Salisbury
- North Carolina
  - WWNC—Asheville
  - WBT—Charlotte
  - WBIG—Greensboro
  - WGTC—Greenville
  - WPTF—Raleigh
  - WSTP—Salisbury
  - WSJS—Winston-Salem
- South Carolina
  - WIS—Columbia
- Virginia
  - WCHV—Charlottesville
  - WSVA—Harrisonburg
  - WLVA—Lynchburg
  - WGH—Newport News
  - WTAR—Norfolk
  - WPID—Petersburg
  - WRNL—Richmond
- West Virginia
  - WJLS—Beckley
  - WMMN—Fairmont
  - WSAZ—Huntington
  - WPAR—Parkersburg
  - WWVA—Wheeling

DISTRICT 5

- Alabama
- Florida
  - WDBO—Orlando
- Georgia
  - WGPC—Albany
  - WAGA—Atlanta
  - WSB— ”
  - WMGA—Moultrie
  - WSAV—Savannah
  - WTOC— ”
- Puerto Rico

DISTRICT 6

- Arkansas
  - KFPW—Fort Smith
  - KARK—Little Rock
  - KUOA—Siloam Springs
- Louisiana
  - KTBS—Shreveport
  - KWKH— ”
- Mississippi
  - WJPR—Greenville
- Tennessee
  - WOPI—Bristol

DISTRICT 7

- Kentucky
  - WLBJ—Bowling Green
  - WAVE—Louisville
  - WHAS— ”
- Ohio
  - WJW—Akron
  - WCKY—Cincinnati
  - WLW— ”
  - WSAI— ”
  - WCLE—Cleveland
  - WGAR— ”
  - WTAM— ”
  - WBNS—Columbus
  - WCOL— ”
  - WHIO—Dayton
  - WLOK—Lima
  - WPAY—Portsmouth
  - WSPD—Toledo
  - WFMJ—Youngstown
  - WHIZ—Zanesville

DISTRICT 8

- Indiana
  - WFBM—Indianapolis
  - WIRE— ”
- Michigan
  - WELL—Battle Creek
  - WJR—Detroit
  - WWJ— ”
  - WJMS—Ironwood
  - WKZO—Kalamazoo
  - WKBZ—Muskegon

DISTRICT 9

- Illinois
  - WENR—Chicago
  - WLS— ”
  - WMAQ— ”
  - WCLS—Joliet
  - WMBD—Peoria
  - WTAD—Quincy
  - WROK—Rockford
  - WHBF—Rock Island
  - WDZ—Tuscola
- Wisconsin
  - WCLO—Janesville
  - WIBA—Madison
  - WEMP—Milwaukee
  - WTMJ— ”
  - WRJN—Racine
  - WHBL—Sheboygan

DISTRICT 10

- Iowa
  - WKBB—Dubuque
  - WMT—Cedar Rapids
  - KRNT—Des Moines
  - KSO— ”
  - WHO— ”
  - KMA—Shenandoah
- Missouri
  - KFRU—Columbia
  - KMBC—Kansas City
  - WIL—St. Louis
- Nebraska
  - KMMJ—Grand Island
  - KGFW—Kearney
  - KFAB—Lincoln
  - KFOR— ”
  - KOIL—Omaha
  - WOW— ”

DISTRICT 11

- Minnesota
  - KATE—Albert Lea
  - WCCO—Minneapolis
  - WTCN— ”
  - KFAM—St. Cloud
  - KSTP—St. Paul
- North Dakota
- South Dakota
  - KABR—Aberdeen
  - WNAX—Yankton

DISTRICT 12

- Kansas
  - KGNO—Dodge City
  - KCKN—Kansas City
- Oklahoma
  - KOCY—Oklahoma City
  - KTOK— ”

DISTRICT 13

Texas
- KGNC—Amarillo
- KRIC—Beaumont
- KRIS—Corpus Christi
- KAND—Corsicanna
- WFAA—Dallas
- KGKO—Fort Worth
- WBAP— "
- KPRC—Houston
- KTRH— "
- KPDN—Pampa
- KPAC—Port Arthur
- WOAI—San Antonio
- KRGV—Weslaco

DISTRICT 14

Colorado
- KFEL—Denver
- KOA— "
- KIUP—Durango

Idaho
- KIDO—Boise

Montana
- KFBB—Great Falls
- KGVO—Missoula

Utah
- KVNU—Logan
- KDYL—Salt Lake City
- KSL— " " "

Wyoming
- KWYO—Sheridan

DISTRICT 15

California
- KHSL—Chico
- KMJ—Fresno
- KYOS—Merced
- KROW—Oakland
- KFBK—Sacramento
- KROY— "
- KGO—San Francisco
- KJBS— "
- KPO— "
- KYA— "
- KQW—San Jose
- KWG—Stockton
- KHUB—near Watsonville

Hawaii
- KGMB—Honolulu

Nevada
- KOH—Reno

DISTRICT 16

Arizona
- KOY—Phoenix
- KYUM—Yuma

New Mexico
- KICA—Clovis

California
- KFOX—Long Beach
- KECA—Los Angeles
- KFI— "

DISTRICT 17

Alaska

Oregon
- KALE—Portland
- KOIN— "
- KWJJ— "

Washington
- KVOS—Bellingham
- KWLK—Long View
- KIRO—Seattle
- KJR— "
- KOMO— "
- KFPY—Spokane
- KGA— "
- KHQ— "
- KVI—Tacoma

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 9, February 28, 1941

ASCAP SIGNS CONSENT DECREE

Neville Miller, President of the National Association of Broadcasters, made the following statement Wednesday on hearing that ASCAP had signed a consent decree:

> "We hope that the Department of Justice is right in saying that the signing of ASCAP's consent decree is an important step toward arriving at an equitable arrangement for radio's use of ASCAP music. The consent decree requires ASCAP to offer its music to broadcasters on a per-program basis. This is the formula on which we have always wanted to buy the right to use ASCAP music on the air, and months ago we made it quite clear to ASCAP's management that our board of directors would be called together promptly to consider any proposal which ASCAP cared to make based on this formula.
>
> "How imminent a settlement between broadcasting and ASCAP may be depends on how soon ASCAP can readjust its whole set-up to conform with the terms of the decree and how soon thereafter it will be in a position to work out a proposal for our consideration."

The Department of Justice announced Wednesday that the American Society of Composers, Authors and Publishers had signed a Civil Decree in the U. S. District Court of the Southern District of New York in which it agreed to cease engaging in activities which the Department alleges constitute violations of the Sherman Act. This decree brings to an end litigation started by the Government against ASCAP in 1935.

In the opinion of the Department the decree paves the way for an immediate settlement of the difficulties between ASCAP and the broadcasters which have resulted in the banning of ASCAP music from the air since January 1, 1941. All objectionable practices have been resolved by the decree. The only matter remaining for adjustment is one of price between ASCAP and the broadcasters.

The decree, which becomes effective 90 days after entry, provides:

1. That ASCAP members will not license the public performance rights of copyrighted musical compositions exclusively to ASCAP but are free to license to anyone except Broadcast Music, Inc.
2. ASCAP agrees not to discriminate either in price or terms among the users of copyrighted music. All ASCAP compositions will be offered for performance to all users of the same class on equal terms and conditions.
3. ASCAP agrees to license on a pay-when-you-play basis—that is, broadcasters will be able to buy ASCAP music on a per-program basis if they desire. Users other than broadcasters will be able to buy music on a per-piece basis if desired.
4. ASCAP agrees not to require a license for more than one station in connection with any network broadcasts. Licenses will be issued to networks' originating stations.
5. Manufacturers of electrical transcriptions or sponsors or advertisers on whose behalf such transcriptions are made will, if they so desire, be able to obtain licenses for the use of such transcriptions for broadcast purposes.
6. ASCAP agrees not to engage in a all-or-none policy for licensing its music—that is, motion picture exhibitors, restaurants, hotels, radio stations and all commercial users of ASCAP music will be able to obtain the right to perform any ASCAP compositions desired without being compelled to take the entire ASCAP catalogue.
7. ASCAP agrees that it will not attempt to restrict performance rights of its music for the purpose of regulating the price of recording its music on electrical transcriptions made for use in broadcasting.
8. ASCAP agrees to abolish its self-perpetuating Board of Directors and to permit election of directors by the membership.
9. ASCAP agrees to modify its membership requirements so as to make eligible any composer who has copyrighted one tune. Under the existing arrangement publication of five songs is required for eligibility.
10. ASCAP agrees to modify the practice of compensating its members so as to make such compensation on the basis of the popularity of its tunes in any given period. Under the present method of distribution, compensation is determined by an elaborate set of rules, including seniority, type of composition, etc.

Disposition of the civil suit by entry of this decree will not dispose of the criminal suit filed against ASCAP in the Eastern District of Wisconsin on February 5, 1941. That case will be disposed of by separate proceedings.

The case was in charge of Victor O. Waters, Special Assistant to the Attorney General, assisted by Warren P. Cunningham, special attorney.

ASCAP's consent decree:

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK
TERM, 1941

UNITED STATES OF AMERICA, *Plaintiff,*

vs.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS: Gene Buck, President; George W. Meyer, Secretary; and Gustave Schirmer, Treasurer, *Defendants.*

CIVIL ACTION—File No. 1395

CIVIL DECREE

This cause came on to be heard on this   day of   1941, the plaintiff being represented by Thurman Arnold, Assistant Attorney General, Victor O. Waters, Special Assistant to the Attorney General, and Warren Cunningham, Jr., Special Attorney, and the defendants being represented by

(Continued on page 196)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

ASCAP SIGNS CONSENT DECREE

(Continued from page 195)

their counsel, and having appeared and filed their answer to the complaint herein.

It appears to the Court that defendants herein have consented in writing to the making and entering of this decree, without any findings of fact, upon condition that neither such consent nor this decree shall be construed as an admission or adjudication that said defendants have violated any law.

It further appears to the Court that this decree will provide suitable relief concerning the matters alleged in the complaint filed herein and that by reason of the aforesaid consent of defendants and its acceptance by plaintiff it is unnecessary to proceed with the trial of the action, or to take testimony therein, or that any adjudication be made of the facts.

Now, Therefore, Upon motion of plaintiff, and in accordance with said consent, it is hereby

Ordered, Adjudged and Decreed

1. The Court has jurisdiction of the subject-matter set forth in the complaint and of the parties hereto with full power and authority to enter this decree and the complaint states a cause of action against the defendants under the Act of Congress of July 2, 1890, entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies" and the Acts amendatory thereof and supplemental thereto.

2. Defendants, Gene Buck, as President of the American Society of Composers, Authors and Publishers; George W. Meyer, Secretary; Gustave Schirmer, Treasurer; and American Society of Composers, Authors, and Publishers, its officers, directors, agents, servants, employees, members, and all persons acting or claiming to act on its behalf are hereby perpetually enjoined and restrained from entering into or carrying out, directly or indirectly, any combination or conspiracy to restrain interstate trade and commerce, as alleged in the complaint, by doing, performing, agreeing upon, entering upon or carrying out any of the acts or things hereinafter in this paragraph II prohibited.

(1) Defendant, American Society of Composers, Authors and Publishers, shall not, with respect to any musical composition, acquire or assert any exclusive performing right as agent, trustee or otherwise on behalf of any copyright owner, its members, or other owner of the performing right, or pursuant to any understanding or agreement with such owner, or its members, to pay for such right a share of, or an amount measured by, the receipts or revenues of said defendants. Nothing herein contained shall be construed as preventing defendant, American Society of Composers, Authors and Publishers, from regulating the activities of its members in the following respects: (a) By requiring all moneys derived from the issuance of licenses by the respective members of defendant to be paid by the licensee to defendant and distributed in the same manner as other revenues; (b) by requiring of its members that notice be given the defendant of their intent to issue licenses before the issuance of same; (c) by prohibiting the members from issuing exclusive licenses to commercial users of music; (d) by requiring, as a condition precedent to the issuance of a license by an individual member of the Society, the approval and consent, to be obtained by the licenser, of the composer (s), author (s) and publisher subject to such reasonable regulations as may be adopted by the composer (s), author (s), and publisher for that purpose; (e) by prohibiting the members from granting or assigning to persons, firms, corporations or enterprises, including Broadcast Music, Inc., the right to license or assign to others the right to perform publicly for profit the respective copyrighted musical compositions of which performance rights are owned or controlled by the respective members of the defendant Society.

(2) Defendant, American Society of Composers, Authors and Publishers, shall not enter into, recognize as valid or perform any performing license agreement which shall result in discriminating in price or terms between licensees similarly situated; provided, however, that differentials based upon applicable business factors which justify different prices or terms shall not be considered discirimnations within the meaning of this sub-paragraph; and provided further that nothing contained in this sub-paragraph shall prevent price changes from time to time by reason of changing conditions affecting the market for or marketability of performing rights.

(3) Defendant, American Society of Composers, Authors and Publishers, shall not require, as a condition to any offer to license the public performance for profit of a musical composition or compositions for radio broadcasting, a license fee of which any part shall be (a) in respect of commercial programs, based upon a percentage of the income received by the broadcaster from programs in which no musical composition or compositions licensed by said defendant for performance shall be performed, or (b) in respect of sustaining programs, an amount which does not vary in proportion either to actual performance, during the term of the license, of the musical compositions licensed by said defendant for performance, or to the number of programs on which such compositions or any of them shall be performed; provided, however, that nothing herein contained shall prevent said defendant from licensing a radio broadcaster, on either or both of the foregoing basis, if desired by such broadcaster, or upon any other basis desired by such broadcaster.

With respect to any existing or future performing license agreement with a radio broadcaster, defendant, American Society of Composers, Authors and Publishers, shall not, if required by such broadcaster, refuse to offer a per program basis of compensation on either or both of the following basis which may be specified by the broadcaster:

(i) in respect of sustaining programs a per program license fee, expressed in terms of dollars, requiring the payment of a stipulated amount for each program in which musical compositions licensed by said defendant shall be performed;

(ii) in respect of commercial programs, a per program license fee, either expressed in terms of dollars, requiring the payment of a stipulated amount for each program in which the musical compositions licensed by said defendant for performance shall be performed, or, at the option of defendant, the payment of a percentage of the revenue derived by the licensee for the use of its broadcasting facilities in connection with such program.

In the event that defendant shall offer to license the public performance for profit of a musical composition or compositions for radio broadcasting upon either or both of the foregoing per program basis, and shall also offer to license such performance on a basis of compensation which shall not vary in direct proportion

(Continued on page 199)

FOUR WEEKS TO MOVIN' DAY

Barring strikes, floods, fires and other acts over which we have no control, a large envelope containing at least the following will be mailed Saturday:

1—Special Movin' Day theme song written by BMI staff.

2, 3 & 4—Three Movin' Day scripts.

5—Release by Commissioner T. A. M. Craven.

6—"Engineering Aspects of the North American Regional Broadcasting Agreement," by E. K. Jett, chief engineer, Federal Communications Commission.

7—Announcements, and

8—Perhaps other items.

WRITE ART STRINGER

Stations are now well under way with their promotional plans for Radio Movin' Day. Will you tell us what they are? This kind of cooperation helps everybody.

RADIO GUIDE HELPS

Curtis Mitchell, retiring editor of *Movie-Radio Guide,* announces extensive cooperation with the broadcasting industry to publicize Movin' Day and the new frequency locations.

> "In our issue coming to the newsstand the week before the big station Movin' Day we tell readers what it is all about and what they may do by way of alleviating any inconvenience," he wrote.
>
> "The following week we recapitulate the first article and present a station log showing all the stations with their new frequencies, listed alphabetically.
>
> "The following week we will publish another station log giving the frequency of every American station listed according to kilocycles. We believe these special features, which will be played up big on our covers, will do a very satisfactory job."

KEN-RAD TUBE & LAMP CORP. OVER WLW

R. W. Metzner, sales manager of Ken-Rad, will include at least a 150-word Movin' Day editorial plug in his company's 11:15 p. m. program over WLW on Mondays. This schedule started February 24 and will continue through April 14.

ORDER MOVIN' DAY LEAFLETS

Three thousand (3,000) or a million are prepared to get the 2-color leaflets to you in time for effective distribution. Over 400,000 imprinted leaflets will be turned over to parcel post or express company for stations on Saturday.

We will appreciate receiving orders at your early convenience. These leaflets are inexpensive and effective.

FIRST MAYORALTY PROCLAMATION

The chief executive of Hattiesburg, Miss., is the first Mayor to issue a Movin' Day proclamation. News was reported by C. J. Wright, manager, WFOR, who made the contract. He said:

> "We are transcribing the Mayor's voice and will present it at opportune times between March 10-29. In addition we have also prepared and transcribed some promotional announcements that we will use in this campaign."

MINNESOTA AND THE NORTHWEST

Writes E. H. Gammons, general manager, WCCO:

> "Twin City stations are already at work with the various groups of servicemen . . . the Northern States Power Company in Minnesota and other states in which it operates in the Northwest is distributing the change in frequencies in next month's billings."

Minneapolis and St. Paul stations plan to begin their air campaign around the middle of March.

TOLEDO

J. H. Ryan, vice president, The Fort Industry Company, and head of WSPD, says: "We have received good cooperation from the local gas and electric companies."

ROCHESTER

William Fay, general manager, WHAM, says that Rochester stations have already had a meeting with the Electric League of Rochester, local manufacturers, radio dealers and servicemen, station representatives and advertising agencies. About the middle of the month the stations intend to begin a teaser campaign which will continue for approximately one week. Then stations will devote the remainder of the time to definite announcements regarding the change over of frequencies.

DENVER

Several of the Denver stations have had preliminary conversations as to suitable Movin' Day promotion, according to word from Gene O'Fallon, president, KFEL.

ITHACA

Cornell University's station WHCU, Ithaca, N. Y., has arranged with the local power company for 30,000 of the 2-color leaflets on reallocation to be enclosed with next month's statements. Deal was set by Michael R. Hanna, general manager, WHCU.

CHATTANOOGA

The power company which serves Chattanooga will distribute 42,000 2-color Movin' Day leaflets in March bills on behalf of the city's three stations WAPO, WDEF and WDOD. R. G. Patterson, WAPO, was contact.

THE STATE OF GEORGIA

Joe W. Kling, of the Georgia Power Company, which serves 75% of the entire state, is putting 225,000 logs of Georgia broadcast stations in next months' bills, according to a note from Howard Donahoe, program director, WAGA, Atlanta.

The stuffer is printed on red-orange cover stock. On the reverse side of the enclosure appears the following:

"March 29 Is Moving Day for U. S. Radio Stations

"Beginning March 29, your favorite radio station will have a new 'address' on the dial. On the other side of this card is published a list of all Georgia stations with their old and new frequencies in kilocycles. Use this table to locate your station. Or simply set the dial at the old location number and then vary it slightly up or back. You should be able to pick up your station in that way without difficulty.

"If you have a receiving set with push button tuning, a radio service man should make the proper adjustments for changed frequencies.

"The Georgia Power Company does not sell, install or repair radio sets. This card is sent to you only as a matter of information.

"Georgia Power Company"

The enclosures will go into homes and commercial establishments in the 450,000 square miles of territory served.

AMARILLO

Amarillo, Texas' two stations, KFDA and KGNC, will receive Movin' Day assistance from the Southwestern Public Service Company. Five thousand 2-color leaflets will be inserted in the March bills, according to John Ballard, general manager, KGNC.

ENCLOSED WITH THIS ISSUE

Enclosed with this issue of NAB Reports is a planographed copy of the official Movin' Day proclamation issued by the Governor of South Carolina. Like the other governors who have so far proclaimed, this chief executive has gone all the way to cooperate.

SAN DIEGO

J. Clark Chamberlain, secretary-manager, Bureau of Radio and Electrical Appliances, San Diego, Cal., is doing a fine job of promoting Movin' Day. On February 24 he wrote:

> "We are working up and now have under production a special log for this territory of which we will print at least 50,000 copies for free distribution. Considerable newspaper advertising will be run by the Bureau. Every possible advantage to be gained from this change will be stressed in this copy. Users will be assured that the entire move is solely in the interest of the better reception.
>
> "In addition to meetings of our Board we have had group discussions of service dealers to make sure that they all understand the magnitude of the change over problem."

COLUMBUS, MISS.

The Columbus City Power and Light Department March bills will contain stuffers "telling of the changeover of WCBI," according to Bob McRaney, general manager of the station.

TWELVE PROCLAMATIONS

Up to Thursday noon, February 27, twelve governors had either issued Radio Movin' Day proclamations or had agreed to do so. The nine unreported cooperating governors are:

Culbert L. Olson—California
Ralph L. Carr—Colorado
*Robert A. Hurley—Connecticut
Henry F. Schricker—Indiana
Keen Johnson—Kentucky
Leverett Saltonstall—Massachusetts
Paul B. Johnson—Mississippi
John W. Bricker—Ohio
Burnet R. Maybank—South Carolina

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* Connecticut's governor is prohibited by law from making desired proclamation, but he will issue a statement instead.

Governors reported in NAB Reports of February 21 were:

Matthew M. Neely—West Virginia
Homer M. Adkins—Arkansas
Payne Ratner—Kansas

Members of the Governors' Movin' Day Proclamation Committee are:

Name	*Station*	*City and State*
*Thomas C. McCray	WTIC	Hartford, Conn.
George Kelley	WCSH	Portland, Maine
*John Shepard III	Yankee Network	Boston, Mass.
Earle Clement	WLNH	Laconia, N. H.
John J. Boyle	WJAR	Providence, R. I.
Charles P. Hasbrook	WCAX	Burlington, Vt.
Harold Smith	WOKO	Albany, N. Y.
J. Gorman Walsh	WDEL	Wilmington, Del.
Alfred J. McCosker	WOR	Newark, N. J.
A. D. Willard, Jr.	WJSV	District of Columbia
John Elmer	WCBM	Baltimore, Md.
Edney Ridge	WBIG	Greensboro, N. C.
*G. Richard Shafto	WIS	Columbia, S. C.
C. T. Lucy	WRVA	Richmond, Va.
*Howard L. Chernoff	WCHS	Charleston, W. Va.
Howard E. Pill	WSFA	Montgomery, Ala.
W. Walter Tison	WFLA	Tampa, Fla.
J. Leonard Reinsch	WSB	Atlanta, Ga.
H. H. Buttner	WKAQ	San Juan, Puerto Rico
Juan Piza	WNEL	San Juan, Puerto Rico
*Ed Zimmerman	KARK	Little Rock, Ark.
James A. Noe	WNOE	New Orleans, La.
*Wiley P. Harris	WJDX	Jackson, Miss.
Harry Stone	WSM	Nashville, Tenn.
*W. L. Coulson	WHAS	Louisville, Ky.
*Richard A. Borel	WBNS	Columbus, Ohio
*Eugene C. Pulliam	WIRE	Indianapolis, Ind.
John E. Fetzer	WKZO	Kalamazoo, Mich.
Leslie C. Johnson	WHBF	Rock Island, Ill.
H. H. Born	WHBL	Sheboygan, Wis.
J. O. Maland	WHO	Des Moines, Iowa
George M. Burbach	KSD	St. Louis, Mo.
John J. Gillin, Jr.	WOW	Omaha, Neb.
Earl H. Gammons	WCCO	Minneapolis, Minn.
F. E. Fitzsimonds	KFYR	Bismarck, N. Dak.
A. A. Fay	KABR	Aberdeen, S. Dak.
*Ben Ludy	WIBW	Topeka, Kans.
Neal Barrett	KOMA	Oklahoma City, Okla.

Name	*Station*	*City and State*
Harold Hough	WBAP	Fort Worth, Tex.
*Gene O'Fallon	KFEL	Denver, Colo.
C. G. Phillips	KIDO	Boise, Idaho
Ed Craney	KGIR	Butte, Mont.
S. S. Fox	KDYL	Salt Lake City, Utah
H. L. McCracken	KYAN	Cheyenne, Wyo.
*Howard Lane	KFBK	Sacramento, Calif.
J. Howard Worral	KGMB	Honolulu, Hawaii
W. D. Warren	KOH	Reno, Nev.
Dick Lewis	KTAR	Phoenix, Ariz.
Ivan R. Head	KVSF	Sante Fe, N. Mex.
A. S. Lathrop	KFAR	Fairbanks, Alaska
C. Roy Hunt	KOIN	Portland, Ore.
H. J. Quilliam	KIRO	Seattle, Wash.

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* Proclamation received or agreed.

In many states the Governor's office will release a copy of the proclamation to all state papers, to press associations, radio stations and other interested parties. To make sure, however, that all stations receive news of the proclamation, without fail, it is suggested that members of the Governors' Movin' Day Proclamation Committee also notify stations by mail when, as and if the proclamation is issued.

It might be helpful also to carry a line in the letter stating the exact time after which the proclamation may be released. This is because the date of issuance of a proclamation may be later than the date stamped thereon.

LINE UP MAYORS

While the Governors' Committee is arranging matters don't forget to see the Mayors of cities in your service area about similar proclamations or resolutions.

ASCAP SIGNS CONSENT DECREE

(Continued from page 196)

either to actual performances during the term of the licenses of the musical compositions licensed by said defendant for performance or to the number of programs on which musical compositions licensed by defendant shall be performed, defendant shall act in good faith so that there shall be a relationship between such per program basis and such other basis, justifiable by applicable business factors, including availability, so that there will be no frustration of the purpose of this sub-paragraph to afford radio broadcasters alternative basis of license compensation.

(4) Defendant, American Society of Composers, Authors and Publishers, shall not license the public performance for profit of any musical composition or compositions except on a basis whereby, in so far as network radio broadcasting is concerned, the issuance of a single license, authorizing and fixing a single license fee for such performance by network radio broadcasting, shall permit the simultaneous broadcasting of such performance by all stations on the network which shall broadcast such performance, without requiring separate licenses for such several stations for such performance.

(5) With respect to any musical composition in defendant's catalogue of musical compositions licensed for radio broadcasting and which is or shall be lawfully recorded for performance on specified commercially sponsored programs on an electrical transcription or on other specially prepared recordation intended for broadcasting purposes, said defendant shall not refuse to offer to license the public performance for profit by designated radio broadcasting stations of such compositions by a single license to any manufacturer, producer or distributor of such transcription or recordation or to any advertiser or advertising agency on whose behalf such transcription or recordation shall have been made who may request such license, which single license shall authorize the broadcasting of the recorded composition by means of such transcription or recordation by all radio stations enumerated by the licensee, on terms and conditions fixed by said defendant, without requiring separate licenses for such enumerated stations.

(6) Defendant, American Society of Composers, Authors and Publishers, shall not, in connection with any offer to license by it the public performance for profit of musical compositions by users other than broadcasters, refuse to offer a license at a price or prices to be fixed by said defendant for the performance of such specific (i.e., per piece) musical compositions, the use of which shall be requested by the prospective licensee.

(7) Defendant, American Society of Composers, Authors and Publishers, shall not, in connection with any offer to license by it the public performance for profit of musical compositions by radio broadcasters, refuse to offer a license on a per performance on per program basis as provided for in paragraph II (3) hereof at a price or prices to be fixed by said defendant for the performance of such programs, the use of which shall be requested by the prospective licensee.

(8) Defendant, American Society of Composers, Authors and Publishers, shall not assert or exercise any right or power nor shall any of its members exercise any right or power to restrict from public performance for profit by any licensee of said defendant any copyrighted musical composition in order to exact additional consideration for the performance thereof, or for the purpose of permitting the fixing or regulating of fees for the recording or transcribing of such composition; provided, however, that nothing in this sub-paragraph shall prevent said defendant or its members from restricting performances of a musical composition in order reasonably to protect the work against indiscriminate performances or the value of the public performance for profit rights therein or to protect the dramatic performing rights therein, or, as may be reasonably necessary in connection with any claim or litigation involving the performing rights in any such composition.

(9) The Society shall not elect the members of the Board of Directors in any manner other than by a membership vote in which all author, composer and publisher members shall have the right to vote for their respective representatives to serve on the Board of Directors. Due weight may be given to the classification of the member within the Society in determining the number of votes each member may cast for the election of directors. Upon the expiration of the terms of office of the present directors, the provisions of this section shall apply to the election of their successors. Thereafter, not less than one-twelfth of the total membership of the Board of Directors shall be elected annually.

(10) Defendant, American Society of Composers, Authors and Publishers, shall provide in its by-laws that the Society shall not distribute to its members the moneys received by granting the right to perform copyrighted musical compositions publicly for profit on any basis other than the number, nature, character and prestige of the copyrighted musical compositions composed, written or published by each member, the length of time in which the works of the member have been a part of the catalog of the Society, and popularity and vogue of such works, all to be determined in a fair and non-discriminatory manner.

(11) Defendant, American Society of Composers, Authors and Publishers, shall not require as a condition precedent to eligibility for author or composer membership in the Society the regular publication of more than one musical composition or writing by any person who regularly practices the profession of writing music and the text or lyrics of musical works.

III. The terms of this decree shall be binding upon, and shall extend to each and every one of the successors in interest of defendant, American Society of Composers, Authors and Publishers, and to any and all corporations, partnerships, associations and individuals who or which may acquire the ownership or control, directly or indirectly, of all or substantially all of the property, business and assets of defendant, American Society of Composers, Authors and Publishers, whether by purchase, merger, consolidation, reorganization or otherwise. None of the restraints or requirements herein imposed upon the defendant shall apply to the acquisition of or licensing of the right to perform musical compositions publicly for profit outside the United States of America, its territories and possessions.

IV. For the purpose of securing compliance with this decree, and for no other purpose, duly authorized representatives of the Department of Justice shall, on the written request of the Attorney General or an Assistant Attorney General and on reasonable notice to defendant, American Society of Composers, Authors and Publishers, made to the principal office of said defendant, be permitted (a) reasonable access, during the office hours of said defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said defendant, relating to any of the matters contained in this decree; (b) subject to the reasonable convenience of said defendant and without restraint of interference from it, and subject to any legally recognized privilege, to interview officers or employees of said defendant, who may have counsel present, regarding any such matters; and said defendant, on such request, shall submit such reports in respect of any such matters as may from time to time be reasonably necessary for the proper enforcement of this decree; provided, however, that information obtained by the means permitted in this paragraph shall not be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department of Justice, except in the course of legal proceedings in which the United States is a party or as otherwise required by law.

V. This decree shall become effective ninety (90) days after the entry hereof, except that the provisions of subparagraph (6) of paragraph II shall become effective nine (9) months after the effective date of the other provisions of this decree.

VI. Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this decree to make application to the Court any time after the effective date hereof for such further orders and directions as may be necessary or appropriate in relation to the construction of or carrying out of this decree, for the modification hereof upon any ground for the enforcement of such compliance herewith and the punishment of violations hereof. Jurisdiction of this cause is retained for the purpose of granting or denying such applications so made as justice may require and the right of the defendant to make such application and to obtain such relief is expressly granted.

United States District Judge.

We hereby consent to the entry of the foregoing decree.

For the complainant:

THURMAN ARNOLD

VICTOR O. WATERS

Special Assistant to the Attorney General

WARREN CUNNINGHAM, JR.

Special Attorney

For the Defendants:

BMI

THE NEW MUSIC CONQUERS CANADA

Broadcasts Music, Inc., announces that it has concluded arrangements for the printing of all of its leading popular tunes in Canada. A recent Canadian edition of 5,000 copies of *I Hear A Rhapsody* was sold within a week and was followed by the second 5,000 which was likewise exhausted within a week. Canada's three best-selling records at the present are *I Hear A Rhapsody, Frenesi,* and *You Walk By,* in the order named. Aside from war songs more than 90% of the songs ordered in the Dominion are BMI publications or licensed through BMI.

Copyright counsel for BMI recently appeared before the Copyright Appeal Board of Canada to request four cents out of the eight cents on each licensed receiving set in Canada for performing rights. This is the first time that the Copyright Appeal Board has received claims of two competitive agencies, the entire field having been covered heretofore by the Canadian Performing Rights Society, a subsidiary of ASCAP. The Canadian Association of Broadcasters stated at the hearing that they welcomed BMI to the field as a competitive source of music.

Analysis based on the performance of representative Canadian stations presented at the hearing indicated that total performances in Canada are now in the ratio of three BMI tunes to five ASCAP tunes. Each performing rights agency is required to file its catalogues and its tariff of expected charges with the Canadian Copyright Board for decision. An announcement of the proportion of the eight cents which will be allotted to BMI and to ASCAP is expected soon.

BMI GIVES A SONG TO BRITAIN

Peter Colefax, member of the Administrative Committee of the British War Relief Society, has acknowledged receipt of a letter from M. E. Tompkins, General Manager of Broadcast Music, Inc., which sets forth the desire of the composers of a new song, *The Vesper Bells of Dover,* to contribute their entire royalties from the sale and performance of the song to the Society. At the suggestion of the composers, Mr. Tompkins points out that BMI is also contributing its full share of any profits accruing from the sale and performance of the composition.

The song, written by Don McCray, Robert Sour, and Ernest Gold, appeals to the nostalgia in the heart of every Englishman for a return of "the days we knew before" and "of the days that once again must be." The chorus follows:

> "The quiet hush of evening was falling once again
> And the VESPER BELLS WERE RINGING IN DOVER.
> Here friends could talk together and wander down the lane
> While the VESPER BELLS WERE RINGING IN DOVER.
> Now the old cathedral is facing troubled times
> But still it welcomes nightfall with the same familiar chimes.
> The great white cliffs are watching while waves come rolling in
> And the VESPER BELLS KEEP RINGING CLEAR IN DOVER."

BMI FEATURE TUNES
March 3-10

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. WHERE'S THE CAPTAIN'S HAT
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. TALKING TO THE WIND
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT
20. STONE'S THROW FROM HEAVEN

The appeal of BMI tunes to the public is clearly established by their position in the coin machines, in phonograph record sales, and sheet music sales. In this week's issue of *Billboard* 3 of the 6 top numbers in the coin machines and 5 of the 8 in the "coming up" group are numbers published or licensed by BMI. In *Variety*, 6 of the top 10 and 4 of the next 8 are from the BMI list. Phonograph record sales show that the 9 best selling records are all covered by the BMI license, while in sheet music sales the first 13 (according to *Variety*), 10 of the first 15 (according to *Billboard*) are covered by the BMI license.

Twenty-five new publishers have sprung up during the "battle of music," 15 of them licensing their music through BMI. Among those who have recently entered the publishing business are a number of band leaders, singers, and composers. Claude Lapham, well-known composer and teacher, recently resigned from ASCAP and opened his own publishing house which will feature his music. Included in the firms whose performing rights are controlled by BMI are Regent Music Corp., publishing originals by Benny Goodman; Mutual Music, outlet for the music of the Glenn Miller band; Republic Music, owned by Sammy Kaye; London Music, issuing originals by the Guy Lombardo band; and Nationwide Music, specializing in songs written by its owner, Lanny Ross.

At the present time *The Moon Won't Talk*, published by Regent Music, *Number 10 Lullaby Lane* from Warren Music, and *I Do, Do You?* published by Stevens Music, all licensed through BMI, are coming up rapidly among the most popular tunes of the country.

HIT MADE HIT-MAKER

A hefty swing to the jaw of Alberto Dominguez determined the future career of Latin America's composer of the currently popular BMI hit tunes *Frenesi* and *Perfidia*.

Nine years ago, Dominguez, one of eighteen children, aspired to pugilistic fame. He had already made good as musician and composer at the age of nineteen with two musical hits to his credit. However, a deep-rooted hankering to become the bantam-weight champion of all Mexico obsessed him. He had up to that time slugged his way up to the top of the amateur class in his native Chiapas and the surrounding land. To test his boxing skill he entered the professional ranks in Mexico City and signed up for his premiere bout—a six-rounder. In the second round his opponent swung a haymaker that completed its arc of motion on Alberto's chin. Alberto heard music, slumped to the ring floor, and later in his dressing room decided his future was in music. Today Dominguez contends that in the few seconds of semi-consciousness when he lay on the rosin-strewn ring mat he heard the most beautiful music. He's been trying to interpret the charm of that elusive tune ever since.

Substituting the baton for the boxing gloves, Dominguez organized five of his eleven music-playing brothers into the "Dominguez Marimba Band." Within four years his aggregation of tunemakers became the rage of music-made Mexico City. Radio Station XEW, most powerful south of the Rio Grande, signed Dominguez and his brothers for long-term service.

Dominguez relaxes by writing music. He is master of piano, trumpet, saxophone, violin, xylophone, and clarinet.

He hails from a family with wide musical background. His parents, in moderate circumstances, taught school with special emphasis on music. At the age of nine Dominguez played piano, xylophone, and trumpet sufficiently well to participate in the family circle orchestra. At ten he wrote *Viva La Feria*. It is still being played at festivals and county fairs in Mexico.

Frenesi and *Perfidia* have been pleasing Mexican ears for several years. Artie Shaw, vacationing in Mexico City last year, heard Dominguez play and got permission to feature *Frenesi* on his American radio program several months later. Shaw, it can be said, by featuring the tune really discovered the merits of Dominguez' work. *Perfidia* followed *Frenesi* and when BMI pushed the songs they became hits.

Dominguez composes his music when inspired by mood or stress of emotion. When in the "moody groove," he says, he can finger out on the piano a likeable tune in fifteen or twenty minutes. *Frenesi* was written after a hard day's work and excitement. Dominguez couldn't sleep and in his restlessness the melody came to him. He climbed out of bed, rushed to the piano with manuscript paper and pencil and poured out his feelings onto paper, via music. When dawn broke *Frenesi* was born. Not a note from the original manuscript has been changed, Dominguez says.

The unassuming 28-year-old composer recently slipped unheralded into New York, bringing a bagful of tunes which he believes will strike American public fancy. One of the numbers, *Un Momento* (One Moment) he regards as his best selection. Another recent composition, *Mala Noche* (Insomnia), which he knocked off after a mild nightmare, will be played with *Un Momento* for the first time over an NBC network.

Apparently unaware of the tremendous popularity of his music in New York, Dominguez was startled when the bellboy in the Hotel Edison, where he is staying, pushed the button which set the room radio in tone and *Frenesi* filled the room.

"That's a lovely song," commented the bellhop, not knowing the guest's identity. "I hear some ambitious Mexican music student wrote it. I bet he's going places someday."

Dominguez smiled and said simply, "It would be nice for that to happen."

FRENESI GOES OVER THE TOP

The sales of phonograph records of *Frenesi* are giving a demonstration of the popularizing power of radio. Artie Shaw's record has already become one of the half-dozen best-sellers published by the RCA Victor Company in recent years. It was placed on sale about nine months ago. Its sales were good but not phenomenal until it began to be featured by BMI stations. During the past four months the sales of the record have mounted steadily and at the present time there are about ten other records of *Frenesi* selling under various labels. It is reliably stated that a record of *Frenesi* is to be found in nearly all of the country's 500,000 coin phonographs, with the Shaw recording featured in about half of them. According to present indications the total sale of *Frenesi* records by various orchestras will hit well over the million mark.

For the past ten weeks *Frenesi* has been among the leading sheet music sales with about 175,000 piano copies sold to date.

FIRST 100 PER CENT BMI PICTURE

The first 100% BMI picture will be *Puddin' Head,* starring Judy Canova and produced by Republic Pictures. Jack Owens will do the complete score. BMI will promote the top songs of the film on all of its member stations.

DUKE ELLINGTON RECORDS BMI HITS

Duke Ellington and his orchestra have recorded seven Broadcast Music, Inc. hit songs on electrical transcriptions for the Standard Radio, Inc., of Hollywood. The discs have been released to radio stations throughout the country and mark the first radio appearance of the Ellington group since last December when the band went on a tour of the west coast.

Numbers recorded by Ellington were: *Bounce* from *Hellzapoppin', Frenesi, I hear A Rhapsody, It's Sad But True, Love and I, Madame Will Drop Her Shawl,* and *Until Tonight.*

90 PER CENT BMI

Leon Mojica has written the BMI office in Hollywood as follows:

> "Just a reminder to let you know that your tunes are very popular here in San Francisco.
>
> "To be truthful I get requests every night for about 90 per cent BMI songs. Your *Macumba, I'm At a Loss For Words* and *Walkin' By The River* are very outstanding. In fact, they are tops."

MARKS FEATURES NEW CUBAN FOX TROTS

The Edward B. Marks Music Corporation is featuring two new fox trots by Ernesto Lecuona, well-known Cuban composer whose most recent hit was *The Breeze and I.* The two new numbers are *For Want Of A Star* and *Two Hearts That Pass In The Night.* Both of these numbers are already being featured by leading orchestras including Jimmy Dorsey, Orrin Tucker, Tony Pastor, Guy Lombardo, and others and record companies have already scheduled them for waxing.

Engineering

ENGINEERING CONFERENCE

The last two days of the Ohio State Broadcast Engineering Conference were devoted to frequency modulation and UHF tubes. The banquet at the Fort Hayes Hotel on Thursday night, February 20, served to bring the Conference to a successful climax.

John F. Morrison, of the Bell Laboratories, discussed the various FM circuit designs, pointing out the good features and the limitations of each system. Major Armstrong, in commenting on Mr. Morrison's presentation, said that we were fortunate to have a number of ways to produce frequency modulation, and that the competition between the various laboratories undoubtedly brings about a better and more rapid development of circuit design.

I. R. Weir, of the General Electric Company, discussed practical operating problems in FM transmitters.

E. D. McArthur, of the General Electric Company, during his discourse on UHF tubes, pointed out that the size of elements and the relation to other elements in the tube was of much more importance than at lower frequencies. He showed how leads of a few inches length could have many ohms reactance, and that therefore it was necessary to build UHF tubes as small and compact as possible.

The sessions on FM were fittingly summed up during the "round table on FM problems" conducted by Mr. Paul DeMars, Yankee Network, E. J. Content, WOR, and Dan Gellerup, WTMJ. Many questions on various FM problems had been submitted in advance and these were discussed. Mr. DeMars, chairman of the round table, showed slides of the new turnstile antenna installation at Paxton. The slides showed how a separate transmission line had been run from each element to a termination house at the base of the tower, and the various elements were then properly phased at that point. In showing slides of the Mount Washington FM installation, DeMars pointed out that in order to obtain the proper strength the turnstile elements were made from automobile springs, because the biggest hazard from ice was large chunks of it falling on the elements and breaking them off.

Present at the banquet Thursday night at the Fort Hayes Hotel were 19 engineers who had attended all four of the Annual Broadcast Engineering Conferences. Professor Everitt, Director of the Conference, presented each of these engineers with a diploma, attesting to their four-year attendance. In token of appreciation for the Conferences, the members presented to Professor Everitt a chronometer wrist watch, and a cigarette case and lighter were presented to his secretary, Miss Dorothea Fismer.

The registration of 287, a gain of 39 over last year, attested to the steady growth and popularity of the Conferences. The list of those present shows that the members of the Conference assembled from Coast to Coast. Several of those in attendance came all the way from the West Coast and Western Canada.

The Conference has come to be looked upon as the main meeting each year for Broadcast Engineers. NAB officially cooperated in the Fourth Broadcast Engineering Conference, and Professor Everitt has indicated his desire that this cooperation be extended to future conferences.

TELEVISION HEARING

The FCC on February 27 issued its release No. 47872 entitled "Procedure For Television Hearing Scheduled For March 20, 1941."

The following is quoted from this release:

> The Commission on January 27, 1941, directed that a hearing be held at its offices, Washington, D. C., beginning Thursday, March 20, 1941, for the purpose of considering the various engineering standards that have been suggested for television broadcast stations, to determine when television broadcasting shall be placed upon a commercial basis, and to afford all interested parties full opportunity to be heard on all the pertinent problems related to the standardization and commercialization of television broadcasting. This action of the Commission was set forth in a press release dated January 28, 1941. The press release included the statement: "The Commission will issue a more specific notice as to suggested rules for consideration, and the procedure for the scheduled hearing."
>
> Pursuant to the above, interested parties are requested to consider the advisability and effect of the promulgation by the Commission of the attached drafts: (1) rules and regulations for commercial television broadcast stations; (2) rules and regulations for experimental television broadcast stations, and (3) standards of good engineering practice for television broadcast stations. In several instances the suggested standards are in the alternative, and the Commission desires to hear interested parties on the advisability and effect of alternative suggestions, as well as on the question when the rules and regulations permitting commercialization shall be placed in effect, and the question whether standardization and commercialization shall apply to any of the higher television channels Nos. 8 to 18, both inclusive. It is to be understood that neither the regulations nor the standards have received the approval of the Commission and are to be taken solely as a basis for directing the attention of the parties to the issues in this proceeding.
>
> All interested parties will be afforded full opportunity to propose standards, to comment upon standards which have been proposed by others, to cross-examine various witnesses and, generally, to be heard upon all the pertinent problems in connection with the standardization and commercialization of television.
>
> The attention of persons interested in frequency modulation for the sound channel is invited to the alternative transmission standards Nos. 13 and 22.
>
> All parties desiring to appear are requested to file with the Commission in this proceeding (Docket No. 5806), on or before March 15, 1941, a notice of desire to be heard setting forth the subjects to which their testimony will be directed, the number of witnesses desired to be heard, and the estimated time for presenting testimony. In the event any party desires to make proposals for regulations or standards not set forth in the attachments the notice should specifically set forth such proposals. Eighteen copies of the notice of desire to be heard should be submitted, and, in addition, at least 18 copies of any printed or typewritten material desired to be offered in connection with the testimony should be made available at the hearing.
>
> The hearing will begin at 10 a. m., and will be held in Hearing Room "A", Interstate Commerce Commission Building.

The public notice contained attached drafts of rules and regulations for commercial and experimental television broadcast stations and standards of good engineering practice for television stations.

The proposed rules, regulations and standards were outlined in complete detail and in the cases where there may be a controversy, the alternatives were listed.

While being guided by the final finding of the National Television Systems Committee, it is apparent that the rules and regulations outlined for discussion by the FCC contain the alternatives wherever there may be a minority opinion opposed to the general opinion of the NTSC.

Legislation

FEDERAL

HOUSE

H. R. 3464 (Walter, D-Penna.)—To provide for the more economical, expeditious, and just settlement of disputes with the United States, and for other purposes. Referred to Committee on Judiciary.

HOUSE JOINT RESOLUTION

H. J. Res. 123 (Sheridan, D-Penna.)—To define the principle of international reciprocity in the protection of American patents, trade-marks, secret formulas and processes, and copyrights by providing a method for assuring the payments of amounts due to persons in the United States from users thereof in countries restricting international payments from their territories. Referred to Committee on Patents.

STATE

Georgia:

S. 133 (Edenfield et al.) SMALL LOANS—To define and regulate the business of making loans in the amount of $300 or less. Referred to Committee on Special Judiciary.

Maryland:

H. 394 (Baynes) FRAUDULENT ADVERTISING—AMUSEMENTS—To add a new section to Article 27 of the Annotated Code of Maryland (1939 Edition), title "Crimes and Punishments", sub-title "Fraud-Advertisements", said new section to be known as Section 212A, relating to the use of the true names of performers in advertisements publicizing shows given for the amusement and entertainment of the public. Referred to Committee on Judiciary.

S. 303 (Lindsay) MUSICAL COPYRIGHTS—To add Secs. 364-370 to Art. 56 of the Annotated Code (1939 Ed.), providing for the licensing and regulation of the business of collecting royalties from copyrighted musical compositions. Referred to Committee on Finance.

Massachusetts:

Public Document 12 (B & B 5) (Recommendation of Attorney General) SMALL LOANS—ADVERTISING—To provide that there shall be no advertising by small loan businesses unless such advertising has first received the approval of the commissioner of banks. Referred to Committee on Banks and Banking.

New Mexico:

S. 149 (Armijo) FEEDING STUFFS—To amend school (sales) tax law to provide that feed stuffs sold in bulk shall take wholesale instead of retail rate and among other things imposes a 2% tax on gross receipts of broadcasting stations. Referred to Committee on Livestock.

Pennsylvania:

S. 324 (Dent) MUSIC COPYRIGHTS—RADIO STATIONS—Regulating the copyrights and the performing rights of any composition of music, lyrics, verse or drama; providing for a filing fee of 5 cents for each number registered and an annual maintenance fee of 2 cents for each number; prohibiting a flat performing fee in contracts with radio stations and providing for a compensation on a program basis; prohibiting the use of material without permission. Referred to Committee on Judiciary Special.

PROPOSED REVISION OF EXCESS-PROFITS TAX

On Tuesday the House passed a series of amendments to the Excess-Profits Tax Section of the Second Revenue Act of 1940. The Bill has now been placed on the Senate calendar and prompt passage is expected.

These amendments are the result of study by Treasury and Congressional tax experts since the Excess-Profits Tax Act was passed last Ooctober. They are designed to alleviate hardships inherent in the original tax measure. In general the amendments provide methods for eliminating hardships caused by abnormalities of income in the base period years, on which the excess-profits credit is based, and in the taxable year itself.

Of particular interest to many broadcasting corporations is the amendment providing for an alternative method for computing the excess-profits credit on the average earnings method. As pointed out in a previous article on the excess-profits tax, appearing in NAB Reports, of October 4, 1940, corporations subject to the tax which are just emerging from their development period with a record of meager earnings in the base period years (1936-39), would be penalized unduly by the existing law.

This amendment provides an alternative method; permitting the averaging of the first two and the second two years of the base period separately, taking the difference between the two averages and adding half of this difference to the average for the last 2-year period. However, it is provided that this credit shall not exceed the amount of the excess-profits tax net income of any one year of the base period.

This means, in effect, that a corporation with constantly increasing earnings during the 4-year base period can have a credit up to the amount of the highest excess-profits tax net income year of the four.

Other amendments relate to a 2-year carry-over of unused credit against income, subject to the excess-profits tax, as compared to a 1-year carry-over in the present bill; specific deductions for abnormal income in the 4-year base period; joint returns for insurance companies; the recapitalization of advertising and other goodwill expenses included in the base year period which are clearly of a nature of a capital investment; revision of income categories affecting the excess-profits tax base in years now subject to statute of limitations, and revision of the general relief section of the excess-profits law to permit upward revision of abnormally low incomes in base period years.

BILL TO ARBITRATE MUSIC FEES

A measure (H. R. 3456) has been introduced in Congress by Representative Martin J. Kennedy (D.-N. Y.) which seeks to protect the public in hearing and enjoying the playing of copyrighted music. The price for performing rights is declared affected with public interest, and whenever a copyright pool refuses to sell performing rights at a fair and reasonable compensation, the Federal

Trade Commission is empowered to arbitrate the price. If the pool fails to comply, it shall be guilty of an unfair method of competition, and its copyrights subject to condemnation proceedings. Any person wilfully refusing to license performing rights at a fair and reasonable price would be subject to $5000 fine or one year's imprisonment or both.

We print the bill in full:

H. R. 3456

77TH CONGRESS—1ST SESSION

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1941

MR. MARTIN J. KENNEDY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To protect the public, sponsors of broadcasting programs, broadcasting stations, performers, and all persons interested in radio from being deprived of the enjoyment by means of radio broadcast of music.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Protection of the Public in Hearing and Enjoying the Playing of Copyrighted Music".

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise, plural or singular, as the case may be.

(b) The term "music" means any musical composition, with or without lyrics, and for which a United States copyright has been issued.

(c) "The public" means all persons citizens of the United States.

(d) "Sponsors" means persons who for value engage time on broadcasting stations and pay for programs thereon.

(e) "Programs" means any time on broadcasting stations giving entertainment, musical or nonmusical.

(f) "Broadcasting stations" means any person engaged in broadcasting by radio.

(g) "Performers" means any persons engaged in presenting entertainment, either musical or nonmusical, on broadcasting programs.

(h) The term "Commission" means the Federal Trade Commission.

(i) The term "Territory" includes the insular possessions and any Territory of the United States.

SEC. 3. It is hereby determined and declared that the price or charge for a license or permission to perform copyright music in theaters, places of amusement or entertainment, or other places where public exhibitions, games, contests, or performances are held, or by means of radio or other electrical devices, is a matter affected with public interest and subject to regulation by the Government of the United States for the purpose of safeguarding the public against fraud, extortion, exorbitant rates, and similar abuses.

SEC. 4. Whenever two or more persons, owners, assignees, or possessors of a United States copyright on any musical production combine or join in an association to fix or limit the price charged for the public use or performance of said musical production shall refuse to enter into an agreement or contract with any other person permitting that person to publicly use said musical productions upon the payment of a fair and reasonable compensation, the Federal Trade Commission shall, upon the application of any interested party, summon before it the persons seeking the use of said copyright musical production and the owner, assignee, or possessor of such copyright musical and after hearing all parties fix a reasonable compensation for such use and shall make an order thereon permitting the use of said copyright music upon the payment of such fixed compensation. Any person refusing to comply with the terms of such order shall be guilty of an unfair method of competition within the meaning of the Federal Trade Commission Act.

SEC. 5. (a) Except as otherwise specifically provided herein, this Act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

SEC. 6. Any copyright of any musical production shall be liable to be proceeded against in the district court of the United States for the district in which the owner, assignee, or possessor of such copyright shall reside or maintain a place of business and to be seized for confiscation by process of libel for condemnation if the Commission has reasonable cause to believe that the owner, licensee or possessor of such copyright has refused to comply with the order of the Commission as provided for by section 4 of this Act. Proceedings in such libel cases shall conform as nearly as may be to suits in rem in admiralty and may be brought by the Commission.

If such copyrights are condemned by the court, they shall be disposed of in the discretion of the court by sale to the highest bidder on a public sale or by cancelation. If such copyrights are disposed of by sale, the proceeds less legal costs and charges shall be paid into the Treasury of the United States.

SEC. 7. Any person who willfully violates section 4 of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than $5.000 or be imprisoned not more than one year or both in the discretion of the court; provided that nothing herein shall limit other provisions of this Act.

Whenever the Commission has reason to believe any person is guilty of a misdemeanor under this section it shall certify all pertinent facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

SEC. 8. The provisions of this Act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States.

EFFECTIVE DATE

SEC. 9. This Act shall take effect six months after the date of its passage.

SEPARABILITY CLAUSE

SEC. 10. If any provision of this Act, or the application thereof to any person, partnership, corporation, or circumstance is held invalid, the remainder of the Act and the application of such provisions to any other person, partnership, corporation, or circumstance shall not be affected thereby.

Sales

COST-PER-INQUIRY

On the cost-per-inquiry front, a number of concerns are trying to get stations to accept contingent deals and guarantee a fixed return. Some of these are:

Mendenhall Manufacturing Company, Mendenhall, Miss. (hosiery).

Don Howard, Radio Advertising, Del Rio, Texas, on behalf of Bargain Book House ("The Home Book of Medicine").

Haldeman-Julius Publications, Girard, Kansas (Little Blue Books).

Walter E. Battenfield Company, Des Moines, Iowa, on behalf of Speed King Hot Water Heater Company, Kristee Company and Safety Signal Company.

The Bible Press, Richmond, Virginia (Bibles).

Precision Window Springs Company, Newark, N. J.

All six, in the opinion of the Bureau of Radio Advertising, are opposed to the best interests of radio stations, and the Bureau has written them accordingly. At the same time, it has invited each of the above-named companies to give serious consideration to a paid radio campaign, if they wish to obtain maximum results and maintain the continued goodwill and cooperation of the broadcasting industry.

Miscellaneous

DISTRICT 1 MEETING

A meeting of the NAB stations in the First District (New England) is scheduled for March 4, at the Hotel Bancroft in Worcester, Massachusetts, beginning at 10 a.m. A staff representative of NAB will attend to discuss industry problems and Association activities, and bring the New England broadcasters up to date on music developments. Election of a District Director for the ensuing two-year term will be an important item of business.

THAD BROWN DIES

Thad H. Brown, 54 years old, former member of the Federal Communications Commission, died Tuesday night at Cleveland, Ohio, according to word received in Washington, from an intestinal ailment.

He served on the Federal Communications Commission from its inception until last October. The former secretary of state of Ohio, unsuccessful candidate for governor in 1926, left the FCC to return to private law practice after the Senate Interstate Commerce Committee refused to confirm his reappointment to the Commission.

MONOPOLY REPORT A "CURRENT PROBLEM"

Asked about the FCC monopoly report at a press conference early this week, James Lawrence Fly, Chairman, said that the report from the Legal Division had been somewhat delayed because of the illness of Assistant General Counsel Rauh. He expressed the hope that the Legal Division's draft of the report would be made to the Commission itself sometime this week.

Chairman Fly said that the "report is a current problem and will receive current attention." He said how long it will take the Commission to iron out the report, he did not know.

Mr. Fly told the newspapermen that there is nothing particularly new insofar as the Defense Communications Board is concerned. Committees of the Board, he stated, are starting to function in turning out their reports. There are now three or four before the Board and the Coordinating Committee has received a considerable number. Such reports are preliminary and cover special phases. Mr. Fly in answer to a question said that he did not believe that the reports themselves would be made public, but stated that he would try to devise some means to give out a general statement covering at least some of the reports.

FM EXPERIMENTALLY OPERATING

FCC has announced its policy concerning the existing high frequency broadcast stations operating experimentally by means of frequency modulation as follows:

I. A person having (1) an experimental FM station and (2) a commercial FM construction permit may be authorized, upon appropriate request, to operate his existing station commercially on the frequency designated in the commercial construction permit with commercial call letters, provided the applicant demonstrates that he has made a bona fide effort to comply with the construction permit. Such showing must include photostatic copy of acknowledgment of order for transmitter and promised delivery date.

II. A person having (1) an experimental FM station *and* (2) an application pending for a commercial FM construction permit may be granted one or more extensions of his present special temporary experimental authorization, on condition that operations thereunder shall be experimental only, on the experimental frequency, and with experimental call letters.

III. A person having an experimental FM station but no commercial construction permit or application pending therefor may be granted one or more extensions of his present special temporary experimental authorization, so long as no commercial FM broadcast service is actually rendered in the area served by such experimental station. When such commercial FM service is placed in operation the special temporary experimental authorization will be discontinued.*

CHANGE IN INTERNATIONAL BROADCAST RULE

The following paragraph has been added to FCC Rule 4.44(c):

> "Any frequency assigned to an international broadcast station shall also be available, during hours when such frequency is not regularly used by such station or when no objectionable interference would be caused to the service rendered by any existing international broadcast station, for assignment to other international broadcast stations."

BROADCAST MEASUREMENTS

FCC experts during January measured 722 broadcast stations, leaving 153 stations not measured.

Of these stations 673 showed a maximum deviation within 0-10 cycles; 44 stations within 11-25 cycles; and 5 stations within 26-50 cycles. No stations showed a deviation over either 20 or 50 cycles.

FROM THE FCC MAIL BAG

The Federal Communications Commission has received the following resolution from the Greenwich (Conn.) Council of Women:

> "Resolved, That the Greenwich Council of Women commend the increased policing of radio by the Federal Communications Commission, to guard against subversive activity, and the Council also notes with gratification the special appropriation of $1,600,000

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* No authorization for any class of high frequency broadcast station (whether AM or FM) which expired January 1, 1941, by Order No. 69, and which has not heretofore been extended, may be reinstated.

authorized for this purpose by the President, and $175,000 from Congress with which to reallocate six of its seven main monitoring stations to detect unlicensed transmitters."

The Commission, which functions largely as a licensing authority, informs a Canadian professor that it is unable to confirm a radio announcement concerning the capture of a member of the British RAF as a prisoner of war, but suggests that the inquirer communicate direct with the management of the station over which the announcement was made.

A New Orleans man is advised that the Commission has issued no rules or regulations with reference to the transmission and delivery of interstate telegrams. It explains that ordinarily the telegraph companies in their tariff schedules establish the rules and regulations applicable to this subject. The companies are required by the Commission to maintain copies of such tariff schedules for public inspection. Accordingly, these schedules can be consulted at New Orleans.

Since it has no jurisdiction over oil pipe lines, the Commission has referred to an appropriate authority the request of a State commission for information as to the date certain pipe lines were laid in that State.

An advertising agency which wants the broadcast industry to observe standard time throughout the year as a solution to the time-change problem is informed that the matter is one for determination by the industry itself.

A Yonkers, N. Y., man would ban from the air continuities of finance companies on the ground that they have a tendency to undermine stability of those not in a position to borrow money. He is advised that complaints relative to misrepresentation and unfair methods of competition in interstate commerce should more properly be addressed to the Federal Trade Commission.

A Long Island man opines that certain news commentators "are alarmists and should be held in restraint." His attention is invited to that section of the Communications Act which prohibits censorship of radio programs.

A woman protests the cancellation of a certain radio contract and a manufacturer complains of the refusal of a station to broadcast an advertising announcement with respect to a patent medicine. The Commission is without authority to require that a station transmit a particular program against the will and judgment of the licensee. The Communications Act specifically states that a person engaged in radio broadcasting shall not be considered a common carrier. Any business contract between a station and a sponsor is private in nature.

Various persons who complain about advertising on the air are reminded that the Commission is limited by statute from exercising any power of censorship. Existing legislation places the responsibility for the selection of program material upon the station licensees, who are charged with the duty of operating in the public interest. In connection with renewals of licenses the Commission reviews the conduct of stations during preceding license periods and considers complaints involving any action of the station claimed to have been against the public interest. In his application for a station construction permit, the applicant is required to furnish an analysis of the average number of hours devoted to the various types of commercial and sustaining programs, such as religious, educational, civic, agricultural, and fraternal, as well as those intended solely for entertainment. As previously pointed out, the Commission has no jurisdiction over private contracts for program service.

A New Yorker who applied for a license to do "radio servicing" is told that this is not a Commission function.

A Providence, R. I., inquirer is informed that as of February 1 of the current year there were 294 standard broadcast stations owned or controlled by newspapers or affiliated with newspapers.

To frequent requests for a copy of the International Morse Code, the Commission advises that the same appears in its printed booklet, "Study Guide and Reference Material for Commercial Radio Operator Examinations," which is sold by the Superintendent of Documents, Government Printing Office, Washington, at 15 cents a copy.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled to be heard in broadcast cases before the Commission during the week beginning Monday, March 3. They are subject to change.

Monday, March 3

NEW—William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—C. P., **1370 kc.,** 250 watts, unlimited time.

Tuesday, March 4

KFEQ—KFEQ, Inc., St. Joseph, Mo.—C. P., **680 kc.,** 5 KW, unlimited, DA day and night.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—C. P., **630 kc.,** 50 KW, unlimited, DA day and night.

KMBC—Midland Broadcasting Co., Kansas City, Kans.—C. P., **690 kc.,** 50 KW, unlimited, DA night; requests facilities of KGGF, KFEQ and WNAD as proposed by N.A.R.A.

KOMA—KOMA, Inc., Oklahoma City, Okla.—C. P., **690 kc.,** 50 KW, unlimited, DA night.

KGGF—Hugh J. Powell, Coffeyville, Kans.—C. P., **690 kc.,** 5 KW, specified hours, DA night.

Thursday, March 6

Consolidated Hearing

WGNY—WGNY Broadcasting Company, Inc., Newburgh, N. Y.—C. P., **1370 kc.,** 250 watts, unlimited.

NEW—Stephen R. Rintoul, Stamford, Conn.—C. P., **1370 kc.,** 250 watts, unlimited.

FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings. They are subject to change.

March 28

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Modification of license, **1340 kc.**, 500 watts night, 1 KW day, unlimited. Present assignment: **1340 kc.**, 250 watts night, 1 KW day, unlimited.

NEW—J. C. Kaynor, Ellensburg, Wash.—C. P., **1310 kc.**, 250 watts, unlimited.

April 3

To Be Heard Before Commissioner Paul A. Walker, Place of Hearing to Be Later Designated

WTMC—Ocala Broadcasting Company, Inc., Ocala, Fla.—In the Matter of Revocation of License of Station.

WDLP—Panama City Broadcasting Company, Panama City, Fla.—In the Matter of Revocation of License of Station.

April 10

NEW—Granite District Radio Broadcasting Co., Murray, Utah.—C. P., **1500 kc.** (**1490 kc.** when Havana treaty is effective), 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted construction permit to increase power from 1 KW night, 5 KW LS, to 5 KW day and night; install new radiators for nighttime directional array; directional antenna with different patterns day and night; **580 kc.** (B1-P-3019).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted renewal of license on a temporary basis to operate on **690 kc.**, with 1 KW day and 500 watts night, commencing March 29, 1941, pending Commission final action on amended application (B4-P-2883).

WNAD—University of Oklahoma, Norman, Okla.—Granted construction permit to move transmitter site from Engineering Bldg., University of Oklahoma, to approximately 1 mile south of the center of Norman, Okla., East Stadium. University of Okla.; change frequency from **1010 kc.** to **640 kc.;** install new antenna; and change hours of operation from specified to daytime only, subject to approval of antenna and antenna site (B3-P-3074).

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted modification of construction permit to make changes in directional antenna for night use (B4-MP-1156).

WABI—Community Broadcast Service, Inc., Bangor, Maine.—Granted construction permit to install new transmitter; install directional antenna for use after sunset at Chicago; change frequency from **1200** to **910 kc.** (after March 29); and increase power from 250 watts to 5 KW (B1-P-2349).

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted construction permit to increase power from 5 to 10 KW, unlimited time, on **970 kc.;** install new transmitter and directional antenna for day and night use (B4-P-2961).

WINS—Hearst Radio, Inc., New York City.—Granted construction permit to install new transmitter, directional antenna for day and night use; increase power from 1 to 50 KW; change frequency from **1180** to **1000** (NARBA frequency) **kc.**, and increase hours of operation from limited to unlimited, subject to approval of antenna and antenna site (B1-P-3026).

Lewistown Broadcasting Co., Lewistown, Pa.—Granted construction permit for a new station to operate on **1500 kc.**, 250 watts, unlimited time (B2-P-2977).

WCRC—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Granted modification of construction permit (B1-PIB-26) for new international broadcast station, approving antenna and adding frequency **9650 kc.** in addition to present frequencies; time of operation: sharing with WCAB on **6060** and **21520 kc.**, with WCAB and WCBX on **9650, 11830** and **15270 kc.** (B1-MPIB-17).

WCBX—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Granted modification of construction permit (B1-PIB-27) for international broadcast station approving antenna system and change in type of operation: share **9650, 11830** and **15270 kc.** with WCAB and WCRC (B1-MPIB-18).

WCSH—Congress Square Hotel Co., Portland, Me.—Granted modification of construction permit (B1-P-2535 which authorized installation of directional antenna for day and night use and increase in power to 5 KW on **940 kc.**), for extension of completion date to April 25, 1941 (B4-MP-1174).

DESIGNATED FOR HEARING

KWTO—Ozarks Broadcasting Company, Springfield, Mo.—Construction permit to increase hours of operation from specified hours, 5 a. m. to local sunset, to unlimited time, and install directional antenna for night use; frequency **560 kc.**, 1 KW night, 5 KW day (B4-P-2827).

Western Gateway Broadcasting Corp., Schenectady, N. Y.—Application for construction permit amended so as to request new station in Schenectady to operate on **1210 kc.**, 250 watts, unlimited time, to be heard with application filed by Van Curler Broadcasting Corp. requesting same facilities (B1-P-2690).

Parkersburg Sentinel Co., Parkersburg, W. Va.—Application for construction permit to establish a new station to operate on **1310 kc.**, 250 watts, unlimited time, exact location of transmitter and studio sites to be determined with Commission's approval (B2-P-3010).

KOVO—Clifton A. Tolboe, tr/as Citizens Voice and Air Show (Assignor), KOVO Broadcasting Co., a corp. (Assignee), Provo, Utah.—Application for consent to voluntary assignment of license of station KOVO from an individual (Clifton A. Tolboe) to a corporation formed and controlled by that individual; **1210 kc.**, 250 watts; unlimited time (B5-AL-278).

WFNC—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co. (Assignor), W. C. Ewing and T. K. Weyher, partners, tr/as Cumberland Broadcasting Co. (Assignee), Fayetteville, N. C.—Application for consent to voluntary assignment of license of WFNC from W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., to W. C. Ewing and T. K. Weyher, a partnership, doing business under same firm name; (B-3-AL-288) and application for renewal of license to operate on **1340 kc.**, 250 watts, daytime.

Federated Publications, Inc., Grand Rapids, Mich.—Application for construction permit for new high frequency (FM) station to operate on frequency **46100 kc.**, service area 5,300 square miles, hours of operation day 4 hours, night 4 hours (B2-PH-60).

Federated Publications, Inc., Battle Creek, Mich.—Application for construction permit for new high frequency (FM) station to operate on frequency **48100 kc.**, service area 4.100 square miles, hours of operation day 4 hours, night 4 hours (B2-PH-59).

Federated Publications, Inc., Lansing, Mich.—Application for construction permit for new high frequency (FM) station to operate on frequency **47100 kc.**, service area 3 820 square miles, hours of operation day 4 hours, night 4 hours (B2-PH-61).

(The above three applications to be heard in consolidated hearing.)

RENEWAL OF LICENSES

W3XEP—RCA Manufacturing Co., Inc., Camden, N. J.—Granted renewal of television broadcast station license for the period ending February 1, 1942.

W9XUI—State University of Iowa, Iowa City, Ia.—Granted renewal of television broadcast station license for the period ending February 1, 1942.

W3XE—Philco Radio and Television Corp., Philadelphia, Pa.—Present television station license further extended upon a temporary basis only, for the period ending April 1, 1941, pending determination upon application for renewal.

W3XP—Philco Radio and Television Corp., Portable area of Philadelphia, Pa.—Present television station license further extended upon a temporary basis only, for the period ending April 1, 1941, pending determination upon application for renewal.

W2XH—General Electric Co., Schenectady, N. Y.—Present television station license further extended upon a temporary basis only, for the period ending April 1, 1941, pending receipt of applicaton for renewal.

W2XWE—WOKO, Inc., Albany, N. Y.—Granted renewal of facsimile broadcast station license for the period ending March 1, 1942.

W8XUM—WBNS, Inc., Columbus, Ohio.—Granted renewal of facsimile broadcast station license for the period ending March 1, 1942.

W9XWT—Courier-Journal and Louisville Times Co., Eastwood, Ky.—Granted renewal of facsimile broadcast station license for the period ending March 1, 1942.

W9XYZ—The Pulitzer Publishing Co., St. Louis, Mo.—Present facsimile broadcast station license extended to April 1, 1941, pending action on renewal application.

MISCELLANEOUS

WFLA—The Tribune Co., Tampa, Fla.—Adopted order authorizing The Tribune Co. to continue its program tests for a period not to exceed 30 days beyond February 22, 1941; denied petition in respect to issuance of a license (B3-P-2866).

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted motion to dismiss the petition for rehearing filed November 19, 1940, directed against Commission action of October 29, 1940, granting without hearing the application of Brown County Broadcasting Co., for a new station in Brownwood, Texas, to operate on frequency **1350 kc.,** 500 watts, unlimited time (B3-P-2672).

J. C. Kaynor, Ellensburg, Wash.—Granted petition to advance hearing date now scheduled for April 2 to March 28 on application for new station to operate on **1310 kc.,** 250 watts, unlimited time.

J. C. Kaynor, Ellensburg, Wash.—Granted petition for order to take depositions in rehearing on application listed above.

Community Broadcasting Corp., Middletown, N. Y.—Granted motion for order to take depositions in re application for construction permit to operate on **1310 kc.,** 250 watts, unlimited time.

WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla.—Adopted order designating Commissioner Walker to preside at the hearing on the order revoking the license of Ocala Broadcasting Co., Inc., for the operation of station WTMC, said hearing to be held April 3, in a Florida city to be designated.

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Adopted order designating Commissioner Walker to preside at the hearing on the order revoking the license of Panama City Broadcasting Co. for the operation of station WDLP, such hearing to be held April 3, in a Florida city to be designated.

KBPS—Benson Polytechnic School, R. T. Stephens, Agent, Portland, Ore.—Granted authority to install automatic frequency control apparatus (B5-F-172).

KWKH—International Broadcasting Corp., Shreveport, La.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-408).

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted authority to determine operating power by direct measurement of auxiliary transmitter (B3-Z-666).

W45V—Evansville on the Air, Inc., Evansville, Ind.—Granted modification of construction permit (B4-PH-11), which authorized a new FM station, for change in type of transmitter and change in location of transmitter from 519 Vine St. to 2nd Floor, 203 NW, 5th St., Evansville, Ind. (B4-MPH-10).

WEGQ—Broadcasting Service Organization, Inc., Mobile (area of Boston).—Granted construction permit for reinstatement of relay broadcast station WEGQ, make changes in equipment, and increase power from 5 to 15 watts; frequencies **30820, 33740, 35820, 37980 kc.** (B1-PRE-382).

Piedmont Publishing Co., Portable-Mobile (area of Winston-Salem, N. C.).—Granted construction permit for new relay broadcast station to be used in connection with applicant's standard broadcast station WSJS; frequencies **1622, 2058, 2150, 2790 kc.,** 100 watts (B3-PRY-233).

The Yankee Network, Inc., Portable-Mobile (area of Boston, Mass.).—Granted construction permit for new relay broadcast station; frequencies **156750, 158400, 159300, 161100 kc.,** 20 watts (B1-PRE-381).

WLOY—Loyola University, Portable-Mobile (area of New Orleans, La.).—Granted license to cover construction permit (B3-PRY-230), which authorized a new relay broadcast station to be used with applicant's standard broadcast station WWL; frequencies **1622, 2058, 2150, 2790 kc.,** 100 watts (B3-LRY-219).

WEND—WHP, Inc., Portable-Mobile (area of Harrisburg, Pa.).—Granted license to cover construction permit (B2-PRY-228), to make changes in equipment, increase power to 2 watts, and change frequencies to **1606, 2074*, 2102, 2758 kc.,** to be used with applicant's standard broadcast station WHP. (*Subject to condition no interference is caused to Government stations on adjacent frequencies.) (B2-LRY-220).

WDAC—State of Wisc., Univ. of Wisconsin, Portable-Mobile, area of Madison, Wis.—Granted license to cover construction permit (B4-PRY-227), for new relay station to be used with applicant's standard broadcast station WHA, Madison); frequencies **1622, 2058, 2150, 2790 kc.,** 30 watts (B4-LRY-215).

WOAI—Southland Industries, Inc., San Antonio, Tex.—To rebroadcast program consisting of conversations between Army planes and control tower flying in vicinity of Randolph Field, Texas, between 8 and 8:30 p. m., EST, February 21, to be carried over Blue network of affiliated NBC stations. (Action taken February 19.)

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted modification of construction permit (B1-P-2704), for new transmitter, installation of directional antenna for night use, change in power and time from 500 watts daytime to 6 p. m., to unlimited, using 1 KW day and night, and move of transmitter), for extension of completion date to April 25, 1941 (B1-MP-1172).

WCBT—J. Winfield Grew, Jr., Roanoke Rapids, N. C.—Granted license to cover construction permit (B5-P-2647), which authorized a new station, **1200 kc.,** 250 watts, unlimited time). (B3-L-1313). Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-634).

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted license to cover construction permit (B3-P-2734), which authorized increase in power, installation of directional antenna and changes in equipment; **680 kc.,** 5 KW, unlimited time, using DA night. (B3-L-1328). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-665).

KFXM—J. C. Lee & E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Cal.—Granted license to cover construction permit (B3-P-2017), which authorized installation of new transmitter). (B5-L-1322).

KROD—Dorrance D. Roderick, El Paso, Texas.—Granted license to cover construction permit (B3-P-2725), for new equipment, increase in power from 250 watts to 500 watts night, 1 KW day, and change frequency from **1500** to **600 kc.** (B3-L-1325). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-661).

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Granted license to cover construction permit (B4-P-2510), which authorized installation of new transmitter, increase in power to 5 KW, and changes in directional antenna for night use. (B4-L-1331). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-672).

KYW—Westinghouse E & M Co., Philadelphia, Pa.—Granted license to cover construction permit (B2-P-2904), for increase in power from 10 to 50 KW, and changes in equipment (B2-L-1323). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-658).

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted construction permit to move transmitter from 319 Vine St., to 2nd Floor YMCA Bldg., Evansville, Ind., **1370 kc.,** 250 watts, unlimited time (B4-P-3079).

WIBA—Badger Broadcasting Co., Madison, Wisc.—Granted modification of construction permit (B4-P-2689), which authorized changes in antenna system, increase in power from 1 KW night, 5 KW day, to 5 KW day and night), to install new transmitter, make changes in directional antenna system, approve transmitter site and studio site (B4-MP-1157).

WBTA—Batavia Broadcasting Corp., Batavia, N. Y.—Granted modification of construction permit (B1-P-2909), which authorized a new station on **1500 kc.,** 250 watts, unlimited time, for authority to install new transmitter (B1-MP-1171).

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted modification of construction permit (B3-P-2944), which authorized installation of directional antenna for night use, for extension of commencement and completion dates to 4-4-41 and 10-4-41 respectively.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to operate with power of 250 watts from 9 to 10 p. m., EST, on February 17, in order to broadcast talk by former Russian Premier Alexander Kerensky only (B1-S-216).

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 7 to 9 p. m., EST, February 27, 28, March 1, 1941, in order to broadcast basketball games only.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m., PST, to the conclusion of basketball games described in letter dated February 13, 1941, on February 28, March 1 and 8, 1941, in order to broadcast said games and to broadcast events in connection with Annual Oakdale Almond Blossom Festival on March 1, only; to operate from 7:45 p. m., PST, to the conclusion of Modesto Community Forum, in order to broadcast said program on March 4, 1941, only.

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate with 1 KW, non-directional, from 7:30 p. m. to 8:30 p. m. on February 21, 1941, in order to broadcast interviews from Washington Day dinner to be held by the Democratic party in Topeka, only; to operate from 7:30 p. m. to 9 p. m., CST, February 22, 1941, in order to broadcast a speech by Senator Pepper of Florida, only.

WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate equipment licensed to the Charleston Broadcasting Co. as Relay Station WADA on **1622, 2058, 2150, 2790 kc.,** 40 watts power, in order to broadcast special event programs on February 21, 28, March 7, 14, 21, and 28, 1941, to Radio Station WSAZ.

WNEL—Juan Piza, San Juan, P. R.—Granted modification of construction permit for changes in equipment, antenna, increase in power from 1 KW night, 2½ KW day, to 5 KW day and night, and move of transmitter, for extension of completion date from February 25, 1941, to April 25, 1941 (B-MP-1170).

KEYS—Earl C. Dunn and Charles W. Rossi, d/b as Nueces Broadcasting Co., Corpus Christi, Tex.—Granted modification of construction permit which authorized construction of new broadcast station, for approval of transmitter site at Shell Road, near Corpus Christi, Tex., approval of antenna; **1200 kc.,** 250 watts, unlimited time (B3-MP-1144).

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Dismissed petition to intervene and for rehearing directed against the action of the Commission October 22, 1940, granting without hearing application of WTJS, Jackson, Tenn., for construction permit to change frequency, increase power, etc.

WMBG—Havens and Martin, Inc., Richmond, Va.—Granted petition for reconsideration and grant without hearing, setting aside action of the Commission November 13, 1940, designating for hearing the application of WMBG for modification of license to increase night power from 1 to 5 KW on frequency **1350 kc.,** unlimited time, using directional antenna at night. However, issuance of authorization will be withheld pending the filing by WMBG and approval by the Commission of an application for construction permit specifying a directional antenna such that the radiation in the direction of WTSP, St. Petersburg, Fla., shall be reduced so as not to exceed 405 millivolts per ground wave at one mile from a standard .31 wave length antenna or 398 millivolts, 8 degrees above the earth's surface using a bearing from Richmond to St. Petersburg of 206 degrees true and that no authorization to operate on the new terms and conditions will be made effective prior to March 29, 1941.

Worcester Broadcasting, Inc., Worcester, Mass.—Adopted decision and order denying petition for rehearing directed against the action of the Commission, December 17, 1940, granting without hearing the application of C. T. Sherer Company, Inc., for a new station in Worcester to operate on **1200 kc.,** with power of 250 watts, unlimited time, with three 100-watt amplifier stations to be located near Auburn, Whitinsville, and Marlborough, Mass., and designated for hearing the application of Worcester Broadcasting, Inc., for same facilities, with two amplifier stations to be located near Whitinsville and Marlborough, Mass.

WREN—WREN Broadcasting Co., Inc., Lawrence, Kans.—Denied petition for action upon application and other relief directed against the action of the Commission of February 4 granting in part the application of WREN for construction permit authorizing increase in night power from 1 to 5 KW, subject to Commission approval of transmitter location and antenna system at Lawrence, Kans. The Commission amended its order of February 4 to specify "subject to Commission approval of transmitter location and antenna system at Lawrence or Tonganoxie, Kans."

WBAX—John H. Stenger, Wilkes-Barre, Pa.—Denied petition of WBAX to set aside ruling of Motions Docket Commissioner made on February 7, which extended the date of oral argument on application for renewal of license of WBAX from February 13 to March 13, 1941.

WRDO—WRDO, Inc., Augusta, Maine.—Designated for further hearing the application for renewal of license of WRDO, in order to obtain full information with respect to control of the station.

APPLICATIONS FILED AT FCC

560 Kilocycles

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Construction permit to change frequency from **560 kc.** to **740 kc.** under North American Regional Broadcasting Agreement; increase power from 1 KW night, 5 KW day, to 50 KW day and night; move transmitter from approximately southeast corner Seawall Lot No. 344, San Francisco, Calif., to 2½ miles southwest of Alvarado, Calif.; install new equipment and directional antenna for day and night use; Class II station. Amended to change requested transmitter site from 2½ miles southwest of Alvarado, Calif., to 2 miles northwest of Redwood City, Calif., and make changes in requested directional antenna for day and night use.

610 Kilocycles

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—License to cover construction permit (B3-P-2476) as modified for new transmitter, increase in power, installation of directional antenna for day and night use, and move of transmitter.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Authority to determine operating power by direct measurement of antenna power.

620 Kilocycles

WAGE—Sentinel Broadcasting Corp., Syracuse, N. Y.—Modification of construction permit (B1-P-1934) for a new station, requesting change in type of transmitter and extension of commencement date to 30 days after grant and completion date 90 days thereafter.

NEW—Frequency Broadcasting Corp., New York, N. Y.—Construction permit for a new station to be operated on **620 kc.,** 500 watts, daytime. Amended re antenna system.

740 Kilocycles

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Voluntary assignment of license from Granite State Broadcasting Corp. to WHEB, Inc.

990 Kilocycles

WBZ—Westinghouse Electric & Mfg. Co., Boston, Mass.—License to cover construction permit (B1-P-2998) which authorized new transmitter and directional antenna for day and night use, and move of transmitter.

WBZ—Westinghouse Electric & Mfg. Co., Boston, Mass.—Authority to determine operating power by direct measurement of antenna power.

1050 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Modification of construction permit (B4-P-2886) for change in hours of operation; increase in power; installation of new transmitter; move of transmitter and installation of directional antenna for night use, requesting approval of directional antenna for night use; **1050 kc., 1070 kc.** when North American Regional Broadcasting Agreement becomes effective.

1070 Kilocycles

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Authority to install automatic frequency control equipment on **1080 kc.** under North American Regional Broadcasting Agreement.

1120 Kilocycles

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of construction permit (B3-MP-1006) as modified for new equipment and increase in power, requesting change in type of transmitter and **1150 kc.** under North American Regional Broadcasting Agreement.

1160 Kilocycles

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Authority to install automatic frequency control equipment on **1190 kc.** under North American Regional Broadcasting Agreement.

1210 Kilocycles

WBIR—J. W. Birdwell, Knoxville, Tenn.—Modification of construction permit (B3-P-2840) as modified for a new station, requesting authority to change type of transmitter.

WBIR—J. W. Birdwell, Knoxville, Tenn.—License to cover construction permit (B3-P-2840) as modified for a new station.

WBIR—J. W. Birdwell, Knoxville, Tenn.—Authority to determine operating power by direct measurement of antenna power.

1230 Kilocycles

NEW—Scripps-Howard Radio, Inc., Houston, Tex.—Construction permit for a new station to be operated on **1210 kc.**, 250 watts, unlimited time, Class IV. Amended to request **1230 kc.** under North American Regional Broadcasting Agreement.

1260 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Construction permit to increase power from 500 watts night, 1 KW day, to 1 KW day and night, and install directional antenna for day and night use, requesting **1260 kc., 1290 kc.** when North American Regional Broadcasting Agreement effective.

1300 Kilocycles

KFH—Radio Station KFH Co., Wichita, Kans.—Authority to determine operating power by direct measurement of antenna power on **1330 kc.** under North American Regional Broadcasting Agreement.

1360 Kilocycles

KGER—Consolidated Broadcasting Corp., Long Beach, Calif.—Construction permit to make changes in equipment, increase power from 1 KW to 5 KW, install directional antenna for night use, requesting **1360 kc., 1390 kc.** under North American Regional Broadcasting Agreement.

1370 Kilocycles

WGL—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Authority to install automatic frequency control equipment on **1450 kc.** under North American Regional Broadcasting Agreement.

1400 Kilocycles

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license from United States Broadcasting Corp. to Unified Broadcasting Corporation of Brooklyn. Contingent on B1-ML-1054.

WARD—Unified Broadcasting Corp. of Brooklyn, Brooklyn, N. Y.—Modification of license to change hours of operation from shares with WLTH, WVFW and WBBC to unlimited time, requesting facilities of WLTH, WVFW and WBBC, and move studio. Contingent on grant of WARD's application B1-AL-302.

1420 Kilocycles

WPRP—Julio M. Conesa, Ponce, P. R.—Modification of construction permit (B-P-2377) which authorized new transmitter, move transmitter, increase power and hours of operation, requesting change in equipment and approval of transmitter site and antenna. Amended to specify **1520 kc.** under North American Regional Broadcasting Agreement.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Modification of construction permit (B2-P-2900) to move transmitter and install new antenna, requesting extension of completion date from 3-16-41 to 5-1-41.

1450 Kilocycles

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—Authority to determine operating power by direct measurement of antenna power on **1450 kc., 1480 kc.** under North American Regional Broadcasting Agreement.

1500 Kilocycles

NEW—Barclay Craighead, Butte, Mont.—Construction permit for a new station to be operated on **1500 kc.,** 250 watts, unlimited time, Class IV.

FM APPLICATION

NEW—Gibraltar Service Corporation, Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **46100 kc.,** coverage 9,318 square miles. Amended re antenna changes.

TELEVISION APPLICATION

W2XD—General Electric Company, Schenectady, N. Y.—License to cover construction permit (B1-PVB-55) as modified for a new relay television station.

MISCELLANEOUS APPLICATIONS

NEW—WGN, Inc., Chicago, Ill.—Modification of construction permit (B4-PH-7) for a new high frequency broadcast station, requesting approval of transmitter and antenna, and request multiplex transmission of facsimile.

KAQX—Central States Broadcasting Co., Portable-Mobile (area of Omaha, Nebr.).—License to cover construction permit (B4-PRY-210) as modified, for a new relay broadcast station.

WNYE—Board of Education, City of New York, Brooklyn, N. Y.—Construction permit to change frequency from **41100 kc.** to **42100 kc.,** increase power from 500 watts to 1000 watts, and install new equipment. Amended: To change emission from A-3 to special for frequency modulation.

NEW—Piedmont Publishing Co., Portable-Mobile (area of Winston-Salem, N. C.).—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.,** 2 watts, A-3 emission.

NEW—Piedmont Publishing Co., Portable-Mobile (area of Winston-Salem, N. C.).—License to cover above construction permit.

KAQW—Central States Broadcasting Co., Portable-Mobile (area of Omaha, Nebr.).—License to cover construction permit (B4-PRY-209) as modified for a new relay broadcast station.

NEW—Muzak Corporation, New York, N.Y.—Construction permit for a new developmental broadcast station to be operated on **117000 kc.** or some channel not now allocated for some purpose, 1000 watts, special emission for frequency modulation.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Helen Harrison Candies, Inc.—Use of lottery methods in the sale of candy is alleged in a complaint issued against Helen Harrison Candies, Inc., 325 North Wells St., Chicago.

The respondent corporation, according to the complaint, sells to wholesalers, jobbers and retail dealers certain assortments of candy so packed or assembled as to involve the use of a game of chance, gift enterprise or lottery scheme, when sold to the consuming public. Punch board devices are used, the complaint alleges.

Charging that the respondent's practices have been of a sort which are contrary to Federal Government public policy and in violation of the Federal Trade Commission Act, the complaint grants the respondent 20 days for filing answer. (4467)

Arthur Jacobson—A complaint has been issued charging Arthur Jacobson, Upsala, Minn., with dissemination of advertisements containing false representations to induce purchase of products represented as comprising a treatment for defective eyesight without resort to glasses, drugs or surgery. According to the complaint, the respondent sells "Eye Tester" and "Eye Adjuster" devices with printed instructions, charts and other paraphernalia.

The respondent allegedly represents that his system is new and revolutionary; that 90 per cent of the defects of the eye can be remedied by its use; that it will improve eyesight and eliminate headaches and nervousness, and that it will correct nearsightedness, astigmatism and strabismus.

Alleging that the respondent's system is not new or revolutionary and that its use will not accomplish the results claimed, the complaint charges violation of the Federal Trade Commission Act and grants the respondent 20 days for answering the charges. (4466)

Parke, Austin & Lipscomb, Inc.—Misuse of the names of the Smithsonian Institution and the United States Flag Association, Washington, in connection with the sale of books of an encyclopedic nature, is alleged in a complaint issued against Parke, Austin & Lipscomb, Inc., and its subsidiary, Smithsonian Institution Series, Inc., both of 500 Fifth Ave., New York. Other respondents are Alfred Monett and Robert A. Hogan, Jr., officers of the two corporations, and Joseph M. McAndrews, an officer of the parent company.

The complaint alleges that use of the words "Smithsonian Institution" as a part of the corporate name of the respondent Smithsonian Institution Series, Inc., constitutes a misleading representation that the corporation is a part of, or connected with, the Smithsonian Institution, Washington, a non-profit organization devoted to scientific research and the promotion of learning.

According to the complaint, the respondents, through their salesmen and by other means, represent that such salesmen are employed by, or connected with, the Smithsonian Institution; that their publication "Smithsonian Scientific Series" is published and sold bv that institution, and that it receives the entire profit from such sale, when such are not the facts. The complaint alleges that the books are sold by the respondents as an ordinary commercial enterprise, and that the Smithsonian Institution receives from the respondents only a royalty of 10 per cent on all gross sales of the books under a contract providing that the Smithsonian Institution furnish the Smithsonian Institution Series, Inc., manuscripts and illustrations for use in its books.

The complaint further alleges that Parke, Austin & Lipscomb, Inc., and the individual respondents represent that their salesmen are representatives of the United States Flag Association, Washington, and that that organization receives the entire profit from the sale of the respondents' "World Epic" books, which profits are used to maintain a lobby in Washington for combating anti-American and subversive organizations and influences, when such are not the facts.

According to the complaint, the respondents sell their books as an ordinary commercial enterprise for profit, and the only benefit derived by the flag association from such sales is a small royalty for issuing bulletins and letters recommending the books. The United States Flag Association, according to the complaint, is a patriotic non-profit organization and has not engaged in lobbying.

The respondents are further charged with wrongful use of letters from United States Senators and other prominent persons endorsing the aims and purposes of the United States Flag Association. Such letters allegedly are represented by the respondents as endorsements of their books, when in fact they relate to the association and not to the respondents' books. (4465)

CEASE AND DESIST ORDERS

No cease and desist orders were issued by the Commission last week.

STIPULATIONS

Following stipulations have been entered into during the past week:

American Concrete Receptacle Company, trading as American Vault Company, 579 Kenilworth Ave., Detroit, a dealer in equipment and materials for use in manufacturing burial vaults composed principally of asphalt and concrete, has entered into a stipulation. Under the stipulation the respondent agrees to cease employing statements implying that burial vaults made in molds or forms or containing materials sold by it will assure everlasting protection to the caskets or bodies encased therein, or that such vaults are permanently waterproof. The respondent further agrees to cease representing that such vaults are better than competitive products in preventing or retarding the formation of "sweat" or moisture on their inner surfaces. (3037)

Gamble-Skogmo, Inc., 700 Washington Ave., North, Minneapolis, entered into a stipulation to cease advertising that "Gamble's Electric Fence Controller" has been approved, tested or certified by the Underwriters' Laboratories, Inc., or by the National Bureau of Standards of the United States Department of Commerce. The stipulation recites that this product has not been so tested or approved. (02739)

Master Gas-Saver Company, 218 South Wabash Ave., Chicago, stipulated to cease advertising that any gain in power or miles per gallon will result from the use of its device "Master Gas-Saver," on an automobile equipped with a correctly adjusted carburetor of proper size. The respondent also agrees to cease representing that the device stops gasoline waste, reduces carbon, makes starting easy, increases riding efficiency, operates as a super-charger, or is new or different from other devices used for the same purpose. The respondent further agrees to discontinue use of the words "Gas-Saver" to describe its device or as part of its corporate or trade name. (02744)

Merz & Co., Chemical Works, Inc., East Orange, N. J., stipulated that it will cease advertising its medicinal preparation "Merz-Allium" as being bactericidal and as being effective in treating colitis, intestinal catarrh, diarrhea, coughs, bronchitis, arthritis, rheumatism, sciatica, colic, influenza, asthma or tuberculosis. The respondent corporation also agrees to desist from advertising that results obtained from the use of its preparation are unobtainable from any other, and that Merz-Allium is recommended by the "drugless profession." (02740)

E. W. Rahn, Harvard Ave., and East 42nd St., Cleveland, has entered into a stipulation to cease representing that "Rahnous Capsules," "Rahnous Nasal Drops No. 1" and "Rahnous Nasal Drops No. 2," alone or in combination, comprise a competent treatment for colds, hay fever, rose fever, asthma, or catarrh, in excess of affording temporary relief from symptoms and the discomforts associated with these conditions; that either of the products is a specific, and that the product Rahnous Capsules is of aid in building body resistance or that it regulates the body. (02738)

Sal-Fayne Corporation, Dayton, Ohio, entered into a stipulation to cease certain representations in the sale of "Sal-Fayne," a medicinal preparation.

Under its stipulation, the respondent corporation agrees to cease advertising that use of its product banishes headaches, distress after over-indulgence, periodic pains or muscular pains; that it is an effective remedy for post-operative pains, or has therapeutic value in treating such disorders and conditions in excess of a palliative affording temporary relief; and that it is capable of stopping or preventing colds, preventing the development of "flu", relieving mental or physical dullness, and effectively treating the nerves.

The respondent also agrees not to publish advertisements which fail to reveal that the frequent or continued use of its preparation may be dangerous, causing serious blood disturbances, and that no more than the dosage recommended should be taken. The stipulation provides that such advertisements need contain only a statement that the preparation should be used only as directed on the label, if and when the label either carries a warning to the same effect or specifically directs attention to a similar caution or warning statement in the accompanying labeling.

The Sal-Fayne Corporation further stipulates that it will desist from using the words "laboratory" or "laboratories" as part of any trade name, and from making any representations implying that it has a laboratory unless it owns and operates, or controls and operates, a laboratory properly equipped and supervised for scientific work. (02741)

Steel Storage File Company, 2216 West 63rd St., Cleveland, entered into a stipulation with the Federal Trade Commission to discontinue representing that the cost of its "Safe-T-Stack Steel Storage Files" is lower than that of cardboard file cases of comparable size together with shelving used therewith, and that use of its file cases instead of competitive products will result in records or files occupying one-fifth the space formerly used. (3038)

E. B. S. Manufacturing Company—Eva B. Smith, trading as E. B. S. Mfg. Co., and E. B. S. Co., 730 St. Nicholas Ave., New York, has entered into a stipulation in which she agrees to discontinue advertising that "Antiseptic Tar Hair Grower" will promote the growth of hair, possesses antiseptic properties, contains essential oils or vegetable oils, and will eliminate itching scalp or have any value in its treatment in excess of affording temporary relief. The respondent further stipulates to cease representing (1) by use of the word "eliminate" or similar words that the preparation is a remedy or cure for dandruff, and (2) by use of the words "antiseptic" or "grower" in the brand name, that it has antiseptic properties or will promote the growth of hair. (02743)

FTC CLOSES CASES

The Federal Trade Commission has closed its case against Louis Baskind & Co., Inc., 1220 Broadway, New York, without prejudice to its right to resume proceedings, should the facts so warrant. The respondent had been charged with violation of the Federal Trade Commission Act in the sale of shirts. According to information received by the Commission, the respondent corporation is no longer engaged in manufacturing or selling activity and is in process of liquidation.

The Commission dismissed a complaint charging the Royal Metal Manufacturing Co., 175 North Michigan Ave., Chicago, with violation of the Federal Trade Commission Act in the sale of furniture.

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 10, March 7, 1941

THE WEEK IN WASHINGTON

President Roosevelt appointed Ray C. Wakefield, of Fresno, Calif., to the FCC to succeed the late Thad H. Brown. Mr. Wakefield has been a member of the California Railroad Commission. (p. 215)

Judge Henry Goddard on Tuesday approved the Consent Decree entered into by ASCAP and the Justice Department. (p. 215)

Radio Movin' Day draws near, and hundreds of stations participate in the NAB promotion program. (p. 217)

New England and Texas broadcasters unanimously endorsed BMI's work and pledged their support for its continuance. (p. 220)

Frank E. Pellegrin of Omaha was appointed to head the new NAB Department of Broadcast Advertising. (p. 222)

Paul W. Morency, WTIC, and O. L. "Ted" Taylor, KGNC, were re-elected to the NAB Board at district meetings. (p. 223)

Thurman Arnold says that he will continue to prosecute labor unions' "make work" systems. (p. 224)

Senator Danaher, Republican, Connecticut, on March 5 introduced a "no censorship" amendment to the Lend-Lease Bill. (p. 225)

Chairman James Lawrence Fly of the FCC told a press conference this week that the Commission was studying the legal division's draft of the proposed "Monopoly Report." (p. 226)

National Defense

The Civil Service people told us today that over 300,000 have been put to work in National Defense agencies since broadcasters put their shoulders to the wheel to locate man power—last July.

The situation remains critical in various categories. For example all kinds of inspectors, various kinds of engineers and skilled craftsmen are all wanted. Radio searches them out in the highways and the byways. More will be required as the program goes into full swing.

In the defense program, first things come first; and the production of guns, ammunition, ships, tanks, airplanes and equipment are first things.

Your help is appreciated.

Wakefield New FCC Member

President Roosevelt sent to the Senate for confirmation this week the nomination of Ray C. Wakefield of Fresno, Calif., to succeed the late Thad H. Brown on the FCC.

A Republican, Mr. Wakefield is a member of the California Railroad Commission which regulates all public utilities in that state.

He was born in Fresno in 1895, practiced law there from 1918 to 1937, and was deputy district attorney from 1929 to 1932. He was appointed to the Railroad Commission in 1937, and was president from August, 1938, to December, 1940. While with the state commission he has had considerable contact with the FCC on telephone rate cases. He has a son, John, and a daughter, Doris.

At the NAB's request, Mr. Wakefield made the following statement for the NAB Reports:

> "I appreciate the honor bestowed upon me by the President in nominating me to membership on the Federal Communications Commission, but I also appreciate the great responsibilities attached to the office.
>
> "If my nomination is confirmed by the Senate, as yet must be done, I shall enter upon my new task with no preconceived notions regarding the radio industry. In other words, I have a completely open mind as to the industry's various problems and desire to approach them wholly in that spirit. An objective approach to these problems, it seems to me, can be of material assistance in preserving radio's present objective position in American life."

Court Approves ASCAP Decree

Judge Henry Goddard on Tuesday, March 5, approved the consent decree entered into by ASCAP and the Justice Department, in the U. S. District Court for the Southern District of New York.

The previous day, Neville Miller made a statement to

(Continued on page 216)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

COURT APPROVES ASCAP DECREE

(Continued from page 215)

the court in behalf of the broadcasting industry and filed the memorandum printed below.

The ASCAP decree was printed in full in last week's NAB REPORTS (p. 195). The summary which preceded the text of the decree was prepared by the Justice Department, and not by NAB. The NAB's opinion of the decree was expressed in Mr. Miller's memorandum which follows:

"The National Association of Broadcasters is the trade organization of the broadcasting industry. It includes in its membership most of the broadcasting stations of the United States. The National Association of Broadcasters has for many years been one of the principal complainants against the illegal practices of the American Society of Composers, Authors and Publishers (hereinafter called ASCAP) and it has, over the course of these years, consistently appealed to the Government to bring an end to ASCAP's restraints of trade in connection with performing rights of popular music.

"ASCAP is a combination, operating in the form of a voluntary unincorporated society, consisting of over one hundred and forty publishing firms (with approximately three hundred and fifty subsidiaries), and of approximately twelve hundred composers and authors. All of its members, by contract, have assigned to ASCAP the entire exclusive performing rights in all of their works, both present and future, for successive terms of years, the most recent assignment expiring in 1950.

"Through the medium of ASCAP, therefore, the combination of publishers, composers and authors has been able to fix, and has consistently fixed, the price at which these performing rights have been and are licensed to users of music, as well as all other terms and conditions of license agreements.

"The Department of Justice, in both its civil complaint and its criminal information against ASCAP, has set forth, as its principal objectives (1) termination of ASCAP's *exclusive* rights in the works of its members, by virtue of which ASCAP has been able effectively to prevent competition among its members and thus to restrain trade by price fixing and otherwise, and (2) elimination of certain of the most objectionable practices of ASCAP including, principally, its requirement that users pay for the privilege of using ASCAP music without regard to the extent of use and its requirement that users pay for rights in works which they do not want as a condition of having access to the works which they do want, a practice commonly called 'block booking.'

"The proposed decree, in the opinion of the National Association of Broadcasters, fails to accomplish the Government's objectives both with respect to price fixing and block booking.

Point I

"The Proposed Decree, While Apparently Permitting Individual Dealing Between ASCAP Members and Music Users, Effectually Prevents Any Such Dealing.

"The proposed decree, in paragraph II (1), states that the defendant ASCAP is enjoined from asserting exclusive performing rights as agent, trustee or otherwise, on behalf of its members. The same paragraph, however, contains a number of permissive clauses, the most important of which, sub-paragraph (a), permits ASCAP to require that all moneys derived from the issuance of licenses by its members be paid to ASCAP for distribution in the same manner as the other revenues of ASCAP.

"The provisions with respect to the distribution of ASCAP's funds are contained in II (10). This provision, in effect, makes mandatory ASCAP's present practices by requiring that ASCAP shall provide in its By-Laws that ASCAP shall not distribute its moneys to its members on any basis other than the number, nature, character and prestige of the copyrighted musical compositions written or published by each member, the length of time in which the works of the member have been part of the catalog of the Society, and the popularity and vogue of such works. In other words, whether and to what extent any individual member of ASCAP will receive any share of ASCAP's revenue is to be determined by the ASCAP management.

"When this provision is read in the light of paragraph II (9), its full vice becomes apparent. Sub-paragraph (9) of II provides that the board of directors of ASCAP shall be elected by a membership vote, in which all members shall have the right to vote, but that the number of votes of each member shall be determined in accordance with the classification of the member within the Society. The board of directors of ASCAP may, therefore, determine the number of votes which each member may cast and it has, by this device, the power to insure the board's self-perpetuation. This same board of directors will determine what share of ASCAP's general funds each member will be permitted to receive. Since the member may not receive any of the money which is obtained by means of individual licensing, there is no economic incentive for individual licensing. Since the revenue of the member from the Society is dependent upon the member's classification by the ASCAP management, and since the management has the power *to decrease* the member's revenue but no power to take income from individual licensing into account in increasing the member's revenue, an effective economic deterrent to individual licensing has actually been set up under Governmental sanction.

"The proposed decree, therefore, while rendering lip service to non-exclusivity in the relationship between ASCAP and its members, and while technically permitting members to license non-exclusive performing rights to music users, sets up an insurmountable barrier against any such dealing. Sub-paragraph (1) of II of the proposed decree is, therefore, not only wholly ineffective in ending the practice of which the Government has complained, but it actually tends to perpetuate the very practice with respect to which complaint has been made.

"It may be useful to consider the proposed decree as being applicable to a patent pool rather than a copyright pool. So considered, the proposed decree expressly sanctions an arrangement by which hundreds of patent owners, prohibited by law from assigning their patents to a single patent exploitation society, could nevertheless assign the royalties from their patents to the patent exploitation society, such royalties to be distributed in accordance with the judgment of the patent exploitation society. Such an arrangement is obviously illegal. The analogy is, however,

(Continued on page 220)

THREE WEEKS TO MOVIN' DAY

All trade magazines read by dealers, servicemen, set and parts jobbers are cooperating with the industry in devoting pages to reallocation. All of them are pointing out that the switch is a major advance in broadcasting and explaining why. This will help all broadcasters in their contacts with the trade. The February articles will be followed by others in March.

Our thanks to the editors and publishers of:

Radio Retailing
Radio Service Dealer
Radio Today
Radio Weekly
Service
Sylvania News

The trade has also been "educated" by several mailings by Farnsworth, Ken-Rad, Motorola, Philco, RCA, Sylvania, Tung-Sol, Wells-Gardner and others.

The broadcasting industry is also having the assistance of various utilities—electric, gas, water, telephone. They have used their facilities to tell customers about the advantages of reallocation as well as to point out new dial settings. This is the first time broadcasting has noted much assistance from the telephone companies. The Ohio Bell Telephone Company in both Cleveland and Toledo will distribute reallocation stuffers.

The movies are helping.

So are the newspapers.

So are clients of broadcasters in their newspaper copy. In fact, the industry is finding out how many friends it has.

PROMOTION TIME TABLE

1. Begin telling Reallocation story to listeners.
2. Urge listeners to get non-push button sets checked and put in A-1 shape right now. This gets part of this necessary work out of the way before March 29, and will give servicemen more time to devote solely to resetting buttons after that date. A-1 sets mean more and better summertime listening.
3. Consider movie promotion like Richmond, Va., stations. Everybody is helping in Richmond—including picture houses.
4. Complete contacts with servicemen and dealers. Hold meeting or Radio Rally this week or next. Urge radio trade to use promotion plans furnished by their manufacturers.

STILL TIME TO GET LEAFLETS

Last call to get the 2-color Movin' Day leaflets. They are being used to publicize dial locations in many, many cities and towns coast to coast. And we're all prepared for last minute orders; for reorders as well. Almost 750,000 shipped to date. Order today.

EYE-CATCHING DISPLAY

Producers of Tung-Sol tubes are making available to servicemen and dealers a large eye-catching window display telling the public to "Keep in Tune with Radio Wave Length Changes." A gummed window poster inviting the public to come in for a free radio log completes the window trim.

CLARKSBURG, W. VA.

G. C. Blackwell, manager, WBLK, Clarksburg, met with the radio servicemen of Harrison County, West Virginia, last Thursday evening. Plans were set in motion to change over all push button sets in record time and to put all sets in the territory in first class operating condition.

AMARILLO

KGNC, Amarillo, Texas, which increases power and changes dial location, simultaneously, has a powerful newspaper and radio campaign under full swing. Papers used are The Amarillo Daily News and The Amarillo Globe.

General Manager John Ballard also wrote that he would make good use of the 2-color leaflets, and the Mayor's Movin' Day Proclamation. He is completing arrangements with local servicemen for a vigorous radio repair and push button promotion.

MOVIES HELP RICHMOND, VA.

"Our three Richmond stations, WMBG, WRNL and WRVA, are proceeding with an extensive cooperative promotional campaign for Movin' Day," wrote C. T. Lucy, general manager, WRVA.

"Both the water and gas bills issued by the City of Richmond will carry Movin' Day stuffers, and even our theaters are cooperating."

OTHER PARTS OF VIRGINIA

Virginia Public Service Company, according to J. G. Bariesas, advertising manager, will distribute a total of 125,000 individual pieces headed: "RADIO MOVIN' DAY—MARCH 29—What It Means to You."

Then follows the story and two more lines of display: "Review Your Dial" and "Reset Your Buttons."

This message to the customers of this aggressive Virginia utility is printed in red on the back of monthly bills being distributed between March 1-31. Customers receiving this promotion occupy one third of the area of Virginia.

GREENFIELD, MASS.

As a preliminary to other promotional plans in Greenfield and Franklin County, Mass., James L. Spates, manager, WHAI, has arranged for the distribution of Movin' Day stuffers. They are being enclosed with the bills sent by the Western Massachusetts Electric Company.

OHIO BELL TELEPHONE—TOLEDO

In Toledo the Ohio Bell Telephone Company will mail 50,000 stuffers to tell their customers of frequency changes, according to Gene Vaughn, WSPD.

Three thousand 2-color leaflets, recently shipped WSPD, have been included in statements sent out by: First Federal Savings & Loan, and The Financial Securities Corporation. WSPD was given a nice plug in the Kroger Grocery & Baking Company ad, in the *Toledo Blade*, February 28. "The Northwestern Ohio Natural Gas Company," wrote Mr. Vaughn, "has made a special cut to use on their 130,000 March bills. It shows a radio tower, tells the story of Movin' Day and mentions WSPD and our new frequency. The Toledo Edison Company has prepared a special rubber stamp with the same story for its 120,000 statements."

FORT WAYNE, IND.

Westinghouse stations, WOWO-WGL, Fort Wayne, held the first meeting for servicemen of the Fort Wayne area Monday night, March 3. H. J. Beck of the Service Department of Farnsworth Television & Radio Corporation, Marion plant, discussed service obstacles and how to overcome them. Additional meetings are to be held.

WOW—OMAHA

The ten thousand copies of WOW's *Radio News Tower*, March issue, contain in the center spread a complete list of old and new frequencies of every station in the United States. Column 1, page 1, is a story headed "Radio's Movin' Day Set for March 29."

Station WOW at 590 kc, of course, does not change.

Beginning late in February the station has carried two to four spot announcements per day calling attention to Radio's Movin' Day. As the Day approaches promotion will be stepped up and Movin' Day news included in news stories and on regular newscasts.

Four thousand copies of *Radio News Tower* were distributed to agencies, clients, etc.; six thousand to WOW listeners.

IN OKLAHOMA

Every radio station in Oklahoma has received a photostatic copy of the Movin' Day Proclamation issued by Governor Leon C. Phillips. They were mailed by Neal Barrett, manager, KOMA, Biltmore Hotel, Oklahoma City, who arranged with Gov. Phillips for its issuance.

IN OKLAHOMA CITY

KOCY, KOMA, KTOK and WKY, Oklahoma City's four stations, have just about finished with the details of a cooperative campaign to handle frequency transitions. Toward the last of February, the four station executives met with the Servicemen's Association of Oklahoma City. "After the meeting," said Mr. Barrett, "we were in accord on what I believe is a most important point, and that is the similarity of the wording and phrasing of air plugs. That way, we do not confuse the listeners as to the purpose of the plugs and changeover; nor the job the servicemen can do in changing push buttons, etc."

CHAIRMAN FLY'S RELEASE

A mailing to all stations Thursday, March 6, contained a release by Chairman James Lawrence Fly, of the Federal Communications Commission. A second enclosure was a statement by Chief Engineer E. K. Jett. A statement by Neville Miller, NAB President, will be sent next week.

MASON CITY, IOWA

KGLO, Mason City, has a double-barreled promotion in full swing: (1) Movin' Day and (2) power increase to 1000 watts.

Ralph B. Campbell, Jr., wrote that the station has set up a campaign of station-break spots, local newspaper inserts, network tie-ins, etc. Fifteen thousand 2-color envelope stuffers will be included in the bills of our local utility company. Localized stickers are being placed on all display material. A poster advertising the change will also appear on the Mason City *Globe-Gazette* trucks. Mayor Marshall has signed the Movin' Day Proclamation.

"In twenty-seven north Iowa and southern Minnesota towns, boys will cover the downtown section on March 29 wearing signs saying, 'Who am I listening to.' They will carry a portable radio tuned to KGLO and will be supplied with pamphlets to hand out."

50,000 WINDOW POSTERS

Fifty thousand red and black window posters, 14″ x 22″, have been distributed by Sylvania Tubes to dealers and servicemen throughout the United States. The copy read:

"AFTER
"MARCH 29th

"MANY OF YOUR FAVORITE RADIO STATIONS WILL CHANGE WAVE-LENGTHS. YOUR RADIO DIAL SETTINGS MUST BE CHANGED TOO.

* * *

"COME IN AND GET YOUR RADIO STATION FINDER FREE!

"This Information Courtesy
"SYLVANIA SET-TESTED RADIO TUBES"

When posted in the window it is large enough to be seen by occupants of passing streetcars, busses and automobiles. In addition Sylvania is making available to its dealers a post-card campaign; a green and black

"Radio Station Finder" (log) of all stations and red and black door-knob hangers, 4″ x 9″.

KANSAS CITY, MISSOURI AND KANSAS, EXTRAVAGANZA

Greater Kansas City is carefully laying the groundwork for a successful Movin' Day promotion.

Broadcasters, radio jobbers, dealers, servicemen, manufacturers and the Electric Association of Kansas City have all joined hands in an all-out campaign.

The Kansas City *Star,* owner of station WDAF, on 610 kc., has also agreed to cooperate with the radio front though WDAF does not change. Prior to the beginning of the public campaign of education and promotion the entire radio industry of Kansas City will hold a Radio Rally and party for servicemen, in the evening, at the President Hotel.

In addition to presenting the outstanding acts from each station in the area in a stage show, broadcasters are working out the details of a "Kilocycles Ballet." The entertainment will be produced by Don Davis, president, WHB, who will also act as Master of Ceremonies.

Karl Koerper, vice president, KMBC, will handle the inspirational part of the meeting, indicating how Movin' Day may be used to put all of the sets in the area in A-1 condition, as well as to change the push buttons.

There will also be a technical talk by an outstanding radio authority.

"Kilocycles Ballet"

The ballet will open the evening's entertainment. As the curtain rises a girl representing WDAF "will be sitting pretty" on a pedestal labeled 610 kc. WDAF is the red network station; so, a ballet dancer in red will then dance on the stage leading a group of other dancers wearing masks representing Jack Benny, Charlie McCarthy, Fred Waring, Bob Hope, Kay Kyser and Bing Crosby.

These dancers will do a "Red Network" ballet routine and exit—leaving WDAF still "sitting pretty" on 610 kilocycles. She remains there throughout the rest of the ballet.

The curtain then parts to reveal WHB—a girl seated on a pedestal labeled 860 kilocycles. A ballet dancer in black and gold, representing Mutual, will then dance on stage and move WHB from 860 to 880 kilocycles. At the same time, she will beckon to her companions who will dance on stage wearing masks representing various Mutual Network programs, or WHB programs, such as Raymond Gram Swing, The Lone Ranger, Captain Midnight, Orphan Annie, The WHB Musical Clock, and the station's "Kiddies' Revue" (this program line-up—represented by masks—is tentative, subject to final decision at another meeting of the committee).

The third movement of the ballet will begin as the curtains part to reveal KMBC seated on a pedestal labeled 950 kilocycles—while WHB remains on 880, and WDAF on 610. A dancer in red, white and blue, representing Columbia Network, will then dance on stage—and move KMBC from 950 kilocycles to 980 kilocycles. Then her companions will enter—dancers wearing masks to represent Major Bowes, Kate Smith and so on.

This formula will be repeated for each of the other stations in the area—WREN, of the Blue Network—KCKN, owned by the Kansas City *Kansan*—KCMO, owned by the owners of the Crown Drug Company—and KITE, owned by First National Television.

Each station will be a "movement" in the ballet—with different costumes and a change in the tempo of the music.

PENNSYLVANIA CHAIRMAN

Dr. Leon Levy, president, WCAU, Philadelphia, is the Pennsylvania member of the Governors' Movin' Day Proclamation Committee. A compositor dropped the line out of last week's listing of the entire committee in NAB Reports.

Eighteen (18) governors have now either issued Movin' Day Proclamations or have promised to do so. State committee men are taking up the matter in eight (8) other states. No report is as yet available from the other states.

Station managers residing in states in which the chief executives have issued their proclamations have expressed their appreciation for copies of the document sent them by their state member of the committee. This system insures the widest publicity.

These are the governors who have issued proclamations since last week:

IOWA—Gov. George A. Wilson
Arranged by J. O. Maland, WHO, Des Moines
MINNESOTA—Gov. Harold E. Stassen
Arranged by Earl Gammons, WCCO, Minneapolis
NEBRASKA—Gov. Dwight Griswold
Arranged by J. J. Gillin, Jr., WOW, Omaha
OKLAHOMA—Gov. Leon C. Phillips
Arranged by Neal Barrett, KOMA, Oklahoma City
OREGON—Gov. Charles A. Sprague
Arranged by C. Roy Hunt, KOIN, Portland
TENNESSEE—Gov. Prentice Cooper
Arranged by Harry Stone, WSM, Nashville

MAYORS PROCLAIM

Mayor R. E. Riley, Portland, Ore.; Mayor Ben Stapleton, Denver, Colo.; Mayor Marshall, Mason City, Iowa; Mayor Don C. McCombs, Kansas City, Kans., and the Mayors of Kansas City, Mo., and Amarillo, Texas, have issued proclamations. Each Mayoralty proclamation will list the call letters of all the stations within the city; the state proclamations will list all stations within a state. Tell us when your Mayor proclaims.

STATE EDUCATORS HELP

The heads of the Department of Education in many states are helping spread reallocation news throughout the entire school system. (The fact that letters were written to these men was reported in NAB REPORTS of February 21.)

Because this information is fanning out from the top, it would seem good tactics to put out information locally which would meet it on the way down.

Educators who have notified NAB that they are writing school executives under their jurisdiction are:

H. ARNOLD PERRY, Division of Instructional Service,
State of North Carolina Superintendent of Public Instruction,
Raleigh, North Carolina.

ELMER G. SULZER, Director, Radio Activities,
University of Kentucky,
Lexington, Ky.

W. W. TRENT, State Superintendent of Free Schools,
State of West Virginia Department of Education,
Charleston, W. Va.

MISS INEZ JOHNSON LEWIS, State Superintendent of Public Instruction,
The State of Colorado Department of Education,
Denver, Colo.

V. D. BAIN, Director of Curriculum and Elementary Education,
State Department of Education,
Salem, Oregon.

WALTER F. DEXTER, Superintendent of Public Instruction and Director of Education,
State of California Department of Education,
Sacramento, Calif.

R. R. EWERZ, Director of Instruction & Supervision,
Department of Education,
Baton Rouge, La.

The letter from Superintendent Ewerz, of Louisiana, is typical of those from the above mentioned educators:

> "I note that on March 29 ninety per cent of all the United States broadcast stations will change frequencies, thereby involving radio reception in Louisiana. *We shall be glad to pass this information on to school principals who in turn can notify teachers and pupils with regard to changes indicated.*
>
> *"We appreciate very much your advice in this matter."*

COURT APPROVES ASCAP DECREE

(Continued from page 216)

precise, and the illegality exists as clearly in the case of copyright owners as in the case of patentees.

Point II

"The Proposed Decree Fails to Prevent ASCAP from 'Block Booking' Performing Rights in the Works of Its Members to Broadcasters.

"Paragraph II (6) provides that ASCAP shall not refuse to license, on prices to be fixed by ASCAP, the public performance for profit of the musical compositions of its members *'by users other than broadcasters.'* ASCAP, by its consistent refusal to permit broadcasters access to compositions which they want to use unless they will also pay for the right to perform compositions which they do not want to use, has compelled broadcasters to accept the block booking of all of the works of the Society, a matter which has expressly been held illegal in other fields.

"The proposed decree prevents block booking for hotels, restaurants, motion picture theaters, cafes and others. It expressly excepts from the benefits of this provision the broadcasters. If block booking is an admitted vice with respect to all users other than broadcasters, it is difficult to see the basis for a distinction which expressly permits broadcasters to be made the victims of this illegal act.

"It is true that under the proposed decree broadcasters are assured of the benefits of the 'per program' basis of licensing which relieves them from the requirement that they pay a license fee in respect of programs which use no ASCAP music at all. Paragraph II (6) of the proposed decree, however, does not relieve broadcasters from the equally illegal requirement that they pay for musical programs on an 'all or none' basis, without the option of paying only for the use of the musical compositions which they desire to perform.

Conclusion

"It is respectfully submitted that the proposed decree does not cure the illegal practices of ASCAP as alleged in the Government's civil and criminal complaints, that the proposed decree sanctions illegal activity on the part of ASCAP in at least two vital respects, and that the proposed decree should not be approved or entered until these defects are cured."

BMI

TWO DISTRICTS PLEDGE UNANIMOUS SUPPORT

The meeting of the District 13 held on February 28 in San Antonio, Texas, and the meeting of the District 1 held March 4 in Worcester, Massachusetts, adopted resolutions complimenting BMI and also pledging those present to renewal of their BMI licenses. The BMI members present reported unanimously that their reliance on BMI music had been attended by an increase in their business. About sixty stations were represented in Texas and twenty-eight in Worcester.

BMI CONTINUITY'S HEAD DOES AIR SHOW

Alan Fishburn who heads BMI's Continuity Department was represented by a successful half-hour show on the Columbia Workshop program over the CBS network last Sunday evening, March 2nd. This work of the BMI script specialist was an adaptation of a play by Lynn Riggs called *Roadside* and dealt with a typical American comedy figure, a sort of Texas version of Paul Bunyan.

ALBUM FOR ORCHESTRAS

BMI is publishing in album form a collection of ten of the most popular BMI songs so arranged as to be used for solos, duets, trios, or any other combination of the various melody-carrying instruments of a dance band. The idea has met with a warm reception. The announcement brought in several thousand orders before publica-

BMI FEATURE TUNES
March 10-17

1. WALKIN' BY THE RIVER
2. WISE OLD OWL
3. HIGH ON A WINDY HILL
4. YOU WALK BY
5. HERE'S MY HEART
6. WHERE'S THE CAPTAIN'S HAT
7. IT ALL COMES BACK TO ME NOW
8. MAY I NEVER LOVE AGAIN
9. I CAN'T REMEMBER TO FORGET
10. ACCIDENT'LY ON PURPOSE
11. BECAUSE OF YOU
12. KEEP AN EYE ON YOUR HEART
13. ALL I DESIRE
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. TALKING TO THE WIND
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT
20. STONE'S THROW FROM HEAVEN

tion. The album contains the following songs: *Give Me Music, I Give You My Word, I Hear a Rhapsody, Montevideo, Practice Makes Perfect, So You're the One, The Same Old Story, There I Go, There's an Old Easy Chair by the Fireplace,* and *We Could Make Such Beautiful Music Together.*

BMI GETS SONGS FROM HARVARD SHOW

Broadcast Music, Inc., has signed a publication contract with the Hasty Pudding Club, Harvard University theatrical organization, for three songs in the club's 95th annual musical production titled *On the House* which opens in Cambridge, Mass., March 20th. Following its premiere the musical will be seen at the Civic Repertory Theater, Boston, after which it will go on its annual Easter vacation tour of larger cities. For the first time the route will include stop-overs at the Princeton University Theater, Princeton, and Vassar College, Poughkeepsie.

Music for the show was written by Robert H. Coleman, Phil Kadison, and Sherwood Rollins. Among the songs to be published by BMI are *Sweet Dreaming, I'm Not in the Mood,* and the title song, *One on the House.*

Sherwood (Pete) Rollins of Durham, N. H., who wrote the music for the three numbers, won his reputation by writing three-fourths of the score for *Assorted Nuts,* the 1940 Hasty Pudding production. In addition, he has turned out a rhythm piece, *Biminey Blues, Anything Can Happen In the Park,* and three other production numbers.

Like Pete Rollins, Phil Kadison of Larchmont, N. Y., has a solid background of musical education from his studies at college and he has been unable to express himself in a popular vein until this year. What he considers his outstanding tune, *Take It From a Woman Who Knows,* is now in the hands of BMI. His other songs in the show are *I Don't Know Where I Am, In Our New Hotel,* and a rhumba as yet unnamed.

All the tunes for *One on the House* have been written by Rollins and Kadison with the exception of *It Isn't Done* by Robert Coleman, the leading lady in the show and Vice-President of the Hasty Pudding Theatricals. Bob's home is in Baltimore, Maryland.

Under the date of March 1 the following letter was addressed to BMI members:

> "We are selecting two musical numbers from our repertory, one a lively, rhythmic tune called *Wise Old Owl,* and the other a ballad called *Walkin' By the River,* on which we are going to expend concentrated exploitation efforts. The cooperation of our subscribers in this campaign is necessary.
>
> "The great diversity of material which BMI has recently put out has resulted in a shortage of new hits. We must meet this situation promptly.
>
> "Both of the numbers we have selected have had substantial sales and have had a good reaction from band leaders, without exploitation. Recordings and transcriptions of both are available and a list of recordings and transcriptions is attached.
>
> "We hope that you will be able (without adverse effect on such current hit numbers as *You Walk By, I Hear a Rhapsody, High on a Windy Hill,* and *It All Comes Back to Me Now*) to see that *Wise Old Owl* and *Walkin' by the River* receive the fullest exploitation on your station commencing immediately. Anything that you can do to increase performances of these numbers over your station is of genuine importance, and I hope that you will regard this as an urgent request."

The records and transcriptions of these two tunes are as follows:

THE WISE OLD OWL

Band

Al Donahue	Okeh	#6037

(Benny Goodman recording will be available shortly)

Transcriptions

Erskine Butterfield Orch.	Associated	254
Shep Fields Orch.	Lang-Worth	617
Marvin Dale Orch.	Standard	P124
Irving Miller	Thesaurus	912
Landt Trio	Thesaurus	917

WALKIN' BY THE RIVER

Band

Mitchell Ayres	Bluebird	#10960
Una May Carlisle	Bluebird	#B11033
Hal Kemp	Victor	#27222
Frankie Masters	Okeh	#5986
Ginny Simms	Okeh	#6025

(Eddie Duchin and Johny Long records will be available shortly)

Transcriptions

Jerry Sears Orch., Una May Carlisle, vocal	Associated	227	Bonus
Merle Pitt Trio	Associated	247	
Will Hudson	Standard	P129	
Don Allen Orch., Martha Tilton, vocal	Standard	P130	Bonus

BMI increases its leadership in the coin operated phonographs noticeably this week. According to the *Variety* list, five of the ten leaders on the machines are published or licensed by BMI and six out of the next nine are also in the BMI catalogue. According to *Billboard's* survey, three out of the top five and six out of the next seven are covered by the BMI license, a fact on which comment is made in *Billboard's* Record Buying Guide. Nine of the ten best-selling records and ten or eleven of the fifteen sheet music best sellers are BMI numbers. Of the twenty songs with most radio plugs during the week ending February 28 five are Marks, three are Southern, one is Stevens, and the rest are BMI.

BMI LEADS ON TWO-LICENSE STATIONS

KRBC of Abilene, Texas, licensed by both BMI and ASCAP, reports that a recent check-up showed that 90 per cent of the music played over the station is BMI and the remaining 10 per cent is ASCAP. The same study showed that 85 per cent of the requests from listeners are for BMI numbers. In January WDAS of Philadelphia, which also has both licenses, reported that 85 per cent if its music was BMI. It is also authoritatively reported from the Canadian Broadcasting Corporation that "although we can use ASCAP tunes, most of our popular shows use BMI tunes almost exclusively."

VOLUME 2 OF THE INDEX

The second volume of the general index of numbers covered by the BMI license was shipped out on Wednesday, March 6. It contains an additional 36,000 titles together with a revised and augmented list of the available publications in the catalogue of the Edward B. Marks Music Corporation.

Announcement of this volume has already been made in a notice sent out to member stations. These notices of additions of new titles and new publishing houses to the BMI catalogue are now being sent out weekly as a routine matter instead of being issued merely from time to time, whenever circumstances made it necessary, as they have been issued previously.

Sales

PELLEGRIN HEADS NEW NAB BROADCAST ADVERTISING DEPT.

Frank E. Pellegrin, for the past three years general sales and promotion manager of the Central States Broadcasting System, operators of stations KOIL and KFOR, Omaha, and KFAB, Lincoln, Nebraska, has been named Director of the newly created NAB Department of Broadcast Advertising.

Mr. Pellegrin comes to NAB with a splendid background of radio and organization experience. He is a graduate of Creighton University. Following his graduation he became publicity director and alumni secretary for the University and later a member of the journalism faculty and director of promotion and public relations. He was for many years a member of the American College Publicity Association and actively affiliated with the organization activities of that group.

Mr. Pellegrin has been closely associated with Junior Chamber of Commerce activity and is now National Director for Nebraska. He was recently chosen as Omaha's outstanding young business man of 1940.

The NAB Department of Broadcast Advertising replaces the Bureau of Radio Advertising which was a subdepartment. The new department will function with the assistance of the Sales Managers Executive Committee of which E. Y. Flanigan, WSPD, is chairman. The other members of the Executive Committee are Ellis Atteberry, KCKN, Charles Caley, WMBD, Eugene Carr, WGAR, Willard Egolf, KVOO and Craig Lawrence, KRNT.

Mr. Pellegrin will assume his duties at NAB Headquarters on April 1. Announcement of the vastly expanded activities of this department will be made after Mr. Pellegrin assumes his duties as a member of the staff.

STANDARD CONTRACT

On Wednesday final questionnaires were mailed to members of the NAB committee which has been conferring with the 4 A's Time Buyers Committee in an effort to redraft certain provisions of the facilities contract to meet AAAA objections. The poll was undertaken after Russell Place, NAB counsel, met in New York Tuesday with F. R. Gamble, W. R. Fricke and George Link, Jr., representing the 4 A's.

Col. H. C. Wilder, WSYR, chairman of the NAB committee, reported that he expects to release the revised contract next Friday. The committee will recommend, he said, separate forms for agency and local advertiser business; the forms will be supplements to next week's issue of NAB Reports.

COST-PER-INQUIRY

On the cost-per-inquiry front, more and more concerns are trying to get stations to accept contingent deals and guarantee a fixed return. Some of these are:

Book-of-the-Month Club
Better Vision Institute
God Bless America Key Tag Co.

All three, in the opinion of the Bureau of Radio Advertising, are opposed to the best interests of radio stations, and the Bureau has written them accordingly. At the same time, it has invited each of the above-named companies to give serious consideration to a paid radio campaign, if they wish to obtain maximum results and maintain the continued goodwill and cooperation of the broadcasting industry.

DISTRICT 4 SALES MANAGERS

Jack Field, WPTF, who was recently appointed chairman of the Fourth District Sales Managers Division of the NAB, announces that the fourth district group will hold its first meeting of the year in Raleigh on Friday, March 28.

District Meetings

DISTRICT 1

Paul W. Morency, WTIC, was unanimously reelected Director at a District 1 meeting March 4 in Worcester, Mass.

Music and labor problems were discussed at length at the all-day meeting. Neville Miller brought the broadcasters up to date on the legal aspects of the music problem, while Carl Haverlin told of BMI's plans for the future. Upon motion of Franklin M. Doolittle, WDRC, seconded by John J. Boyle, WJAR, the following resolution was unanimously adopted:

> Resolved, that the broadcasters of the First NAB District go on record as unanimously approving the work to date of BMI; and be it further resolved, that the broadcasters of the district should manifest their continuing support by renewing their licenses to use BMI music.

At a sales managers meeting in the afternoon, unanimous approval of the proposed standard order form and contract was expressed. William F. Malo, WDRC, presided.

Those registered at the meeting:

A. N. Armstrong, Jr., WCOP; Robert F. Donahue, WLLH; Lawrence J. Miron, WORC; W. C. Swartley, WBZA; William T. Bush, WPRO; E. E. Hill, WTAG; Quincy A. Brackett, WSPR; Franklin M. Doolittle, WDRC; C. G. DeLaney, WTHT; H. E. Fellows, WEEI; Albert W. Marlin, WMAS; David M. Kimel, WLAW; Charles N. DeRose, WHYN; George H. Jaspers, WTAG; George Sutherland, WFCI; T. F. Allen, WFCI; H. C. Wilson, WHEB; Pasquale J. Mauretti, WSAR; William F. Malo, WDRC; Walter Haase, WDRC; H. W. Nichols, WHAI; Walcott A. Wyllie, WHYN; K. F. Horton, WEEI; Frank R. Bowes, WBZ; H. William Koster, WPRO; Ashley L. Robison, WCOP-WORL; Jack Fits-Gibbons, WSAR; Frederick E. Bieber, WTHT; George F. Kelley, Jr., WCSH; John J. Boyle, WJAR; Paul W. Morency, WTIC; James L. Spates, WHAI; Herman Steinbruch, WKNE; Al Tyler, WLNH; Erle Clement, WLNH; John Shepard, 3rd, Yankee Network; Carl Haverlin, BMI; William W. Warner, Colonial Network; R. L. Harlow, Yankee Network; Leonard D. Callahan, SESAC; Gerald Harrison, Yankee Network; Neville Miller and Joseph L. Miller, NAB; Thomas C. McCray, WTIC; Dorothy B. Robinson, WTAG; Edwin J. Morey, WNLC; Ivon B. Newman, WNLC; Walter Johnson, WTIC.

DISTRICT 11

Earl Gammons, NAB Director of District 11, has called a meeting at the Radisson Hotel, Minneapolis, on Friday, March 14.

Barney Lavin, WDAY, chairman of the District 11 Sales Managers' Committee will preside over a sales managers session held in conjunction with the broadcasters session.

All broadcasters of Minnesota, North Dakota and South Dakota, are urged to attend. President Neville Miller will be present. The election of District Director for the ensuing two-year term will be among the important items of business to which attention will be given.

DISTRICT 13

A meeting of the broadcasters of the 13th District was held at San Antonio, Friday, February 28. District Director O. L. "Ted" Taylor presided and the following were present:

L. L. Hendrick, KRRV; Glen Hewitt, KPAC; Carl Vaughan, KPAC; Charles Nethery, KXYZ; Jack McGrew, KPRC; M. E. Danbom, KGKB; Karl O. Wyler, KTSM; B. F. Orr, KTRH; T. Frank Smith, KXYZ-KRIS; Harry Grier, KTRH; Jack Keasler, WOAI; A. M. Herman, WBAP; Clyde Rembert, KRLD; Eugene J. Roth, KONO; Ellis Chaney, WOAI; M. Tilford Jones, KXYZ-KRIS; James M. Moroney, WFAA-KGKO; Harold Hough, WBAP-KGKO; George Cranston, WBAP-KGKO; Merle H. Tucker, KROD; Joe B. Carrigan, KWFI; George W. Johnson, KTSA; C. B. Locke, KFDM; Charlie Bathrope, KTSA; Alex Keese, WFAA-KGKO; Ernest S. Lovan, KFDM; Martin Campbell, WFAA-WBAP-KGKO; Guy W. Bradford, KRGV; Wes Izzard, KGNC; DeWitt Landis, KFYO; R. B. McAlister, KFYO; M. D. Bourn, WOAI; Hugh A. L. Halff, WOAI; Bill Laurie, KONO; Wendell Mayes, KBWD; James W. Pate, Lone Star Chain; Carl Haverlin, BMI; Ken L. Sibson, TAYLOR-HOWE-Snowden-Ganjo; Leonard David Callahan, SESAC; J. Chris Hetherington, John Blair & Co.; Clarke R. Brown, Lake-Spiro-Shurman.

Carl Haverlin, Stations Relations Director of BMI, reviewed the developments in the music situation and after considerable discussion, the following resolution with respect thereto was unanimously adopted:

> BE IT UNANIMOUSLY RESOLVED by the members of the National Association of Broadcasters of the 13th District in meeting assembled at San Antonio, Texas, today, that we hereby pledge our positive allegiance to Broadcast Music, Inc.; that we congratulate it on making possible such a large catalogue of music which has been so universally accepted by the radio public as indicated in surveys. We reaffirm our contention that to maintain a high standard of program service, it is necessary that a free and competitive market in music always be available, and that the open door policy to opportunity for the creative talent of the men and women of America be continued as inaugurated by Broadcast Music, Inc. That we will never become a party to any arrangement which does not definitely assure the continued development and perpetuation of Broadcast Music, Inc.

A resume of the activities of NAB was given by C. E. Arney, Jr., Assistant to President Neville Miller, after which the following resolutions were passed:

> BE IT RESOLVED by the 13th District of National Association of Broadcasters in meeting assembled at San Antonio, Texas, on this the 28th day of February, 1941; that such District through its membership, express its sincere thanks and appreciation to Mr. Ted Taylor, the Director of the 13th District, and Mr. Harold Hough, Director at Large, of the National Association of Broadcasters for their conscientious and untiring efforts in behalf of National Association of Broadcasters and the excellent work that they have performed.
>
> BE IT RESOLVED, by the members of the 13th District of the National Association of Broadcasters in meeting assembled in San Antonio, Texas, that they pledge their utmost efforts in

the seeking of additional memberships among Texas broadcasters in the National Association of Broadcasters.

BE IT FURTHER RESOLVED by the members of the 13th District of the National Association of Broadcasters in meeting assembled at San Antonio, Texas, on the 28th day of February, 1941, that we do hereby express our sincere thanks and appreciation to the officers and executive committee of Broadcast Music, Inc., and the National Association of Broadcasters for their excellent work they have performed, and for the crowning success the industry has enjoyed in connection with the year's work.

Those in attendance were the guests of the Texas Broadcasters' Association at a luncheon, following which election of District Director was held. This resulted in the re-election of O. L. "Ted" Taylor.

Following the adjournment of the business session, the Sales Managers convened for a discussion of problems peculiar to their phase of the operation. The meeting was presided over by Jack Keasler, Chairman of the Sales Managers Division for the 13th District, and the following participated:

Karl O. Wyler, KTSM; Charles Balthrope, KTSA; James W. Pate, Lone Star Chain; E. W. Lovain, KFDM; Guy Bradford, KRGV; M. E. Sanbom, KGKB; Merle Tucker, KROD; George Cranston, WBAP-KGKO; Alex Keese, WFAA-KGKO; R. B. McAlister, KFYO.

A healthy discussion of agency recognition, AAAA contract, standard rate card, and other pertinent matters was held. The Sales Managers group went on record as desiring a special session devoted to sales managers problems at the NAB convention in St. Louis.

O. L. Taylor and George Johnson of KTSA, were hosts at a cocktail party following the session. It was a most successful and enthusiastic meeting.

LABOR NOTES

Appearing before the TNEC after the Supreme Court's *Hutcheson* decision (NAB Reports, p. 127), Thurman Arnold said that the Justice Department would continue to prosecute "make work" systems instituted by labor unions as violations of the anti-trust law.

"For example," he said, "in both New York and Philadelphia all trucks in the city have been compelled to pay the wages of an additional man from the local union who does no work. . . . No conceivable economic justification for it comes to our minds."

Both the A. F. of L. and the C. I. O. hailed the *Hutcheson* decision. They said it freed labor from *any* prosecution under the anti-trust laws. When the A. F. of L. Executive Council, meeting in Miami, heard of Arnold's TNEC testimony, it issued a statement calling Mr. Arnold's statement "subtle propaganda based on distortion of law and fact."

Mr. Arnold issued a statement saying he was going to prosecute James C. Petrillo, president of the American Federation of Musicians, networks, booking agencies, and others, for "conspiracy" in connection with the musicians jurisdictional dispute with the American Guild of Musical Artists (the concert artists' union).

Mr. Petrillo insists that anyone who plays an instrument on the air should belong to his union, and the networks with their A. F. of M. closed shop contracts had to notify the artists of Mr. Petrillo's edict.

Whether Mr. Arnold will look into other aspects of the musicians' situation has not been disclosed.

There is no such thing as exempt *work* under the Wage and Hour law. Certain classes of *workers* are exempt—but not certain classes of *work.*

This question came up in this way this week:

A small Western station had a $25 a week announcer who was going to m.c. a one-hour program outside his 40-hour week, for a $10 fee. The m.c. work was clearly "professional." Was that *work* "exempt"; should his overtime rate be based on $25 a week of $35 a week?

The answer was $35. Although the m.c. *work* was professional, the *worker* was not. He did not receive $200 or more a month, and he did more than 20 per cent of the same type of work performed by non-exempt employees each week.

How far can an employer go in talking with his employees about labor unions?

The question is still unanswered after the Supreme Court's *Ford* decision. The government did not appeal that part of a Circuit Court decision which reversed the Labor Board. The Board had said Ford was guilty of an unfair labor practice in assailing labor unions and labor leaders.

The cost of living in the larger cities did not change from December 15 to January 15, the Labor Department reports. It is 2.1 per cent above August, 1939.

Miscellaneous

STOP THE PRESS!

The Longest Single Remote Contest Editor has left for a nine-month vacation in central Greenland, taking with him his map-measuring compasses. Therefore, we print the following letter without comment:

February 21st,
1941—Our 19th Year

Hold Everything! Don't award that "longest distance remote" palm to Johnny Gillin and WOW until you check this.

KFEL claims the record for the longest single remote recorded to date. (NAB Reports, February 7, Page 129.)

We went clear to Washington, D. C., to pick up a talk by Colorado's Senator Ed Johnson for a Breakfast Club meeting.

It is quite a bit farther from Denver to Washington than it is from Omaha to any point on the Pacific Coast, and considerably farther than from St. Louis to Havana.

Just look at your map, if you doubt it.

Cordially,

(Sgd.) Gene
Gene O' Fallon—KFEL.

SET PRODUCTION RECORD

In terms of the total number of radio receiving sets produced (10,352,865 reported in the last Census), 1939 was the biggest in the radio industry, according to the Bureau of the Census.

The number or sets made exceeded the comparable 1937 total of 7,802,399 sets by 2,550,466. The year 1935 ranked third with 5,645,162, and 1929 fourth with 4,980,090.

Total units of all kinds of radio receiving sets reported by number and their value, for all Census years for which separate figures are available, follow:

Year	*Number*	*Factory Value*
1939	10,352,865	$158,965,359
1937	7,802,399	175,380,012
1935	5,645,162	132,683,691
1933	3,629,614	70,717,100
1931	3,819,285	123,016,150
1929	4,980,090	252,787,249
1927	1,978,057	95,162,393
1925	2,345,790	93,356,546
1923	190,374	13,326,116

STOP WATCHES

C. S. Cutting, chairman of the American Committee for the Defense of British Homes, 10 Warren street, New York City, appeals to broadcasters to send stop-watches for use in defense against air raids.

PERUVIAN GOOD WILL

Victor Llona, director of "Peru Calls You," a good-will program intended for U. S. listeners, asks broadcasters to listen in Monday, March 10, at 10:30 p. m., e.s.t. Meter wave 49.62.

CONVENTION

Reservations for accommodations at the Hotel Jefferson indicate a large attendance at the Nineteenth Annual Convention, St. Louis, May 12 to 15, inclusive. Chairman Ray Dady of the Housing Committee reports that every request for a reservation received to date has been given attention and tentative assignment has been made.

Broadcasters planning to attend should give immediate attention to the request for rooms. The accommodations at the Jefferson are adequate and many of the nearby hotels offer splendid facilities.

Program plans are progressing satisfactorily and an announcement with reference to both the business sessions and the banquet programs will be shortly forthcoming.

Legislation

"NO CENSORSHIP"

Senator Danaher (R.-Conn.) on March 5 introduced the following "no censorship" amendment to the Lend-Lease bill (HR 1776):

77th CONGRESS—1st Session

H. R. 1776

IN THE SENATE OF THE UNITED STATES

March 5 (legislative day, February 13), 1941
Ordered to lie on the table and to be printed.

AMENDMENT

Intended to be proposed by Mr. Danaher to the bill (H. R. 1776) further to promote the defense of the United States, and for other purposes, viz:

On page 7, line 19, after the word "direct" insert a colon and the following new language: "*Provided,* That nothing in this Act shall be construed to confer upon the President or any such department, agency, or officer the power or the authority to establish control or censorship in any manner not now provided by law, over the use of the radio, the press, or other instrumentality engaged in the publication or dissemination of news, opinion, or information; and no rule or regulation shall be promulgated or fixed which shall abridge or interfere with the freedom of speech or of the press".

FEDERAL LEGISLATION

HOUSE

H. R. 3577 (Barry, D-N.Y.)—To prohibit transmission of certain gambling information in interstate commerce by communications facilities. Referred to Committee on Interstate and Foreign Commerce.

H. R. 3640 (Keogh, D-N.Y.) COPYRIGHTS—To amend section 25 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, as amended. Referred to Committee on Patents.

STATE LEGISLATION

Arizona:

S. 131 (Haldiman) ADVERTISING—FALSE OR MISLEADING—Prohibits any type of false or misleading advertising and prescribes severe penalties. Referred to Committee on Judiciary.

Maryland:

H. 507 (Beachley) COPYRIGHT INFRINGEMENTS—To add Art. 21A to the Annotated Code (1939 Edition), relating to the protection and infringements of copyrights. Referred to Committee on Judiciary.

Massachusetts:

CCH S 20 (Public Document 144) DEFAMATION BY RADIO—Relating to the investigation requested by the general court of 1939 relative to defamation by radio. Referred to Committee on Constitutional Law.

Oregon:

S. 327 (Judiciary Com.) LOTTERY—TRADE STIMULANT PRIZES—Defining lottery; provides saving clause and trade stimulant prizes shall not be included. Referred to Committee on Judiciary.

S. 340 (Judiciary Com.) RADIO BROADCASTING—LIBEL—Defines liability for broadcasting defamatory matter.

Wisconsin:

S. 200 (Knowles) DECEPTIVE ADVERTISING—Adds Section 100.18(e) to the Statutes, relating to deceptive advertising. Referred to Committee on Education and Public Welfare.

FEDERAL COMMUNICATIONS COMMISSION

FCC STUDIES "MONOPOLY"

Chairman James Lawrence Fly of the FCC told a press conference early this week that the Commission has received the Legal Division's draft of the proposed "Monopoly Report" and that preliminary discussion has been tentatively set for the Commission next Monday. He explained that this session will be of "general exploratory character."

Chairman Fly in answer to a question said that he did not think that the Commission would take any action on the report pending the absence of Commissioner Thompson, who is ill. He said that a draft of the report had been forwarded to Mr. Thompson, and Mr. Fly assumed, he said, "that he is studying it the same as his fellow Commissioners." The Chairman stated that "no quick action is contemplated as the report will require study in order to do a thorough job."

Mr. Fly told the newsmen that the week's delay in considering the Monopoly draft is due to the fact that the members of the Commission are making a television trip to New York and Philadelphia the latter part of this week preparatory to the television hearing on March 20.

ARMSTRONG RECEIVES FM GRANT

Three additional high frequency (FM) broadcast stations have been authorized by the Federal Communications Commission, making 42 such grants for this new type of program service to date.

Chief among the construction permits announced today was one to Edwin H. Armstrong, inventor, long identified with radio research and a pioneer in developing frequency modulation. He is authorized to utilize the site of his present experimental high frequency broadcast station W2XMN at Alpine, New Jersey, as the location for a Class D FM broadcast station to operate on 43,100 kilocycles to serve 15,610 square miles, embracing more than 12,200,000 population, in portions of New Jersey, New York, Connecticut, and Pennsylvania.

Chicago was granted another FM station, in this case to be operated by the Moody Bible Institute of that city, on the same non-commercial basis that it now conducts standards broadcast station WMBI in Chicago. The Institute's FM station will use 47,500 kilocycles to serve the 10,800 square miles, with 4,500,000 population, embraced in Chicago's metropolitan area. The proposed transmitter site is 18 miles west of downtown Chicago.

The Stromberg-Carlson Telephone Manufacturing Co., Rochester, N. Y., received a grant to operate on 45,100 kilocycles to serve 3,200 square miles of the neighboring area, with 585,000 population. The proposed location of the transmitter is 89 East Avenue, Rochester, where the company operates experimental high frequency broadcast station W8XVB.

BROADCAST RULE AMENDED

FCC has amended Section 3.406, paragraphs b and c, so as to waive the half-hour announcement of call letters when such announcement would interrupt a program of one-half hour duration or longer consisting of a single consecutive speech, play, religious service, symphony concert, or operatic production.

COMMISSION ASSIGNMENTS

The FCC has announced that the work, business and functions of the Commission for the month of March have been assigned as follows:

Commissioner Craven	Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.
Commissioner Case	Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

PROPOSED PUERTO RICAN BROADCAST GRANT

Finding that Enrique Abarca Sanfeliz is in all respects qualified to construct and operate a proposed new standard broadcast station at San Juan, Puerto Rico, the FCC proposed to grant him a construction permit. At the same time the Commission found that United Theaters, Inc., another applicant for a new station at San Juan, is not financially qualified and its application was accordingly proposed to be denied.

Both applicants sought the same frequency—580 kilocycles. United Theaters, Inc., proposed to use power of 1 kilowatt, unlimited time. Abarca intends to use 5 kilowatts day and 1 kilowatt at night, unlimited time.

Even if the finances of United Theaters, Inc., could be considered adequate for the construction and operation of its proposed station, the Commission's "Proposed Findings of Fact and Conclusions" (B-134) holds that "from the facts of record we would still be compelled to deny the application and grant the Abarca application, since we find that (a) Abarca is better qualified financially than United Theaters, Inc.; and (b) the station proposed by Abarca would provide superior technical service than the one proposed by United Theaters, Inc."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings and oral arguments are scheduled to be heard before the Commission during the week beginning Monday, March 10. They are subject to change.

Monday, March 10

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., **1370 kc.**, 250 watts, unlimited.

Consolidated Hearing

WCAM—City of Camden, Camden, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WTNJ and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WTNJ and WCAM.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WCAM and WCAP.

WTNJ—WOAX, Incorporated, Trenton, N. J.—C. P., **1230 kc.**, 1 KW night, 1 KW day, unlimited, DA day and night.

NEW—Trent Broadcast Corp., Trenton, N. J.—C. P., **1230 kc.**, 1 KW, unlimited, DA day and night.

Wednesday, March 12

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **890 kc.**, 1 KW night, 5 KW LS, unlimited time.

Thursday, March 13

Oral Argument Before the Commission

Report No. B-115:

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.**, 100 watts night, 100 watts LS, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following future dates for broadcast hearings. They are subject to change.

March 20

Television

To be held in Room A, Interstate Commerce Commission Building, 12th St. and Constitution Ave., Washington, D. C.

Docket No.

5806 For the purpose of considering the various engineering standards suggested for television broadcast stations, to determine when television broadcasting shall be placed upon a commercial basis, and to afford all interested parties full opportunity to be heard on all pertinent problems related to the standardization and commercialization of television broadcasting.

April 11

NEW—J. Leslie Doss, Bessemer, Ala.—C. P., **1370 kc.**, 250 watts, unlimited.

April 14

NEW—Western Massachusetts Broadcasting Co., Pittsfield, Mass. —C. P., **1500 kc.** (**1490 kc.** under NARA), 100 watts, unlimited.

May 5

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Oregon.—C. P., **600 kc.**, 500 watts night, 1 KW LS.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WBLK—The Exponent Co. (Transferor), Charleston Broadcasting Co. (Transferee), Clarksburg, W. Va.—Granted consent to voluntary assignment of license of station WBLK from The Exponent Company (licensee of WBLK) to the Charleston Broadcasting Company (licensee of WCHS), in exchange for $29,000 of the Charleston Broadcasting Company 7% cumulative preferred stock to be issued. WBLK operates on **1370 kc.**, 250 watts, unlimited time (B2-AL-299).

WPAR—The Exponent Company (Transferer), Charleston Broadcasting Co. (Transferee), Ohio Valley Broadcasting Corp. (WPAR), (Licensee), Parkersburg, W. Va.—Granted authority to transfer 47 shares of common stock from The Exponent Company to Charleston Broadcasting Co. (present owner of 47%) of voting stock ownership in Ohio Valley Broadcasting Corp. in exchange for $17,500 of Charleston Broadcasting Co. 7% cumulative preferred stock to be issued. (The above are two of a series of applications toward the consolidation into Charleston Broadcasting Company of radio interests controlled or held by John A. Kennedy and his wife, Bruce Lee Kennedy (who together hold control over the licensee corporation through their control over The Exponent Company and the Charleston Broadcasting Company.) WPAR operates on **1420 kc.**, 100 watts, unlimited time (B2-TC-256).

KARM—Gilbert H. Jertberg, Executor of estate of George Harm, deceased (assignor), KARM, The George Harm Station (assignee), Fresno, Calif.—Granted consent to assignment of license of Station KARM from Gilbert H. Jertberg, Executor of the estate of George Harm, deceased, to KARM, the George Harm Station, a corporation, **1310 kc.**, 250 watts, unlimited time (B5-AL-300).

KDAC—Gilbert H. Jertberg, Executor of estate of George Harm, deceased (assignor), KARM, The George Harm Station (assignee), Fresno, Calif.—Granted consent to assignment of license of Station KARM from Gilbert H. Jertberg, Executor of the estate of George Harm, deceased, to KARM, the George Harm Station, a corporation, **1310 kc.**, 250 watts, unlimited time (B5-ALRY-12).

KDAS—Gilbert H. Jertberg, Executor of estate of George Harm, deceased (assignor), KARM, The George Harm Station (assignee), Fresno, Calif.—Granted consent to assignment of license of Station KARM from Gilbert H. Jertberg, Executor of the estate of George Harm, deceased, to KARM, the George Harm Station, a corporation, **1310 kc.**, 250 watts, unlimited (B5-ALRE-25).

WFHR—William F. Huffman, Wisconsin Rapids, Wisc.—Granted modification of license to increase power from 100 watts night, 250 watts day, to 250 watts unlimited time, **1310 kc.** (B4-ML-1042).

WJOB—O. E. Richardson and Fred L. Adair (a partnership), Hammond, Ind.—Granted modification of license to increase time of operation from shares with WFAM night, to unlimited time, **1200 kc.**, 100 watts (B4-ML-1044).

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Granted construction permit to increase night power from 1 KW to 5 KW, move transmitter to Southeast 22nd and Park Ave. (same as site of KRNT transmitter now under construction), Des Moines, Iowa, install new equipment and install new directional antenna for night use, **1430 kc.**, 5 KW LS (B4-P-2727).

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted construction permit to move transmitter to 86th St. and Kedzie Ave., Chicago, Ill., install new transmitter, install directional antenna for day and night use, increase power from 500 watts night and day and I KW LS on Sunday, shares WSBT, to 5 KW, and increase hours of operation to unlimited (B4-P-3063).

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted in part construction permit to increase day power from 1 KW to 5 KW and install new transmitting equipment, **590 kc.**, 1 KW night, unlimited time (B2-P-2898).

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Granted on regular basis license to cover operation of synchronous station at Lawrence, Mass., now on special experimental basis, **1370 kc.**, 10 watts, 100 watts, unlimited, synchronous with WLLH, 250 watts (B1-L-1116).

Edwin H. Armstrong, Alpine, N. J.—Granted construction permit for Class D high frequency (FM) broadcast station to operate on frequency **43100 kc.**, 15,610 square miles, population 12,200,000 (B1-PH-82).

The Moody Bible Institute of Chicago, Chicago, Ill.—Granted construction permit for a new high frequency (FM) broadcast station to operate on frequency **47500 kc.**, 10,800 square miles, 4,500,000 population (B4-PH-5).

Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **45100 kc.**, 3,200 square miles, 585,000 population (B1-PH-75).

DESIGNATED FOR HEARING

WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—Application for construction permit for "booster" station in Camden, N. J., to operate with 100 watts to 250 watts power on **1210 kc.**, unlimited, synchronized with WSNJ (B1-P-2914).

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Application for construction permit to erect a synchronous station at Scranton, Pa., to operate with 100 watts, unlimited (B2-P-2982).

Mid-American Broadcasting Corp., Louisville, Ky.—Application for construction permit for new standard broadcast station to operate on **1040 kc.** (**1080 kc.** under NARBA), 1 KW night, 5 KW LS, directional antenna, unlimited time (B2-P-2760).

WMAS—WMAS, Inc., Springfield, Mass.—Application for construction permit to change frequency from **1420 kc.** to **880 kc.**, increase power from 250 watts unlimited, to 1 KW night 5 KW LS, move transmitter site from West St., Springfield, Mass., to Riverdale St., opposite Morgan Road, West Springfield, Mass., and install directional antenna for day and night use (B1-P-3051).

MISCELLANEOUS

WSBT—South Bend Tribune, South Bend, Ind.—Adopted a memorandum opinion covering action of the Commission on October 1, 1940, in granting construction permit to make changes in transmitting equipment, change frequency from **1360** to **930 kc.**, and move transmitter site. This grant was made upon condition that license would not be issued unless and until applicant disposed of its interest in its other South Bend station, WFAM (B4-P-900).

W3XAD—RCA Manufacturing Co. Inc., Portable (area of Camden, N. J.)—Present television station license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending April 1, 1941.

W1XER—Yankee Network, Sargents Purchase, Mt. Washington, N. H.—Granted extension of temporary experimental high frequency broadcast station license for the period ending May 1, 1941.

Stephen R. Rintoul, Stamford, Conn.—Granted motion for continuance of hearing now scheduled for March 6, until action on applicant's petition to reconsider and grant application for new station to operate on **1370 kc.**, 250 watts, unlimited time.

Old Colony Broadcasting Co., Inc., Brockton, Mass.—Granted dismissal without prejudice of application for new station to operate on **1160 kc.**, 500 watts, daytime.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Passed for one week motion to consolidate hearing on application of KMLB (Docket 5994) with application of KNOE, Inc., for new station in Monroe, La. (Docket 5995).

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Denied petition to intervene in the hearing on application of Western Mass. Broadcasting Co. for a new station in Pittsfield, Mass., to operate on **1500 kc.**, 100 watts, unlimited time.

KGKB—East Texas Broadcasting Co., Tyler, Texas.—Withheld action on petition to intervene in hearing on application of Butler Radio, Inc., for new station in Tyler, Texas, pending statement of issues.

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted petition for leave to amend application for construction permit to change frequency from **1310** to **1560 kc.** (under NARBA); increase power from 250 watts, unlimited time, to 10 KW, using DA at night.

W1XTG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted extension of special temporary authority to operate high frequency broadcast station W1XTG on **43400 kc.**, 1000 watts, special emission, for period March 2 to not later than May 1, 1941, at Shrewsbury St., Worcester, Mass., pending action on application for new FM station.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **44300 kc.**, 50000 watts, special emission, for period March 1 to not later than May 1, 1941.

W9XZR—Zenith Radio Corp., Chicago, Ill.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.**, 5000 watts power, special emission for frequency modulation, with transmitter located at 135 South La Salle St., Chicago, instead of at 505 N. Michigan Ave., Chicago, for period March 1 to not later than May 1, 1941.

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation, with transmitter located at 39th St. and Tower Ave., Superior, Wis., for period March 1 to not later than May 1, 1941.

W9XAO—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts, special emission for frequency modulation with transmitter located at 606 W. Wisconsin Ave., Milwaukee, Wis., for period March 1 to not later than May 1, 1941.

W2XWG—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate W2XWG on **45100 kc.**, 1000 watts power, A4 and special emission for frequency modulation, at 350 Fifth Ave., New York City, for period March 1, to not later than May 1, 1941, pending final authorization and completion of construction of applicant's new high frequency broadcast station.

W2XMN—Edwin H. Armstrong, No. of Alpine, N. J.—Granted extension of special temporary authority to retransmit the transmissions of experimental high frequency broadcast stations W2XAG, W1XPW and W1XOJ for the period March 1 to May 1, 1941, in order to continue rebroadcasting experiments.

W2XMN—Edwin H. Armstrong, No. of Alpine, N. J.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.**, 40,000 watts power, special emission for frequency modulation, for the period March 1 to May 1, 1941, conditionally.

W2XOR—Bamberger Broadcasting Service, Inc., New York City.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43300 kc.**, 1000 watts power, special emission for frequency modulation, for the period March 1 to May 1, 1941, conditionally.

W2XOY—General Electric Co., New Scotland, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 2500 watts power, special emission for frequency modulation, for the period March 1 to April 1, 1941, conditionally.

W2XQR—John V. L. Hogan, Long Island City, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, with 1000 watts power, special emission for frequency modulation (facsimile modulation may be employed in connection with the program of research and experimentation); authority to be from March 1 to not later than May 1, 1941.

W3XO—Jansky & Bailey, Washington, D. C.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation, for period March 1 to not later than May 1, 1941.

W8XVB—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation, for period March 1 to not later than May 1, 1941.

W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43700 kc.**, 1000 watts power, special emission for frequency modulation, for period March 1 to not later than May 1, 1941.

W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **46500 kc.**, 1000 watts power, special emission for frequency modulation, for period March 1 to not later than May 1, 1941.

W1XPW—WDRC Inc., Hartford, Conn.—Granted extension of special temporary authority to rebroadcast high frequency broadcast stations W2XMN and W1XOJ emissions for the period March 1 to not later than May 1, 1941.

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Granted petition for continuance to May 5 of hearing now scheduled for March 21 on application to change frequency from **1210** to **600 kc.**; increase power from 100 watts, unlimited time, to 500 watts night, 1 KW day.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted motion for extension of time to file proposed findings now due March 8, to March 29, in re application for renewal of license.

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Granted petition for leave to amend application to change frequency to **1220 kc.** under NARBA, and increase hours of operation from daytime only to unlimited, using 250 watts power. (Applicant now operates on **1220 kc.** and original application requested change to **1370 kc.**; under NARBA this station would be assigned frequency **1250 kc.**, and this amendment in effect is to remain on present frequency and operate unlimited time with 250 watts after NARBA shift.) Hearing scheduled for March 6 cancelled.

WNYE—Board of Education, New York City.—Granted extension of special temporary authority to continue to operate noncommercial educational broadcast station WNYE on **41100 kc.** for the period March 2, 1941, to not later than March 31, 1941, pending resubmission and action on application to change frequency to **42100 kc.**

W2XAG—Carman R. Runyan, Jr., Yonkers, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on frequency **117190 kc.**, 5 KW power, special emission for FM, with transmitter located at 544 No. Broadway, Yonkers, N. Y., for the period March 1 to May 1, 1941, conditionally.

W8XAD—WHEC, Inc., Rochester, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts, special emission for FM, for the period March 1 to May 1, 1941, conditionally.

WHXVH—WBNS, Inc., Columbus, Ohio.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43000 kc.**, 250 watts, special emission for FM, for the period March 1 to May 1, 1941, conditionally.

W1XSN—Westinghouse E. and M. Co., E. Springfield, Mass.; W1XK—Hull, Mass.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts, special emission for FM, for the period March 1 to May 1, 1941, conditionally.

KSAM—Sam Houston Broadcasting Assn., Huntsville, Texas—Granted extension of special temporary authority to remain silent for the period beginning March 2, 1941, and ending in no event later than April 1, 1941, pending Commission action on revocation order.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from 5:45 p. m. to 6:15 p. m. EST on March 2, 9, 16, 23, and 30, 1941, in order to broadcast a program of the Massachusetts State Federation of Women's Clubs only.

WOI—Iowa State College of Agriculture & Mechanical Arts, Ames, Iowa—Granted special temporary authority to operate from 7:15 p. m. to 10:15 p. m. CST on March 27, 28, 29, 1941, in order to broadcast basketball games only.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 8 to 11 p. m. EST on March 13, 1941, in order to broadcast the Evacuation Day Banquet from the Hotel Westminister in Boston only.

WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate the equipment of International Broadcast Station WLWO with a power input to the final stage of 100 KW for the period March 2, 1941, to not later than March 31, 1941, in order to obtain data requested in connection with application (File No. B2-MLIB-40).

WRCA-WBBI—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to suspend the effective dates of the Commission's action of December 10, 1940, in granting of license File No. B1-MLIB-44 for the period March 3, 1941, to not later than April 1, 1941, in order to permit the simultaneous utilization of **9670** and **17780 kc.**, while changes in equipment are being made in accordance with outstanding construction permits.

W2XBS—National Broadcasting Co., Inc., New York City—Granted extension of special temporary authority to operate television broadcast station W2XBS with special emission in addition to A3 emission on Channel No. 1, in order to conduct experimental tests for the National Television Standards Committee and the National Broadcasting Co., Inc., for the period March 2, 1941, to not later than March 31, 1941.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to rebroadcast certain programs of Station W1XPW for a period March 1, 1941, to not later than May 1, 1941.

KAWM—A. W. Mills, Gallup, New Mexico.—Granted extension of special temporary authority to remain silent for the period beginning March 1, 1941, to not later than March 30, 1941, pending action on application to install new equipment.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m. on March 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, and 27; from 2 to 3:15 p. m. on March 3, 10, 17, 24; from 8 to 10:30 p. m. CST on March 14 1941, in order to permit WNAD to broadcast educational programs only.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate above time and above dates, in order to broadcast educational programs only (provided KGGF remains silent).

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with WIBW and WCHS from 6:55 p. m. to 10:30 p. m. CST on March 21 and 22, 1941, with power of 1000 watts, and from 7:25 p. m. to 9:25 p. m. CST, March 1, 1941, in order to broadcast basketball games only.

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from sign-off (March 8:15 p. m. EST) to 12 midnight on March 1, 1941, in order to broadcast the Annual Inter-collegiate AAAA Track & Field Championship from Madison Square Garden only and on March 3, 1941, in order to broadcast the Golden Gloves Boxing Bouts, sponsored by the Daily News A.A., from Madison Square Garden only.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from local sunset (March 5:45 p. m. EST) to 6 p. m. EST on March 2, 9, 16, 23, and 30, 1941, in order to broadcast the Rosary Hour programs only.

WINS—Hearst Radio Inc., New York, N. Y.—Denied special temporary authority to broadcast sustaining music and announcements in addition to the authority granted February 11, 1941, to operate additional time on March 8, 1941, in order to broadcast the Knights of Columbus Athletic Meet from Madison Square Garden only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Denied special temporary authority to operate from 7:30 p. m. to 11 p. m. CST on March 1, 5, 6, 7, 8, 12, 13, 14, 15, 20, 21, and 22, 1941, in order to broadcast basketball games only.

KPHO—M. C. Reese, Phoenix, Ariz.—Granted construction permit to install a new transmitter, **1200 kc.**, 250 watts, unlimited time (B5-P-3092).

WAOG—New York State Conservation Dept., Albany, N. Y.—Granted extension of special temporary authority to operate portable radiophone forestry station WRAI on frequencies **31620, 35260, 37340** and **39620 kc.**, for the period February 27, 1941, to not later than March 28, 1941, as a relay broadcast station to relay programs from the Olympic Bobsled Run to Standard Broadcast station WNBZ.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Adopted order granting renewal of license for KGGF to operate on frequency **690 kc.** with power of 1 KW day, 500 watts night, unlimited time, upon a temporary basis only, pending final determination on licensee's amended application for construction permit (B4-R-710).

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Adopted order granting renewal of license of KQW, on the frequency **740 kc.**, 1 KW night, 5 KW LS, unlimited time, upon a temporary basis only, pending final determination on licensee's application for construction permit (B5-R-46).

APPLICATIONS FILED AT FCC

580 Kilocycles

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—License to cover construction permit (B4-P-2674) for increase in power using directional antenna at night.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Authority to determine operating power by direct measurement of antenna power.

700 Kilocycles

WLW—The Crosley Corporation, Cincinnati, Ohio.—Modification of construction permit (B2-P-2460) as modified, to install new equipment, requesting authority to extend completion date from 4-22-41 to 10-22-41.

780 Kilocycles

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Modification of construction permit (B5-P-2701) for installation of directional antenna for night use and increase in power, requesting **790 kc.** under North American Regional Broadcasting Agreement and extension of completion date from 6-8-41 to 90 days after grant.

WMC—Memphis Publishing Co., Memphis, Tenn.—Authority to install automatic frequency control equipment on **790 kc.** under North American Regional Broadcasting Agreement.

790 Kilocycles

WGY—General Electric Co., Schenectady, N. Y.—Authority to install automatic frequency control (main transmitter) on **810 kc.** under North American Regional Broadcasting Agreement.

WGY—General Electric Co., Schenectady, N. Y.—Authority to install automatic frequency control (auxiliary transmitter) on **810 kc.** under North American Regional Broadcasting Agreement.

900 Kilocycles

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—License to cover construction permit (B4-P-1984) for change in hours of operation, installation of directional antenna for night use and move of transmitter.

WBEN—WBEN, Incorporated, Buffalo, N. Y.—Modification of construction permit (B1-P-2757) as modified, to install new transmitter, directional antenna for night use, increase in power and move of transmitter, requesting extension of completion date from 4-14-41 to 6-1-41.

WKY—WKY Radiophone Company, Oklahoma City, Okla—Authority to install automatic frequency control equipment, auxiliary transmitter.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Authority to determine operating power by direct measurement of antenna power.

920 Kilocycles

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Construction permit to increase power from 1 KW to 1 KW night, 5 KW day, change hours of operation from daytime to unlimited time, install a new transmitter, install directional antenna for day and night use, and move transmitter. Amended: To change requested power from 1 KW night, 5 KW day to 1 KW day and night, change type of requested transmitter and make changes in directional antenna for night use.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter on **950 kc.** under NARBA.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Authority to determine operating power by direct measurement of antenna power for main transmitter on **950 kc.** under NARBA.

930 Kilocycles

WDBJ—Times-World Corp., Roanoke, Va.—Modification of construction permit (B2-P-2522) as modified, to install directional antenna for night use increase power to 5 KW, requesting change in frequency to **960 kc.** under NARBA.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Authority to determine operating power by direct measurement of antenna power on **930 kc.** under North American Regional Broadcasting Agreement (Jurat).

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Authority to determine operating power by direct measurement of antenna power.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—License to cover construction permit (B3-P-2952) for increase in power and installation of directional antenna for night use.

970 Kilocycles

KJR—Fisher's Blend Station, Inc. (Lessee), Seattle, Wash.—Authority to determine operating power by direct measurement of antenna power for main transmitter, on **1000 kc.** under NARBA.

KJR—Fisher's Blend Station, Inc. (Lessee), Seattle, Wash.—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter, on **1000 kc.** under NARBA.

1020 Kilocycles

KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.—Authority to install automatic frequency control equipment on **1060 kc.** under North American Regional Broadcasting Agreement.

1060 Kilocycles

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Modification of construction permit (B5-P-2881) for installation of directional antenna for night use, increase in power, change in frequency and hours of operation, requesting approval of directional antenna to be used both day and night, and approval of present site.

1100 Kilocycles

WOV—Greater New York Broadcasting Corp., New York, N. Y.—License to cover construction permit (B1-P-2753) as modified for a new transmitter, directional antenna, and increase in power, requesting **1130 kc.** under North American Regional Broadcasting Agreement.

WOV—Greater New York Broadcasting Corp., New York, N. Y.—Authority to determine operating power by direct measurement on **1130 kc.** under North American Regional Broadcasting Agreement.

1120 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—Modification of construction permit (B1-P-2758) for increase in power from 250 watts night, 1 KW day, to 5 KW day and night; install new transmitter and directional antenna for day and night use, requesting approval of directional antenna for day and night use. Amended to request **1150 kc.** under North American Regional Broadcasting Agreement.

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Modification of construction permit (B4-P-2608) for new transmitter, directional antenna for day and night use, increase in power, move of transmitter, requesting authority to change type of transmitter, and extend commencement and completion dates to 30 days after grant and 180 days thereafter respectively.

KSWO—Willard Carver and Byrne Ross, Lawton, Okla.—Modification of construction permit (B3-P-2664) for a new station, requesting authority to install new transmitter, approval of antenna, approval of transmitter and studio sites, requesting **1150 kc.** under North American Regional Broadcasting Agreement.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power on **1150 kc.** under North American Regional Broadcasting Agreement.

1140 Kilocycles

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Construction permit to change frequency from **1140 kc.** to **1070 kc.** under North American Regional Broadcasting Agreement; install a new transmitter; increase power from 5 KW to 50 KW;

change hours of operation from simultaneous day, share night with KVOO, to unlimited time; install directional antenna for night use and move transmitter.

1170 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit to install new auxiliary transmitter for emergency use only.

1180 Kilocycles

WDGY—Dr. George W. Young, Minneapolis, Minn.—Construction permit to install directional antenna for night use; increase power from 1 KW night, 5 KW day, to 5 KW night, 10 KW day; change hours of operation from limited to unlimited time; change frequency from **1180 kc.** to **1100 kc.**; install new transmitting equipment; and move transmitter from Minneapolis, Minn., to Richfield Twp., Minn. Amended to move transmitter .1 mile from requested site at same address, make changes in directional antenna for night use, and request frequency **1130 kc.** under North American Regional Broadcasting Agreement.

1200 Kilocycles

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Modification of license to change frequency from **1260 kc.** to **1400 kc.** under North American Regional Broadcasting Agreement; increase power from 100 watts night, 250 watts day, to 250 watts day and night; and change hours of operation from specified hours to unlimited time.

NEW—Roy St. Lewis, Norfolk, Va.—Construction permit for a new station to be operated on **1200 kc., 1230 kc.** when North American Regional Broadcasting Agreement becomes effective, 250 watts, unlimited time.

WLOG—Clarence H. Frey & Robert O. Greever, Logan, W. Va.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts. Amended: re equipment.

WCED—The Tri-County Broadcasting Co., DuBois, Penna.—License to cover construction permit (B2-P-2665) as modified, for a new station.

1210 Kilocycles

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Authority to determine operating power by direct measurement of antenna power on **1240 kc.** under North American Regional Broadcasting Agreement.

1240 Kilocycles

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—License to cover construction permit (B2-P-2559) for increase in power and installation of directional antenna for night use.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Authority to determine operating power by direct measurement of antenna power.

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico.—Modification of construction permit (B-P-2385) for installation of new transmitter and antenna, change frequency, increase power, and move transmitter, requesting approval of transmitter site at present licensed site, antenna changes and change in type of transmitter. Amended: re corporate structure.

1260 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Construction permit to increase power from 500 watts night, 1 KW day, to 1 KW day and night, and install directional antenna for day and night use, requesting **1260 kc., 1290 kc.** when North American Regional Broadcasting Agreement effective.

1280 Kilocycles

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Modification of construction permit (B4-P-2906) for a new station, requesting frequency **1310 kc.** under North American Regional Broadcasting Agreement; changes in directional antenna for night use; and extension of commencement and completion dates from 12-31-40 and 6-30-41 to 60 days after grant and 180 days thereafter.

1290 Kilocycles

WNBZ—Upstate Broadcasting Corp., Saranac Lake, N. Y.—Authority to install automatic frequency control equipment on **1320 kc.** under North American Regional Broadcasting Agreement.

1300 Kilocycles

KFH—Radio Station KFH Co., Wichita, Kans.—Modification of construction permit (B4-P-2462) as modified for new transmitter and directional antenna for night use, increase in power and move of transmitter, requesting **1330 kc.** under North American Regional Broadcasting Agreement, and extension of commencement and completion dates from 8-18-40 and 7-18-41 to 60 days after grant and 180 days thereafter.

KMYR—F. W. Meyer, Denver, Colo.—Modification of construction permit (B5-P-2067) as modified for a new station, requesting **1340 kc.** under North American Regional Broadcasting Agreement; changes in antenna, change transmitter site, and extend completion date from 4-28-41 to 180 days after grant.

1310 Kilocycles

WJPR—John R. Pepper, Greenville, Miss.—Construction permit to change frequency from **1310 kc.** to **1600 kc.** under North American Regional Broadcasting Agreement; increase power from 250 watts to 1 KW; install a new transmitter, and move transmitter. Amended to omit request for move of transmitter.

NEW—John and Marcia Arrington, d/b as Arrington & Arrington, Covington, Va.—Construction permit for a new station to be operated on **1310 kc., 1340 kc.** under North American Regional Broadcasting Agreement, 250 watts, unlimited time. Amended to specify transmitter site as Covington, Va.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Authority to transfer control of corporation from J. P. Marchant (63 shares), D. J. Carey (25 shares), Melvin Myer (10 shares), W. Walter Tison (1 share) and The Tribune Co. (1 share) to Russell E. Baker.

1330 Kilocycles

WTAQ—WHBY, Inc., Green Bay, Wis.—Construction permit to make changes in antenna system.

1350 Kilocycles

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Construction permit to make changes in directional system, requesting **1380 kc.** under North American Regional Broadcasting Agreement.

1360 Kilocycles

KCRC—Enid Radiophone Co., Enid, Okla.—Authority to install automatic frequency control equipment on **1390 kc.** under North American Regional Broadcasting Agreement.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—License to cover construction permit (B3-P-3000) for changes in equipment.

1370 Kilocycles

KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Authority to determine operating power by direct measurement of antenna power.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Authority to determine operating power by direct measurement of antenna power on **1400 kc.** under North American Regional Broadcasting Agreement.

NEW—Roy G. Terry, trading as Terry Broadcasting Co., Tyler, Tex.—Construction permit for a new station to be operated on **1370 kc.**, 250 watts, unlimited time, Class IV. Amended: re geographic location.

KRKQ—Everett Broadcasting Co., Inc., Everett, Wash.—Modification of construction permit (B5-P-2027) for new transmitter, antenna, increase in power and move of transmitter, requesting changes in antenna and extension of commencement date to 30 days after grant and completion date to 90 days thereafter.

1380 Kilocycles

WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—Authority to determine operating power by direct measurement of antenna power on **1410 kc.** under North American Regional Broadcasting Agreement.

1410 Kilocycles

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Authority to install automatic frequency control equipment on **1440 kc.** under North American Regional Broadcasting Agreement.

1420 Kilocycles

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Authority to determine operating power by direct measurement of antenna power on **1450 kc.** under North American Regional Broadcasting Agreement.

1430 Kilocycles

NEW—Southern California Broadcasting Co., Pasadena, Calif.—Construction permit for a new standard broadcast station to be operated on **1400 kc.** (**1430 kc.** under NARBA) (Class III), 1 KW, daytime.

NEW—Southern California Broadcasting Co., Pasadena, Calif.—Construction permit for a new station to be operated on **1400 kc., 1430 kc.** under North American Regional Broadcasting Agreement, 1 KW, daytime, Class III (Jurat).

1440 Kilocycles

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Construction permit to install directional antenna for night use, and increase power from 1 KW night, 5 KW day to 5 KW day and night, and make changes in vertical antenna. Amended to change from WMBD Broadcasting Co. to Peoria Broadcasting Co.

1450 Kilocycles

NEW—Washington Broadcasting Co., Washington, Pa.—Construction permit for a new Class IV broadcast station to be operated on **1420 kc., 1450 kc.** under NARBA, 250 watts, unlimited time. Amended: re stockholders and to request **1450 kc.,** NARBA.

1480 Kilocycles

NEW—Homer Rodeheaver, Winona Lake, Ind.—Construction permit for a new station on **1480 kc.** under North American Regional Broadcasting Agreement, 1 KW, daytime, Class III.

1490 Kilocycles

NEW—Portsmouth Radio Corp., Portsmouth, Va.—Construction permit for a new station to be operated on **1500 kc., 1490 kc.** under North American Regional Broadcasting Agreement, 250 watts, unlimited time.

NEW—Howard H. Wilson, Oshkosh, Wis.—Construction permit for a new standard broadcast station to be operated on **1490 kc.** under NARBA, 250 watts, unlimited hours, Class IV.

1500 Kilocycles

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Authority to determine operating power by direct measurement of antenna power on **1490 kc.** under North American Regional Broadcasting Agreement.

WBTA—Batavia Broadcasting Corp., Batavia, N. Y.—License to cover construction permit (B1-P-2909) as modified, for a new station.

WBTA—Batavia Broadcasting Corp., Batavia, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WDBC—Delta Broadcasting Co., Escanaba, Mich.—Modification of construction permit (B2-P-2854) for a new station, requesting approval of vertical antenna, approval of transmitter and studio sites, and install a new transmitter. Amended to move transmitter 0.3 mile further east on Sand Point (same site).

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Construction permit for equipment changes and change in frequency from **1500** to **1230 kc.** under NARBA, effective 3-29-41.

NEW—Barclay Craighead, Butte, Mont.—Construction permit for a new station to be operated on **1500 kc.,** 250 watts, unlimited time, Class IV.

1530 Kilocycles

WBRY—American Republican, Inc., Waterbury, Conn.—Modification of construction permit (B1-P-2756) as modified for a new transmitter; changes in directional antenna for day and night use; increase in power, requesting authority to change frequency from **1530 kc.** to **560 kc.;** change power from 5 KW to 1 KW; install a new transmitter; move transmitter from Prospect Twp., Connecticut, to Naugatuck, Conn.; install new directional antenna for day and night use, and extend commencement and completion dates from 2-22-41 and 6-22-41 to 60 days after grant and 180 days thereafter.

WBRY—American-Republican, Inc., Waterbury, Conn.—Authority to make changes in automatic frequency control equipment on **1590 kc.** under North American Regional Broadcasting Agreement.

WALB—Herald Publishing Co., Albany, Ga.—Modification of construction permit (B3-P-2774) as modified for a new station, requesting **1590 kc.** under North American Regional Broadcasting Agreement.

1600 Kilocycles

NEW—James F. Hopkins, Inc., Ann Arbor, Mich.—Construction permit for a new station to be operated on **1560 kc.** under North American Regional Broadcasting Agreement, 1 KW, unlimited time, directional antenna day and night. Amended to change requested frequency from **1560 kc.** under North American Regional Broadcasting Agreement to **1600 kc.** under North American Regional Broadcasting Agreement, and make changes in requested directional antenna for day and night use.

FM APPLICATIONS

NEW—WJR, The Goodwill Station, Detroit, Mich.—Construction permit for new high frequency broadcast station to be operated on **43700 kc.,** coverage 14,144 square miles. Amended to change frequency from **43700** to **45300 kc.,** coverage from 14,144 to 6,800 square miles; change type of transmitter; change location of studio locally and transmitter location from Wyandotte, Mich., to Detroit, Mich., and make changes in antenna.

NEW—Standard Broadcasting Co., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on **45100 kc.,** 1,427.97 square miles. Amended to change coverage from 1,427.97 square miles to 5,707.7 square miles, change location of transmitter and studio locally, change type of transmitter, and make changes in antenna.

NEW—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Construction permit for a new high frequency broadcast station to be operated on **45500 kc.,** coverage 4,340 square miles.

NEW—Amarillo Broadcasting Corp., Amarillo, Tex.—Construction permit for a new high frequency broadcast station to be operated on **45100 kc.,** coverage 6,503.89 square miles, population 80.024. Amended to change coverage to 5,628 square miles and population to 73,734, and change type of antenna.

NEW—American Broadcasting Corporation of Kentucky, Lexington, Ky.—Construction permit for a new high frequency broadcast station to be operated on **45100 kc.,** coverage 7,290 square miles, population 415,501. Amended to change coverage from 7,290 to 6.298 square miles and change type of transmitter.

W69PH—WCAU Broadcasting Co., Philadelphia, Penna.—Modification of construction permit (B2-PH-43) for a new high frequency broadcast station, requesting approval of transmitter, changes in antenna, and change location of transmitter.

NEW—Columbia Broadcasting System, Inc., Hollywood, Calif.—Construction permit for a new high frequency broadcast station to be operated on **44900 kc.,** coverage 20.560 square miles, population 2,594,086.

TELEVISION APPLICATIONS

NEW—Balaban & Katz Corp., Portable-Mobile (area of Chicago, Ill.).—Construction permit for a new television broadcast station to be operated on **384000-396000 kc.,** 10 watts, A-3 and A-5 emission. Amended to change emission from A-3 and A-5 to A-5 only.

NEW—Balaban & Katz Corp., Chicago, Ill.—Construction permit for a new television station to be operated on **384000-396000 kc.**, 10 watts, A-3 and A-5 emission. Amended to change emission from A-3 and A-5 to A-5 only.

W6XHH—Hughes Productions Division of Hughes Tool Co., Los Angeles, Calif.—Modification of construction permit (B5-PVB-62) for a new television station, requesting extension of commencement and completion dates to 6-1-41 and 1-1-42 respectively.

W6XHT—Hughes Productions Division of Hughes Tool Co., Los Angeles, Calif.—Modification of construction permit (B5-PVB-63) for a new television station, requesting extension of commencement and completion dates to 6-1-41 and 1-1-42 respectively.

MISCELLANEOUS APPLICATIONS

W9XLA—The KLZ Broadcasting Co., Denver, Colo.—Construction permit to move transmitter from Denver, Colorado to Near Denver, Colorado.

WBOE—Cleveland City Board of Education, Charles H. Lake, Supt., Cleveland, Ohio.—License to cover construction permit (B2-PED-16) for change in frequency, power and emission.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Authorization to install automatic frequency control. (Sec. 6 thru 10).

NEW—City of New York, Municipal Broadcasting System, Portable-Mobile (area of New York, N. Y.).—Construction permit for new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 50 watts, A-3 emission.

NEW—City of New York, Municipal Broadcasting System, Portable-Mobile (area of New York, N. Y.).—Construction permit for new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 50 watts, A-3 emission.

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of construction permit (B1-PIB-28) for change in frequencies, equipment and increase in power, requesting extension of completion date from 4-6-41 to 5-6-41.

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of construction permit (B1-PIB-29) for change in frequencies, equipment and increase in power, requesting extension of completion date from 4-6-41 to 5-6-41.

KEJM—Perkins Bros. Co. (The Sioux City Journal), Portable-Mobile (area of Sioux City, Ia.)—License to cover construction permit (B4-PRE-375) for change in equipment and decrease in power.

W9XG—Purdue University, West Lafayette, Ind.—Modification of construction permit (B4-PVB-52) for change in equipment frequency, decrease power and add A-3 emission, requesting extension of completion date from 3-24-41 to 9-24-41.

NEW—Columbus Broadcasting Co., Inc., Portable-Mobile (area of Columbus, Ga.).—Construction permit for a new relay station to be operated on **1622, 2058, 2150, 2790 kc.**, 50 watts, A-3 emission.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Jeddo-Highland Coal Company, Jeddo, Pa., and three Providence, R. I., coal dealer corporations, are charged, in a complaint, with an agreement and conspiracy to control the sale of "Jeddo-Highland" coal in the Providence area.

The complaint alleges that under the respondents' agreement, Jeddo-Highland Coal Company confined its sales and shipments of Jeddo-Highland coal in Providence exclusively to the three respondent coal dealers, Eastern Coal & Oil Company, Sayles & French, Inc., and Atlantic Coal Company; the three dealers designated one or more other Providence anthracite coal dealers to whom Jeddo-Highland should not sell its Jeddo-Highland coal, and Jeddo-Highland refused further to sell Jeddo-Highland coal to Providence anthracite dealers who sell that brand of coal at a retail price less than the three respondent dealers' retail price. (4468)

United States Raw Skins Corp.—A complaint has been issued charging the United States Raw Skins Corporation, 12 East 33d St., New York, with misrepresentation in the sale of leather, and the Lieberson Novelty Co., Inc., 325 South Market St., Chicago, with misrepresentation in the sale of ladies' handbags and other articles made from leather purchased from the New York corporation.

The complaint alleges that in advertisements disseminated by the respective respondents the leather sold by the United States Raw Skins Corporation to the Lieberson Novelty Co., Inc., and to others was represented as having been produced by the tanning of antelope hide, and the articles made therefrom by the Lieberson Company as having been manufactured from such leather so produced.

According to the complaint, the leather sold by United States Raw Skins Corporation was not produced from antelope hide, and the Lieberson Novelty Co., Inc., made its articles from leather tanned to simulate antelope leather. (4469)

AR. Winarick, Inc.—A complaint has been issued alleging that a New York manufacturer of beauty parlor and barbers' supplies and three Washington, D. C., wholesalers and jobbers entered into an agreement, combination and conspiracy under which they restrained competition and fixed prices in Washington and nearby areas of Virginia and Maryland, and pursuant to which they carried on certain acts and practices in the sale of such products.

The respondents are AR. Winarick, Inc., 805 East 140th St., New York, manufacturer; Union Beauty & Barber Supply, Inc., 516 Twelfth St., N. W.; Louis Saul and Anthony Nicastri, trading as A. B. C. Barber & Beauty Supply Co., 1414 Fourteenth St., N. W.; and Vasili Thalis, trading as American Beauty & Barber Supply Co., 733 Seventh St., N. W., all of Washington; Joseph A. Gallagher, New York, vice president and general sales manager of AR. Winarick, Inc., and George Miller, E. D. Chapman, Frank Waters, and Gladys Welch, of Washington, all officers of Union Beauty & Barber Supply, Inc.

The complaint alleges that due to their position in the wholesaling and jobbing business the three Washington distributing companies are able to control and influence the flow of trade in beauty parlor and barbers' supplies in their territory.

The complaint alleges that in pursuance of their agreement or conspiracy, the respondents sold such products in that territory at agreed-upon uniform prices set forth in price lists circulated by and among them; ceased to compete among themselves or with others in the sale of such products in Washington and nearby areas, and threatened to and did cut off supplies from those jobbers or wholesalers and retailers who refused or failed to sell such products at the fixed prices. (4470)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Macher Watch & Jewelry Company—Caroline R. Macher and Robert J. Macher, trading as Macher Watch and Jewelry Co., and as Wholesale Watch and Jewelry Co., 15 Maiden Lane, New York, have been ordered to cease and desist from misrepresentations in the sale of watches, jewelry, silverware or other merchandise.

Commission findings are that the respondents, who traded under the name Wholesale Watch and Jewelry Co. until April, 1939, represented in catalogs and other advertising material that they are wholsalers and jobbers charging wholesalers' and jobbers' prices which allow the purchaser large discounts from customary retail prices. However, according to findings, the respondents are neither wholesalers nor jobbers but retailers, and their prices are retail prices.

The Commission order directs the respondents to cease and desist from using the word "Wholesale" or "Jobbers" or similar words as part of or in connection with their trade names, and from representing that their prices are wholesalers' or jobbers' prices or provide any substantial discount from customary retail prices.

Under the order the respondents further are directed to cease representing that their business is "over half a century" old or was started at any time prior to 1930, and that their rings or other jewelry are set with rubies, sapphires or other precious stones, when in fact such settings are only artificial or synthetic stones. (4087)

Ru-Ex Co., 500 Foot-Schulze Building, St. Paul, Minn., has been ordered to cease and desist from disseminating any advertisement which represents that its medicinal preparation "Ru-Ex" is in all cases safe or harmless, or which fails to reveal that the preparation should not be used by persons having tuberculosis or goitre. The order provides that such advertisement need contain only a statement that the preparation should be used only as directed on its label, when the label warns that the preparation should not be used by those having tuberculosis or goitre.

According to Commission findings, the respondent's product, advertised as a rheumatism, arthritis and neuritis remedy, contains the drug potassium iodide in a quantity sufficient to cause, in some instances, injury to health if used under conditions prescribed in the advertisements or under customary or usual conditions. (4387)

Stetson Shoe Co., Inc., trading as M. N. Arnold Shoe Co., South Weymouth, Mass., has been ordered to cease and desist from certain representations in the sale of its products.

Commission findings are that the respondent corporation falsely designated shoes as "Alligator Calf" when in fact they were not made from the hide of an alligator but from a leather material other than that hide, which had been embossed to simulate alligator leather.

The Commission order directs the respondent to cease and desist from using the word "alligator" or any similar word to describe shoes not made from alligator hide, and provides that the word "alligator" may be used to describe the finish of shoes which are made from other materials and are finished or embossed to resemble alligator leather, when such word is immediately accompanied by other words clearly indicating that the designation refers only to the pattern embossed on such materials (4050).

Worthmore Sales Promotion Service, Inc., 221 East 20th St., Chicago, manufacturer of "Rap-A-Pak" novelty holders for cigarette packages, has been ordered to cease and desist from representing as profits of agents selling its products any amount in excess of the average net earnings regularly made by its salesmen or distributors in the normal course of business. Commission findings are that the respondent corporation represented in periodical advertisements circulated in various States that salesmen selling its device customarily earn from $75 to $100 a week in the usual course of business, when in fact such earnings under those conditions are impossible. (4430)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

Arco Publishing Company—Milton Gladstone, trading as Arco Publishing Co., 480 Lexington Ave., New York, publisher of manuals containing questions and answers and other material designed to prepare persons for Civil Service examination, entered into a stipulation in which he agrees to cease representing that such publications contain questions and answers, new type or otherwise, which will be used in forthcoming Civil Service examinations, or that he has access to questions contemplated by the United States Civil Service Commission for any future examination. The respondent also stipulates that he will desist from representations causing the impression that his publications or their issuance have been authorized or approved by any agency, governmental or otherwise, when in fact they have not been so sanctioned. (3040)

Edison General Electric Appliance Co., Inc., 5600 West Taylor St., Chicago, stipulated that in the sale of "Hotpoint Electric Refrigerators" it will cease using any statement the effect of which tends to cause the belief that it has a contract with the United States Government or any agency thereof to furnish electric refrigerators in number, quantity or percentage other than is a fact. According to the stipulation, it is further understood that no provision of the respondent's agreement with the Commission shall be construed as authorizing the advertising of United States Government awards when such advertising is prohibited by agreement with the Government or is in violation of law. (3041)

Emerson Radio & Phonograph Corporation, 111 Eighth Ave., New York, manufacturer of radios and radio-phonograph combination sets, entered into a stipulation to cease representing that certain radio sets have a "list price" of a designated amount, when in fact such designated amount is fictitious or in excess of the established price for which the products are customarily sold in retail trade.

The respondent corporation also agrees to cease using the word and figure "Now $9.95" or similar phraseology to designate products regularly sold at that price so as to imply that the price referred to has been recently reduced. The respondent also agrees to desist from using the phrase "Save $10.00" or any similar phrase in referring to products having a specified alleged "list price" or which are sold at a designated amount, so as to imply that the products are customarily sold in retail trade for such list price or that their selling price is $10 less than the price for which they are customarily sold in retail trade. (3039)

Hess Hair Milk Laboratories—Frank X. Hess, trading as Hess Hair Milk Laboratories, St. Paul, Minn., has entered into a stipulation in which he agrees to cease representing through the use of testimonials or in any manner, that "Hess Hair Milk" is a "natural treatment" or natural product; that it will prevent falling hair; that it is a hair tonic or scalp conditioner or has any remedial or tonic effects on the scalp or hair; that its use will restore the original, natural or youthful color to gray or faded hair; that it will cause hair to have a youthful appearance, or that it will prevent the appearance of age. (3042)

Middle West Supply Company—Charles T. Pike, Elbert C. Pike and Ernest C. Pike, trading as Middle West Supply Company and as The Best Gardens, 310 Prairie St., St. Charles, Ill., have been directed to cease and desist from misrepresentations in the sale of face powder and flower seeds.

Commission findings are that under the name Middle West Supply Company, the respondents have sent prospective customers penny postals bearing socalled "special" or "introductory" offers of "free" face powder allegedly valued at $1, provided the customer remits 10 cents to cover handling charges, and sends the respondents six postals addressed to friends; and that the respondents advertised that customers responding in 10 days would receive a "promptness prize."

Further findings are that in a large number of cases no face powder is sent upon receipt of the dime, or if the powder is sent it is not reasonably worth more than the customer's dime, and that the respondents require an additional 24-cent payment before sending the "promptness prize."

Similar offers with respect to flower seeds were made by the respondents under the trade name of The Best Gardens, according to findings. In a large number of cases, the findings continue, no flower seeds were sent, or, if actually sent, were worthless hulls and would not grow.

According to Commission findings, the United States Post Office Department received almost 5,000 complaints regarding the respondents' failure to live up to their offers and during one year the respondents bought more than 3,000,000 postal cards, at one time mailing about 50,000 a day.

The Commission order directs the respondents to cease using the words "free," "free offer," "gift," "prize," or "premium" to refer to any of their merchandise; to discontinue representing that amounts charged for goods are anything other than their full retail price; to cease marking up regular prices of merchandise, and to desist from the representation that the respondents are conducting a special, introductory or advertising offer. (3996)

Rumagol Laboratories—Trading as Rumagol Laboratories, Rio Grande Pharmacy, and Rio Grande Drug Co., A. Medrano, 4164 Brooklyn Ave., Los Angeles, entered into a stipulation in which he agrees to cease certain representations in the sale of the preparation "Rumagol."

The respondent agrees to cease disseminating advertisements representing that Rumagol is a competent remedy or effective treatment or analgesic for rheumatoid arthritis, muscular pains, lumbago, sciatica, gout, neuritis, arteriosclerosis, painful or twisted joints or nerves, or so-called rheumatism, and that preparations sold in competition with Rumagol such as rubefacient or counter-irritating liniments or ointments are ineffective in the treatment of such ailments. The respondent also agrees to desist from advertising that the preparation will reduce and eliminate excess uric acid by its action on the kidneys.

Under the stipulation, the respondent Medrano further agrees to cease disseminating advertisements of the preparation which fail to reveal that it should not be used when abdominal pain, nausea, vomiting or other appendicitis symptoms are present, or which fail to reveal that frequent or continued use may result in dependence on laxatives. The stipulation provides that such advertisements need contain only a statement that the preparation should be used only as directed on its label, if and when such label either contains a warning concerning consequences that may result from use of the preparation under certain conditions or specifically directs attention to a similar warning statement in the accompanying labeling. (02745)

Reese Chemical Co., 10617 Frank Ave., Cleveland, has entered into a supplemental stipulation in which it agrees to cease representing that its preparation "Thoxine" is a remedy or cure for sore throat or is of any value in its treatment except as it may afford temporary relief for certain aches and discomforts associated with a cold. The respondent also agrees to cease representing that its product soothes congested membranes all the way down, or works quickly through the entire system, and that it is the ideal preparation for children. The stipulation is supplemental to a stipulation accepted by the Commission in May, 1936, in which The Reese Chemical Co. agreed to cease making other representations concerning "Thoxine." (01395)

Restmore Mattress Company—Isadore Galitzky, trading as Restmore Mattress Co., 1121 Holmes St., Kansas City, Mo, mattress manufacturer, has entered into a stipulation in which he agrees to cease using on labels or in advertising matter (or through such printed matter supplied to others for their use in connection with the sale of his products) any fictitious or misleading price representation which purports to be the retail sales price of certain mattresses but which in fact, exceeds the customary retail price. (3045)

F. A. Stuart Co., Marshall, Mich., has entered into a supplemental stipulation in which it agrees to cease disseminating certain representations concerning "Stuart's Laxative Compound Tablets."

The respondent agrees to cease disseminating advertisements which represent that these tablets will in no case have any deleterious effects or are safe to use in all cases, or which advertisements fail to reveal that (1) use of the preparation should be discontinued where a skin rash appears; (2) the preparation should not be used when abdominal pain, nausea, vomiting or other symptoms of appendicitis are present, and (3) frequent or continued use may result in dependence upon laxatives.

The stipulation provides that the advertisement need contain only a statement that the preparation should be used only as directed on the label, if and when the label either contains warning statements of the consequences that may result from the preparation's use under certain conditions, or specifically directs attention to similar warning statements in the accompanying labeling.

The stipulation is supplemental to a stipulation accepted by the Commission from the respondent in December, 1936. (01589)

Weller Company—H. Pierce Weller, trading as Weller Co., Atascadero, Calif., has entered into a stipulation in which he agrees to cease advertising that the preparation "Vitey Perles" will increase energy, and that the product has any effect whatever without expressly limiting such claims to cases where there is a lack of Vitamin E. The respondent further stipulates that he will cease representations to the effect that Vitey Perles stimulates sexual desire or ability. (02746)

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Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 11, March 14, 1941

THE WEEK IN WASHINGTON

The NAB Board will meet Monday and Tuesday, March 17 and 18, at the Roosevelt Hotel, New York City. (p. 237.)

Lanny Ross, radio tenor, has written a new song, "The Smile of the Irish", which BMI will make available for broadcasting in time for St. Patrick's Day. (p. 237.)

Public promotion for Radio's Movin' Day gets under way. (p. 239.)

A study of urban radio listening in the United States will be mailed to all members next week. (p. 244.)

Members who wish to propose amendments to NAB By-Laws should send them to NAB headquarters immediately. District 3, 5 and 7 meetings are scheduled. The Code Committee replies to objections to beer advertising. (p. 244.)

Delaware's "Blue Laws" were repealed after a strict enforcement campaign involving broadcasting stations. (p. 246.)

James Lawrence Fly, FCC Chairman, said that the Commission was working on a brand new "monopoly" report. (p. 246.)

Board Meets March 17-18

The NAB Board will meet Monday and Tuesday, March 17-18, at the Roosevelt Hotel, New York City, to consider the whole music situation.

In connection with the meeting, Neville Miller issued the following statement:

"On February 26 we were informed that the American Society of Composers, Authors and Publishers had signed a consent decree requiring the Society to offer its music to broadcasters on a per program basis. I immediately wrote Mr. Gene Buck that if the Society cared to submit terms by which broadcasters could obtain licenses to use ASCAP music on radio programs I would call a special meeting of our Board of Directors to consider such proposals. Mr. Buck replied promptly, and since that time we have had another exchange of letters on the subject.

"It is understood that no broadcaster has delegated to the National Association of Broadcasters the right of negotiation and that any proposal must eventually be submitted to individual broadcasters. Several broadcasters, I am told, have themselves made this clear to ASCAP by writing ASCAP to that effect. However, Mr. Buck feels that it would be helpful if our Board of Directors were to appoint a committee to sit with ASCAP's representatives to assist in formulating a proposal for submission to broadcasters.

"I have therefore called a meeting of our board for for next Monday, March 17, in New York to consider the whole question. As members of the board will assemble here from all parts of the country, I have also told Mr. Buck that I think it important that he get into concrete form the alternative bases of licensing which the Society is prepared to offer to broadcasters so that they can be considered in general terms by the members of our board at their meeting."

BMI

THE SMILE OF THE IRISH

Lanny Ross, radio tenor, has written a new song, *The Smile of the Irish,* which BMI will make available for broadcasting in time for St. Patrick's Day. Mr. Ross has already introduced the song in vaudeville and over the air with notable success and it will be featured in the St. Patrick's Day parade in New York by a group of Irish girls chosen for their ability to represent the beauty as well as the smiles of the Irish.

The lyrics of the song are well adapted to parody and Mr. Ross has developed special lines for the use of the Army, the Navy, and the Marine Corps. The version which begins, *Oh, There's Nothing Like the Smile of a Soldier,* bids fair to become a familiar bit of bellowed melody in the Army camps along with BMI's other gift to the service man's amusement, *Where's the Captain's Hat?*

HEARTBREAK FOR HOLLAND

A new song, *My Sister and I,* based on the book of the same title which is the diary of a Dutch boy refugee has created a furor among band leaders and vocalists in their eagerness to be among the first to record it.

Dick Jergens first heard the song at the offices of the

(Continued on page 238)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

BMI

(Continued from page 237)

publishers, BMI, and asked that a recording be sent to him in Chicago where he was playing. He played it for Eddy Duchin and they both immediately put in a bid to record the tune. In the meantime, Tommy Tucker became interested in it and mentioned it to Bea Wain. Bea liked the idea so well that she phoned the composers and asked them to come up to her apartment and play it for her. As a result, Victor announced next day in its record releases, "Bea will disc *'My Sister and I'*, a refugee song based on the best-selling novel of the same name." And while this was going on, Bob Chester was assigned to record the tune by Bluebird and Benny Goodman beat all the bands to an air performance by doing it Monday night, March 3rd, on WJZ. All in all, eight top-flight band leaders have reserved *My Sister and I* for recording, and orchestrations are not yet off the printing press.

There is something timely, tender, and poignant about the lyrics which bring home to the listener what the war has meant to the people of the peaceful little countries. Yet there is nothing that the strictest censor could delete on the ground that it told of the horror of war.

The writers, Alex Kramer, Joan Whitney, and Hy Zaret, also wrote *So You're the One* and *It All Comes Back to Me Now*. Joan Whitney left last week for Hollywood in company with Aileen Stanley, agent for the motion picture rights of the book, to complete negotiations under way calling for production of a motion picture based upon the book.

The song will be released to BMI stations in the near future.

In *Billboard's* Music Popularity Chart this week we took a red pencil to check off the BMI numbers on the list of Leading Music Machine Records, National Best Selling Retail Records, and National Sheet Music Best Sellers. By the time we had finished, it was hard to find the numbers which had not been checked. Nine out of the eleven leaders in the coin machines, eight out of ten best selling records, and twelve out of fifteen sheet music best sellers are covered by the BMI license. *Billboard* reports that *High on a Windy Hill* has this past week taken a sudden jump upward to land "among the blue-ribbon winners in the current automatic phono picture" and it is now "a prime favorite among nickel droppers."

BMI FEATURE TUNES
March 17-24

1. WALKIN' BY THE RIVER
2. WISE OLD OWL
3. HIGH ON A WINDY HILL
4. YOU WALK BY
5. HERE'S MY HEART
6. WHERE'S THE CAPTAIN'S HAT
7. IT ALL COMES BACK TO ME NOW
8. MAY I NEVER LOVE AGAIN
9. I CAN'T REMEMBER TO FORGET
10. ACCIDENT'LY ON PURPOSE
11. KEEP AN EYE ON YOUR HEART
12. ALL I DESIRE
13. LET'S DREAM THIS ONE OUT
14. TALKING TO THE WIND
15. BREAKFAST FOR TWO
16. SHADOWS IN THE NIGHT
17. STONE'S THROW FROM HEAVEN
18. WITH A TWIST OF THE WRIST

NEW BMI REPRESENTATIVES

Broadcast Music, Inc., announces the appointment of Mr. Harold Seader of 6 Wales Street, Dorchester, Mass., as New England representative, and Mr. J. Robert Miller, 10410 East Jefferson Avenue, Detroit, Mich., as roving representative covering from Kansas City to Pittsburgh.

FAMOUS COMPOSER SIGNS BMI CONTRACT

Broadcast Music, Inc., has completed a contract with Dr. Ralph Benatzky for his previously unpublished compositions. Composer, dramatist, novelist, and poet, Dr. Benatzky is best known in this country for such recent productions as *Meet My Sister,* with Walter Slezak, *Cocktail,* with Mady Christians, and *White Horse Inn.* He has the phenomenal record of having written 92 plays, about 200 one-act plays, about 5000 songs, 11 books, 150 motion pictures, and enough other items to make up the life work of an average man. For his operas and music plays he himself writes book, lyrics, and music.

Dr. Benatzky is a Czech by birth and has for years been a Swiss citizen, but he is now living in New York and has taken out his first naturalization papers to become a citizen of this country.

He began his work as an author and composer when

(Continued on page 243)

TWO WEEKS TO MOVIN' DAY

Since last NAB Reports thirteen additional governors have either issued Movin' Day proclamations or have promised to do so. These governors, together with the station executive, securing the proclamation, on behalf of the industry, are:

ALABAMA—Gov. Frank M. Dixon
Arranged by Howard E. Pill, WSFA, Montgomery
FLORIDA—Gov. Spessard L. Holland
Arranged by W. Walter Tison, WFLA, Tampa
IDAHO—Gov. Chase A. Clark
Arranged by C. G. Phillips, KIDO, Boise
LOUISIANA—Gov. Sam Houston Jones
Arranged by James A. Noe, WNOE, New Orleans
MICHIGAN—Gov. Murray Van Wagoner
Arranged by John E. Fetzer, WKZO, Kalamazoo
NEW HAMPSHIRE—Gov. Robert O. Blood
Arranged by Earle Clement, WLNH, Laconia
NORTH CAROLINA—Gov. J. M. Broughton
Arranged by Edney Ridge, WBIG, Greensboro
NORTH DAKOTA—Gov. John Moses
Arranged by F. E. Fitzsimonds, KFYR, Bismarck
SOUTH DAKOTA—Gov. Harlan J. Bushfield
Arranged by A. A. Fahy, KABR, Aberdeen
UTAH—Gov. H. B. Maw
Arranged by S. S. Fox, KDYL, Salt Lake City
VIRGINIA—Gov. James H. Price
Arranged by C. T. Lucy, WRVA, Richmond
WASHINGTON—Gov. Arthur Langlie
Arranged by H. J Guilliam, KIRO, Seattle
WYOMING—Gov. Nels H. Smith
Arranged by H. L. McCracken, KYAN, Cheyenne

These additions bring to thirty-one the number of proclamations secured and promised. Nine additional proclamations are being negotiated in eight states and the District of Columbia as follows:

Georgia, Illinois, Maryland, Missouri, New Jersey, New York, Pennsylvania, Wisconsin, District of Columbia. No information has been received from nine other states.

With the progress thus far reported, there is every possibility that the industry will secure a clean sweep in continental United States.

MORE MAYORS PROCLAIM

Several additional mayors are reported as issuing proclamations:

The Mayor of Lima, Ohio
Mayor T. W. Harris, Columbus, Miss.
Mayor Ed Warren, Cheyenne, Wyo.
Mayor Rex P. Barrett, Columbia, Mo.
The Mayor of Rochester, N. Y.
The Mayor of West Palm Beach, Fla.
The Mayor of Palm Beach, Fla.
The Mayor of Lake Worth, Fla.
Mayor Ira Kruger, Aberdeen, S. D.
The Mayor of Rock Island, Ill.

EDUCATORS HELP

We have received word of cooperation from state superintendents of education in the following states since the last NAB Reports:

Florida
New Mexico

GOVERNORS' LEAGUE STANDINGS

District	Standing	States in	States out
No. 6.....	1.000	Arkansas Louisiana Mississippi Tennessee	
No. 7.....	1.000	Kentucky Ohio	
No. 8.....	1.000	Indiana Michigan	
No. 11....	1.000	Minnesota North Dakota South Dakota	
No. 12....	1.000	Kansas Oklahoma	
No. 17....	1.000	Oregon Washington	
No. 14....	.800	Colorado Idaho Utah Wyoming	Montana
No. 5.....	.667	Alabama Florida	Georgia
No. 4.....	.667	North Carolina South Carolina Virginia West Virginia	Maryland District of Columbia
No. 10....	.667	Iowa Nebraska	Missouri
No. 1.....	.500	Connecticut Massachusetts New Hampshire	Maine Rhode Island Vermont
No. 15....	.500	California	Nevada
No. 16....	.333	California	Arizona New Mexico
No. 2.....	.000		New York
No. 3.....	.000		Delaware New Jersey Pennsylvania
No. 9.....	.000		Illinois Wisconsin
No. 13....	.000		Texas

Some "out" states have proclamations in negotiation.

TAMPA—ST. PETERSBURG

A full page of copy in the Tampa *Tribune*, Tampa *Times* and the St. Petersburg *Times* is part of the Movin' Day promotion arranged by WDAE, WFLA and WTSP.

The Peninsular Telephone Company bills and the statements issued by Tampa Electric Company contain Movin' Day stuffers. Plans for the broadcast barrage have already been completed. In addition Spessard L. Holland, Governor of the State of Florida, issued a Movin' Day proclamation on March 5, arrangements for which were made by Walter Tison, WFLA and NAB District 5 Director.

LIMA, OHIO

WLOK, Lima, started promotion of Radio Movin' Day on March 10, with a big meeting and open house for all radio servicemen in northwestern Ohio. Invitations urged servicemen to come early and stay late. They inspected WKOL's new 250-watt transmitter and heard talks on Movin' Day by Russ Shettler, WLOK's chief engineer, and by Kent Richey, Lima radio parts jobber. Meeting was strictly informal, and was followed by special entertainment by WLOK staff. Elaborate refreshments and dutch lunch were served. At conclusion of meeting visitors were invited to remain for early morning frequency check.

WLOK has arranged consistent follow-up by dramatized broadcasts, announcements, mayor's proclamation and various stunts. Advertisers are cooperating in allowing mention of Movin' Day on their programs.

TRANSCRIPTION IDEA

When V. J. LeBarron, secretary-treasurer, KGNF, North Platte, Nebr., received the Movin' Day tune recently released to all stations, he sent it to C. P. MacGregor transcription company in Hollywood. There, Anita Boyer "sang it in three different rhythms, making three different tracks on the transcription. We are going to use it 'loud and often' until everyone will be singing it when Movin' Day gets here.

"Maybe some other station would like the idea."

1400 KILOCYCLE CLUB

Bob McRaney, general manager, WCBI, Columbus, Miss., has come up with an outstanding idea to publicize his new dial location. It is passed on in the belief that it will be useful to other stations. Here it is in Mr. McRaney's own words:

> "We have organized a radio fan club called the 1400 Kilocycle Club. We are endeavoring to secure 1400 charter members; one member for every kilocycle we have after March 29. Regular membership cards are being printed and mailed to those requesting them, the first 1400 being charter members of the club. The idea seems to have caught on splendidly, and we are being besieged with requests for membership cards. Thirty minutes every day has been set aside on WCBI during which time requests of the membership are answered, details of the organization given, names of new members read, and special emphasis made on Movin' Day angle of WCBI to its new frequency 1400 kilocycles.
>
> "This coupled with our regular newspaper publicity, plus distribution of stuffers in power bills, plus the Mayor's proclamation should certainly bring to the attention of our listeners the facts of Movin' Day."

PROMOTION TIME TABLE

1. Increase promotion tempo in accordance with your plans.
2. Make a recording of the Movin' Day Theme. Get everybody whistling it!
3. Plan for promotion on and after March 29. As a precaution the use of newspapers may be in order.
4. Try your telephone company again for April insertion of stuffers. From reading NAB Reports you have noticed that some telephone companies are now cooperating with the industry. A great many people say "no" the first time.

PROMOTES MAYORALTY "PROCS"

When the Hon. Harland J. Bushfield, Governor of the State of South Dakota, signed the Movin' Day proclamation he agreed to cooperate further with the radio industry. On the day after the signing of the proclamation, on March 5, he wrote A. A. Fahy, general manager, KABR, that he would issue the proclamation on March 15 as requested. Mr. Fahy is also promoting the idea of having the Mayors of South Dakota cities and towns issue similar proclamations.

STRANGE COINCIDENCE

By coincidence Governor John Moses of North Dakota also selected March 15 for the issuance of his Radio Movin' Day proclamation. So said his letter to F. E. Fitzsimonds, manager, KFYR, Bismarck, N. D.

MAILED COPIES OF IDAHO "PROC"

Immediately after Governor Chase A. Clark, of Idaho, issued his proclamation, C. G. Phillips, manager, KIDO, Boise, mailed a copy to all stations in the state. Reports have it that it is being used effectively.

COLUMBIA, MO.

Foster H. Brown, Jr., KFRU, Columbia, Mo., is taking no chance that any listeners will be ignorant of the arrival of Movin' Day. Here's what has been arranged so far:

Proclamation of Mayor Rex P. Barrett on March 15.

Advertisements in local newspapers beginning March 20.

Spot announcements beginning same date. On April 1 the telephone company will include reallocation stuffers in its bills.

Telephone calls to all radio servicemen to stimulate their interest and cooperation are currently being made.

KENTUCKY UTILITIES

Kentucky utilities which services a huge part of the state of Kentucky is cooperating aggressively in spreading reallocation news via the enclosure route. Officials were contacted by Ted Grizzard, station director of WLAP, Lexington.

SPECIAL MOVIN' DAY SECTION

Douglas Fellows, radio editor, Hartford *Courant,* is busy compiling material for a special section in the *Courant* to be issued March 23. The *Courant* is Hartford's only Sunday newspaper.

Decision to publish the special section was made after conference with James F. Clancy, WTIC Sales Promotion Manager, Walter Haase, program manager, WDRC, and officials of WTHT.

ROCHESTER

William Fay, general manager, WHAM, Rochester, N. Y., has prepared an impressive educational and promotional schedule over his station. Account of "additional promotion incidental to Movin' Day" covers several pages. Some of the highlights are:

Each day WHAM's full column promotion ad in Rochester's morning and evening newspapers, total circulation 173,000, plugs new frequency, as well as programs.

The station is offering a new log book in cooperation with the Stromberg-Carlson plant. The book will also be available through Stromberg-Carlson dealers throughout the United States.

Announcements on WHAM between March 16 and 20 will call attention to the fact that the station shifts to 1180 kilocycles. From March 22 all sustaining programs will give similar information. A representative of the local radio servicemen's group will be presented to discuss "Seven Days—300,000 Sets." There will also be courtesy announcements.

March 23, church services will mention frequency shifts. Also courtesies. March 24, radio servicemen's talk No. 2. Also courtesies.

March 25, Lee McCanne, assistant to the general manager of Stromberg-Carlson will discuss "Station Interference and Frequency Reallocation." Also courtesies. On this day tests will be made on 1180 kc. between 1:00 a.m. and 2:00 a.m. to assist dealers and servicemen in locating the frequency on push button receivers.

March 26, Ken Gardner, chief engineer, will discuss radio Movin' Day. On the same date radio servicemen's talk No. 3 is scheduled. Also courtesies. Next day WHAM will broadcast from the transmitter telling how the retuning of the 50 kw transmitter was achieved. Members of the engineering staff will be interviewed. More courtesies.

On March 28, the station will present the proclamation of the Mayor of Rochester.

The mobile transmitter will be used to conduct a man-on-the-street program. Quiz questions will deal with such common but little understood words as "crystal," "frequency," "carrier," "microphone," "clear channel," etc.

A science program of the Rochester School of the Air will explain to the boys and girls what the frequency shift means. More courtesies.

March 29, servicemen's talk No. 4—"Radio's 'M' Day." The Stromberg-Carlson company's sales manager will broadcast a second show "Radio Sets Five Years Ago and Now." More plugs.

March 30 through April 5, WHAM will continue to announce the station's new frequency.

WEST PALM BEACH

Steve Willis, general manager, WJNO, West Palm Beach, Fla., has no interest in a printing plant but just the same he's having 40,000 dodgers printed on reallocation and will distribute 400 window cards in 2-color silk screen process.

He has secured proclamations from the mayors of West Palm Beach, Palm Beach and Lake Worth. Similar resolutions were issued by the local Board of Public Instruction, Boy Scouts, Girl Scouts, Unified Drive, Red Cross, the Woman's Club of West Palm Beach, the Woman's Club of Lake Worth and 15 additional community groups connected with educational, civic, religious and charitable activities.

Between March 7 and 11 inclusive WJNO conducted a teaser announcement campaign—"Wait for THE day! It's Coming." From March 12 to 15 the copy read—"Wait for THE day! We have a date at twelve-thirty." Beginning March 16 and continuing through the 20th the announcement will read "Wait for WJNO Day! We have a date at twelve-thirty."

Beginning March 20 the ten daily news periods will carry a straight news story reporting events pointed to "WJNO Day," March 29. First news stories will be the mayor's resolution and those of the civic groups.

March 20 will emphasize the retailers' anxiety to cooperate by displaying the "WJNO Day" window and counter cards.

The majority of the 40,000 dodgers will be distributed by Boy Scouts throughout the county, the time being credited toward their civic award. The dodgers will also be distributed to all churches on "WJNO Sunday," March 30, and at the schools. Dodger distribution will cover the March 20-29 bracket. The distribution of window and counter cards begins on March 20.

Newspaper advertising begins March 28. This will be a 3-column ad reproducing the mayor's resolutions and signed by all civic groups. Sunday papers will contain smaller ads.

On March 29 the Station will present a program which pays tribute to the community for the way it has been honored by citizens and civic groups.

CHICAGO

Chicago stations are working closely with the Chicago chapter, Radio Servicemen of America. They have provided RSA members with printed call letters for use as station tabs. This service organization has a large membership in Chicago and should prove most helpful to all Chicago stations.

PHILCO 30,000 MAILING

The service department of Philco Corporation, reports through J. R. Jackson, manager, service department, that 30,000 radio dealers and servicemen throughout the United States and Canada have been mailed a four page Movin' Day promotion.

COLUMBUS, OHIO

Here's the outline of WBNS' promotion for Columbus and adjacent territory as relayed by Jim Yerian, promotion manager:

Will plug a single telephone number for local radio servicemen's association. Line terminate in a clearing house office for service calls to be routed according to the location.

An elaborate program of spots begins March 17. The copy will be short if a commercial spot follows, longer for breaks which do not precede a spot; one-minute on station breaks not preceding commercial spots or commercial programs. Some of them will be transcribed spots for use is being made of the NAB Movin' Day theme song. Listeners are urged to make a reservation with their radio repairman for service to be performed as soon after March 29 as possible.

Prior to March 29 radio will be the only medium used. But beginning with that date and continuing to April 10 a thorough newspaper campaign has been prepared. A ten-inch ad will appear in the *Ohio State Journal* and eight county dailies with three such insertions in county weeklies and semi-weeklies.

Another series of two-inch ads will appear in the *Ohio State Journal* and eight county dailies for ten consecutive days following the change. The same design in same size will be used on colored stickers. Some of them will appear on news releases going to over 1,000 schools in central Ohio.

Irwin Johnson is preparing a script for the educational program, "Liberty Under Law," which will include a history of frequencies in radio and which will point out the advantages of reallocation. This program now carried by seven Ohio stations will probably be carried by twelve as of March 29.

Thirty thousand rural families will receive a booklet which includes a complete station log, picturization of the staff and information relative to frequency changes.

Ten large billboards will be used; the lobby will be decorated; posters will be prepared suitable for sponsors' windows; the house organ will promote the new wave lengths and auto license plates for all staff members have been designed.

Letters will be sent, outlining the promotion campaign, to all radio dealers in central Ohio. Another letter will go to automobile dealers in the same territory. It urges them to notify owners of auto radios to have their sets changed.

The grocer and druggist letters, also containing frequency change information, will suggest that these merchants discuss changes with their customers so they will not miss a single program which sells the advertised goods in stock.

Every individual user of WBNS' time will get a selling story.

HOLD TEST PERIODS

In order to enable dealers to reset their stock of receivers to the new frequencies before March 29, it has been suggested that stations schedule definite test periods during which they will transmit on the new frequency. The radio repair men and the dealers should be notified of these test periods.

A. E. Joscelyn, general manager, has announced that WBT, Charlotte, will start such a series of transmissions this week. WHAM, Rochester, will hold its first test for servicemen, March 25.

SACRAMENTO, CAL.

The Radio Movin' Day promotion plan being undertaken by KFBK, Sacramento, covers five sheets. Highlights are:

A meeting of servicemen on March 15. Invitations were extended to 730 servicemen north of Sacramento as far as the Oregon line.

Magazine articles in: California State Grange publication; Pacific Rural Press, California State Employees' Magazine.

A full page layout is scheduled for the magazine section of the Sacramento *Bee* on March 29. A technical story will appear in the *Bee* on March 25 and a general story March 27.

The daily publication of one-inch teaser ads in the Sacramento *Bee* covers March 10-18. Six-inch ads appear 19, 20, 21 and 22. A thirty-inch ad is scheduled for March 25 and a double truck in the *Bee* is set for March 26. This is a cooperative ad with servicemen and dealers' tie-in.

The tempo of spot announcements is stepped up from two daily, March 10 to 15, to three daily, March 16 to 23; and five daily, March 24 through 29.

Jointly with Sacramento's other station, KROY, 20,000 of the 2-color NAB stuffers are being distributed by department stores.

Single card radio logs printed on two sides will be distributed throughout northern California. At the meeting of servicemen Norman Webster, chief engineer of the McClatchy engineering department, will give a technical explanation of frequency allocation.

Howard Lane, business manager of the McClatchy Broadcasting Company, will urge radio servicemen's fullest cooperation. The station's powerful 300 watt PA system, just completed, will be demonstrated at the meeting.

ROCK ISLAND, ILL.

Ivan Streed, program manager, WHBF, reports that promotion plans are already set in motion in Rock Island.

First, he reports, that the Mayor's resolution has been printed in the Davenport (Iowa) Democrat, Moline Dispatch and the Rock Island Argus.

The Peoples Power and Light Company has distributed stuffers with their bills mailed to the consumers in the Tri-Cities. Cards have also been placed in the Tri-Cities' busses; the Tri-Cities' leading theaters are running a two frame trailer. "We are using the NAB 'Movin' Day theme' and have made a male trio transcription of it in connection with other spot announcements."

The Rock Island high school will do one of the scripts sent by NAB, while the station will produce the other two. During the week of March 24 Chief Engineer R. J. Sinnett will broadcast directly from the transmitter. He also advised that many radio service shops are running special announcements.

WINSTON-SALEM

When station WSJS, operated by the Piedmont Publishing Company, Winston-Salem, N. C., moves to its new spot on the dial it changes from 1310 to 600 kc.

Harold Essex, commercial manager, has already published three full pages on Movin' Day and the station's new affiliation with the Red Network. Three more are scheduled. Then follows a series of small "scatter ads" from March 27 to 31, inclusive. These deal exclusively with Movin' Day.

Broadcast promotion, because of the amount of prior newspaper promotion, will be held under leash until March 23. On the "Club 600", afternoon show, however, a 2-color log is being offered listeners.

The call letters and dial location of four columns of stations are included in this log. On this program the announcer gives information concerning Movin' Day.

DUKE POWER COMPANY

According to E. C. Marshall, vice president, Duke Power Company, reallocation information has been printed on all post card statements going to consumers. This company serves Charlotte, Greensboro, Winston-Salem, as well as a large number of other North Carolina communities.

WASHINGTON RALLY

Washington D. C. stations, WJSV, WMAL, WOL and WRC, servicemen and members of the Electric Institute held their Radio Rally in the auditorium of the Potomac Electric Power Company, March 12.

Speakers were Art Stringer and Lynne Smeby, of NAB, E. K. Jett, FCC chief engineer, and A. D. Ring, assistant chief engineer.

After outlining the national promotion and education which will be placed behind Movin' Day, Mr. Stringer called upon representatives of the four stations to reveal their individual plans. These speakers were John Dinwiddie, WMAL-WRC, Charles Zurhorst, WOL, and John Heiney, of WJSV.

CBS, MBS and NBC provided the program of live talent. Mr. Jett asked the servicemen to tell their customers to give the reallocation plan a reasonable time to prove itself before registering complaints with the Commission.

He said that foreign interference should disappear from the broadcast band and "that is the main thing we are endeavoring to adjust."

BMI

(Continued from page 238)

his career as an officer in the Czech Army was broken up by a long bout with blood poisoning caused by a minor wound. Ultimately he recovered his full health and, although he holds decorations from three governments, many broadcasters will envy him most of all the fact that he keeps his golf score down to 74.

The announcement of numbers by Dr. Benatzky to be published by BMI will be made in the near future.

BOY OF THE MONTH

Ernest Gold, composer of eighteen BMI compositions was chosen "boy of the month" by the magazine *Youth*

Today for their March issue. Mr. Gold's compositions include *Practice Makes Perfect, Accident'ly on Purpose, Come Down to Earth My Angel, Montevideo, Shining Hour,* and other numbers familiar to all BMI subscribers. He is nineteen and is now studying theory with Otto Cesana. He began the study of music at the age of four.

DEMAND FOR BMI'S MUSIC

Twenty-seven thousand requests for particular BMI numbers in ten weeks is the record reported by Nathan Frank, Manager of WCBT at Roanoke Rapids, North Carolina.

TRICK HORSES LIKE BMI

The trick horses at the Forth Worth Spring Rodeo recently did their stuff to the tune of BMI licensed music. Harold Hough, WBAP-KGO, reports that they experineced little difficulty in learning their new cues, even though they were fetched up on ASCAP music.

Sales

URBAN SURVEY PUBLICATION

The publication "Urban Radio Listening in the United States" will be put in the mails next week. This forty-page booklet will present the results of quarterly surveys conducted during the years 1938 and 1939. It is published on behalf of the broadcasting industry by the National Association of Broadcasters in cooperation with the Columbia Broadcasting System and the National Broadcasting Company. The surveys were conducted by Crossley, Inc.

The publication of this survey was a project of the NAB Research Committee with membership as follows: William J. Scripps, WWJ, Chairman; H. M. Beville, Jr., Research Manager, NBC; Arthur B. Church, President, KMBC; James D. Shouse, Vice President, WLW-WSAI; Dr. Frank N. Stanton, Research Director, CBS; Theodore C. Streibert, Vice President, MBS; Lee B. Wailes, Manager, Westinghouse Radio Stations, Inc.; J. W. Woodruff, Jr., President, WRBL; Paul F. Peter, NAB Director of Research, ex officio.

Mr. Peter, in cooperation with Mr. H. M. Beville, Jr., and Dr. Frank Stanton, supervised the technical detail and, in cooperation with Mr. E. P. H. James, NBC, and Mr. Victor M. Ratner, CBS, supervised the publication.

"Urban Radio Listening in the United States" will contribute materially to the knowledge of radio ownership and listening habits of the urban population of the country. It is a counterpart to the rural survey published by the Joint Committee on Radio Research in 1938.

COST-PER-INQUIRY

On the cost-per-inquiry front, every day more and more concerns are trying to get stations to accept contingent deals and guarantee a fixed return. Some of these are:

Driver and Company, Omaha, Nebraska, on behalf of an unknown stationery company.

House of Dubonay, 6715 Hollywood Boulevard, Hollywood, California.

Two Creek Ranch, Ovando, Montana.

Norman B. Furman, Inc., 117 West 46th Street, New York City, on behalf of "Let's Visit Lee Sims."

All four, in the opinion of the Bureau of Radio Advertising, are opposed to the best interests of radio stations, and the Bureau has written them accordingly. At the same time, it has invited each of the above-named companies to give serious consideration to a paid radio campaign, if they wish to obtain maximum results and maintain the continued goodwill and cooperation of the broadcasting industry.

AGENCY CONTRACT FORM

Results of the final questionnaire on the revision of the agency contract form to be recommended by the NAB were received too late for inclusion with this issue of the Reports. The recommended form will be printed as a supplement to next week's issue.

SALES MANAGERS LAY PLANS

The Sales Managers Executive Committee held an all-day session at the Palmer House, Chicago, on Wednesday, March 12. Frank Pellegrin, newly appointed Director of the Department of Broadcast Advertising, and C. E. Arney, Jr., Assistant to President Neville Miller, met with the committee. Plans for the Commercial session at the 19th NAB Convention were discussed. As a result a most interesting program is promised. Details will be announced as soon as the necessary arrangements have been perfected. Those present were:

E. Y. Flannigan, WSPD, Toledo, Ohio, Chairman; Ellis Atteberry, KCKN, Kansas City, Kansas; Charles Caley, WMBD, Peoria, Illinois; Eugene Carr, WGAR, Cleveland, Ohio; and Craig Lawrence, KRNT, Des Moines. Willard Egolf, KVOO, Tulsa, Oklahoma, was prevented from attending by reason of a last minute change in the date of the meeting.

NAB

AMENDMENT OF BY-LAWS

The attention of all NAB members is directed to the provision of the By-Laws respecting proposed changes. This reads as follows:

"Article XIII—Amendments

"Section 1. These By-Laws may be amended, repealed, or altered, in whole or in part, by a two-thirds vote at any annual meeting of the Association provided the proposed change is submitted by mail to the last recorded address of each member at least thirty davs before the time of the meeting which is to consider the change."

Should any members desire to submit proposed amendments for consideration of the membership, they should be sent in immediately in order that the notice provided may be given the membership of the Association.

DISTRICTS 3, 5, 7 MEET

District 3 broadcasters will meet April 7 at the Benjamin Franklin Hotel, Philadelphia.

District 5 will meet April 11 at Ponte Vedre Beach, Fla.

District 7 will meet at the Netherland-Plaza, Cincinnati, on April 4.

Directors will be elected at all three meetings. Discussion of music and other industry problems will make these meetings of prime interest to all broadcasters.

CODE RULINGS

Rulings released by the Code Compliance Committee this week are of general interest to members. A temperance group had inquired if beer advertising in and of itself did not violate the Code, and several stations raised the question whether talks by Norman Thomas, Socialist candidate for President, would also violate the controversial public issues section if aired under sponsorship.

In brief, the principles involved are that the mere advertisement of any individual product in a competitive field could not amount to a violation of the Code, and that whether a sponsored talk would contravene the public controversial section depends on the content of the script as interpreted by the individual licensee.

The Committee's releases:

March 10, 1941.

Radio Station ———.

If Thomas talks involve an editorial presentation of his views or those of Socialist Party on currently controversial public issues it would violate Code to sell time under whatever sponsorship.

Russell P. Place, *Secretary,*
NAB Code Compliance Committee.

March 11, 1941.

Mr. Herbert H. Parish, Executive Director
Minnesota Temperance Movement
204 Hodgson Building
Minneapolis, Minnesota

Dear Mr. Parish:

With reference to your letter of February 14 to Mr. Edgar Bill, Chairman of the NAB Code Compliance Committee, I am writing to advise you of the results of a poll of that committee on the question raised in your letter.

It is not the policy of the Committee to give opinions or rulings to anybody other than broadcasting stations, and even then the Committee acts only in an advisory or interpretive capacity to the station licensees with whom final responsibility rests under the law.

However, the thinking of the Committee on the question of beer advertising violating the Code as selling time for a controversial public issue runs about as follows:

We firmly believe that our principles regarding the handling of controversial questions are sound and should be maintained. In the practical application of those principles we, for instance, sell time to commercial sponsors solely for the advertising of the sponsors' goods or services. Conversely, we do not sell time to commercial sponsors, individuals, or special interest groups to be used to argue controversial issues or promote viewpoints in connection with arguable social ideas. Obviously, the material that would be used by your group falls in this category. Your letter errs in inferring that this type of subject matter is "barred from the air." It is merely a type of subject matter for which, if discussed, we refuse to accept money. Instead it is handled, just as all other discussion in similar fields, on time provided for such discussion and in the light of the legitimate demands on our discussion time and the public interest in the subjects proposed.

There is nothing in the Code one way or the other with regard to the advertising of beer. This naturally is a matter for the decision of the individual licensee and no violation of the Code would be involved if he accepts beer advertising which does not use the time to argue any controversial issues that might arise. In this respect this seems to be similar to the principle by which stations would gladly sell time to a common carrier for the promotion of its services in connection with travel, whereas they should refuse to sell time to the same carrier to be used to agitate for new rates, different regulation, taxation, legislation or the like.

To sum up, it hardly seems possible that the advertisement of any product could raise a controversial issue; any controversy that might arise would naturally deal with the laws permitting the sale of the product and not the advertisement itself of an individual product in a competitive field.

Cordially yours,

Russell P. Place, *Secretary,*
Code Compliance Committee.

INSURANCE COMMITTEE

In a release which has gone forward to NAB members, Roger W. Clipp, WFIL has announced that the NAB Insurance Committee has completed a tabulation of the answers received to the Insurance Questionnaire that was mailed the last of October. Included with the release was a summary of the questionnaire results. It is thought that the questionnaire tabulation may elicit further comment about insurance from broadcasters, and if so, they are requested to send comments to Roger Clipp, WFIL, Widner Building, Philadelphia.

The comprehensive questionnaire contained questions about 52 different types of broadcast station insurance. The percent of the stations carrying various types of insurance ranged all the way from 94.2% for those carrying workmen's compensation down to 1.82% for those carrying check-room insurance. It was also interesting to note that insurance risks of various kinds associated with fire and loss due to the elements, ran high. Risks in connection with using automobiles for business were covered to a high percent also.

Other items such as insurance to cover loss of income from interruption to broadcast service due to mechanical failure, libel and slander, copyright infringement, war and bombardment, parcel post and registered mail, house musicians' instruments and borrowed property insurances, all ran to low percentages.

The final tabulation of the information received in answer to the Insurance Questionnaire, contains the required data for carrying on the standardization work of the Committee with the insurance companies.

As soon as comments from the membership on the Insurance Questionnaire have had time to come in, another meeting of the Insurance Committee will be called. Chairman Clipp anticipates that this will be about March 24. The other members of the Insurance Committee are: Wm. I. Moore, WBNX; Charles A. Wall, NBC; C. R. Dean, CBS; J. R. Poppele, WOR and MBS.

THANK-YOU NOTE

The National Tuberculosis Association wishes to convey, through NAB, its gratitude to the broadcasting industry for support of its work during the past year.

LABOR BOARD ORDERS

The Labor Relations Board today announced certification of Associated Broadcast Technicians Unit, International Brotherhood of Electrical Workers (AFL), as the sole bargaining agent of the transmitter operators employed by WDEL, Incorporated, Wilmington, Delaware.

At the same time the Board dismissed the petitions for investigation and certification of representatives of employees of WGAL, Incorporated, Lancaster, Pennsylvania, and York Broadcasting Company, York, Pennsylvania, filed by Associated Broadcast Technicians Unit, International Brotherhood of Electrical Workers, (AFL).

The Board's actions were based on the results of secret ballot elections conducted on October 14.

The Labor Relations Board this week announced a decision requiring the Capital Broadcasting Company, Inc., Montgomery, Alabama, operating Station WCOV, upon request, to bargain collectively with International Brotherhood of Electrical Workers (AFL) as the sole bargaining agency for its radio engineers, and to offer reinstatement with back pay to four employees.

Legislation

DELAWARE BLUE LAW CASE

Repeal of the Delaware Blue Law last Friday sets at rest the right of the two Delaware stations, WDEL and WILM, to broadcast on Sundays. That morning Judge Isaacs had dismissed complaints against J. Gorman Walsh, manager of both, and Harvey C. Smith, program director of WDEL, on the grounds that radio was a necessity on Sundays as much as on other days. H. Albert Young, their attorney contended that radio was interstate commerce and the Blue Law an unreasonable exercise of the police power of the state which interfered with interstate commerce.

Although the arrests were clearly only part of a campaign to repeal the Sunday Law by enforcing it, the complaints were brought in the police court in Wilmington, from which, under the Delaware constitution there is no appeal. Clair McCollough was determined to fight the principle involved, and the defendants, if convicted, were prepared to spend the night in jail rather than pay the four dollar fine. The telephone wires buzzed between Lancaster, Penna., Willmington, Washington and New York. NAB counsel, Washington counsel and Mr. Young laid their plans. The results—Messrs. Walsh and Smith were released.

DANAHER AMENDMENT

Amendment to the Lend-Lease bill introduced by Senator Danaher of Connecticut for "no censorship" of both radio and the press failed to pass with the bill and there was no substitute for it. (NAB Reports, p. 225.)

COMMITTEE FAVORS WAKEFIELD

The Senate Committee on Interstate Commerce on Thursday favorably reported the nomination of Ray C. Wakefield to succeed the late Col. Thad H. Brown as a member of the FCC. Mr. Wakefield was nominated by the President last week for a 7-year term beginning July 1941.

FEDERAL LEGISLATION

H. R. 3789 (McLean, R-N. J.) DAYLIGHT SAVING—To save daylight and to provide standard time for the United States. Referred to Committee on Interstate and Foreign Commerce.

STATE LEGISLATION

Texas:

H. 659 (Bruhl) (Same as S. 210) DENTISTRY—Amend Sec. 2 of Chap. 501, page 1346, of the Acts of the Regular Session of the 45th Legis., and making it unlawful for any dentist to obtain business in connection with the practice of dentistry by employing "cappers" or "steerers," etc. Referred to Committee on Public Health.

Washington:

S. 220 (Roberts) SUBVERSIVE ACTIVITIES—An act to curb Nazi, Fascist, Communist and other subversive activities and to provide penalties for violations of this act, and declaring an emergency. Referred to Committee on Judiciary.

FEDERAL COMMUNICATIONS COMMISSION

"MONOPOLY" REPORT

James Lawrence Fly, Chairman of the FCC, referring to the "Monopoly" Report on which the Commission began conferences on Monday, said that the report is not intended to be a revision of the original Committee report, but is a new report for the Commission as a whole. This, he told newsmen at a press conference early this week, does not imply any reflection on the Committee report as such but simply that the full Commission is preparing its own report. At the moment, of course, the report is still in preliminary draft stage. There was no indication early in the week how long it will take the Commission to complete its work on the Monopoly Report.

Mr. Fly told the newspaper correspondents that last week's television trip to Philadelphia-New York was one of the most constructive yet taken. The Commissioners saw, he said, three demonstrations, all of which were impressive. Mr. Fly feels, he stated, much encouraged by the progress which he noted on the trip.

The Chairman said that he hoped the television hearing which begin on March 20 will take only a day or two. He told the newsmen that he sees a definite trend toward agreement in the industry on the engineering problems of television.

FM SERVICE PROPOSED

High frequency (FM) broadcast service to approximately half of North and South Carolina and smaller portions of Virginia, West Virginia, Kentucky, Tennessee and Georgia is proposed by Grodon Gray of Winston-Salem, N. C., who was today granted a construction permit by the FCC for this purpose.

Service to this 69,400 square miles of area embracing 4,346,000 population is made possible by selection of an antenna site on one of the highest points east of the Rocky Mountains—atop Clingman's Peak (6,600 feet), two miles southwest of Mt. Mitchell and 19 miles northeast of Asheville, N. C. Here the applicant contemplates erecting a 200-foot tower to be surmounted by a 75-foot antenna, thereby giving the antenna an over-all height above sea level of 6,875 feet. Mt. Mitchell, being state owned, could not be used for the antenna location.

The applicant, who is president of the Piedmont Publishing Company, which is licensee of standard broadcast station WSJS at Winston-Salem, is authorized to use the frequency 44,100 kilocycles for this FM station.

FM AUTHORIZATION

Pursuant to preliminary announcement of January 12, the FCC has adopted rules to permit FM programs to be relayed from the main studio to the transmitter by means of low-power transmitters employing highly directive antenna.

The term "STL" designates this new "studio-transmitter link," which is provided to meet the requests of FM broadcasters for such service. Under the rules as adopted, this class of station is limited to licensees of high frequency broadcast stations. Only one such station, in a fixed location, will be licensed to a single FM broadcaster. Frequency modulation must be employed, and experimentation tending to develop this type of relay service is required.

Twenty-three frequencies above 330,000 are allocated for "STL" experimental use.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled to be heard before the Commission in broadcast and television cases during the week beginning Monday, March 17. They are subject to change.

Wednesday, March 19

NEW—Butler Broadcasting Corporation, Hamilton, Ohio.—C. P., **1420 kc.,** 250 watts, unlimited.

Thursday, March 20

Television

To Be Held in Room A, Interstate Commerce Commission Building, 12th St. and Constitution Ave., Washington, D. C.

For the purpose of considering the various engineering standards suggested for television broadcast stations, to determine when television broadcasting shall be placed upon a commercial basis, and to afford all interested parties full opportunity to be heard on all pertinent problems related to the standardization and commercialization of television broadcasting.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

April 21

Consolidated Hearing

WPAY—Chester A. Thompson (Transferor) and The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Transfer of control of corporation; **1370 kc.,** 100 watts, unlimited time.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Renewal of license; **1370 kc.,** 100 watts, unlimited time.

May 1

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary); **890 kc.,** 1 KW night, 5 KW LS, unlimited.

May 19

WAGA—Liberty Broadcasting Corporation, Atlanta, Ga.—C. P., **590 kc.,** 1 KW night, 5 KW day, DA night, unlimited. Present assignment: **1450 kc.,** 500 watts night, 1 KW day, unlimited.

March 24

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., **1370 kc.,** 250 watts, unlimited.

April 10

NEW—Granite District Radio Broadcasting Co., Murray, Utah.—C. P., **1500 kc.** (**1490 kc.** when Havana Treaty is effective), 250 watts, unlimited.

Consolidated Hearing

WCAM—City of Camden, Camden, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WTNJ and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WTNJ and WCAM.

WTNJ—WOAX, Inc., Trenton, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WCAM and WCAP.

WTNJ—WOAX, Inc., Trenton, N. J.—C. P., **1230 kc.**, 1 KW night, 1 KW day, unlimited, DA day and night.

NEW—Trent Broadcast Corporation, Trenton, N. J.—C. P., **1230 kc.**, 1 KW, unlimited, DA day and night.

April 16

WNAX—South Dakota Broadcasting Corp. (Transferor) and Iowa Broadcasting Co. (Transferee), Yankton, S. Dak.—Transfer of control of Station WNAX; **570 kc.**, 1 KW night, 5 KW day, unlimited.

Consolidated Hearing

KOWH—World Publishing Company, Omaha, Nebr.—C. P., **890 kc.**, 5 KW, unlimited, DA night.

KUSD—University of South Dakota, Vermillion, S. Dak.—C. P., **650 kc.**, 500 watts day, daytime only.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Renewal of license, **890 kc.**, 500 watts night, 1 KW day, SH-KUSD.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Granted construction permit to increase power from 500 watts night, 1 KW day, to 5 KW; install new equipment, and install directional antenna for day and night use, for operation after March 29, 1941 (B1-P-2868).

WSIX—WSIX, Inc., Nashville, Tenn.—Granted construction permit to install new transmitter, directional antenna for night use; increase power from 250 watts, unlimited time, to 1 KW night, 5 KW LS; change frequency from **1210 kc.** to **980 kc.** under NARBA; and move transmitter to Buena Vista Pike and Moorman Arm Road, Nashville, Tenn.; for operation after March 29, 1941; granted upon condition to compliance with certain engineering requirements (B3-P-3053).

WHN—Marcus Loew Booking Agency, New York, N. Y.—Granted construction permit to change frequency from **1010 kc.** to **1050 kc.** under NARBA; increase power from 1 KW night, 5 KW day, to 50 KW; install new transmitter equipment and directional antenna for both day and night use; for operation after March 29. 1941 (B1-P-2899).

Midland Broadcasting Co., Kansas City, Mo.—Granted construction permit for new FM developmental broadcast station, subject to meeting such requirements, to operate on frequency **46500 kc.**, 1500 watts, special emission for frequency modulation (B4-PEX-35).

Thomas J. Watson, Endicott, N. Y.—Granted amended application for construction permit for new standard broadcast station, subject to use of synchronous amplifiers to cover Endicott and Binghamton, which will meet engineering approval, to operate on **1420 kc.**, with 250 watts, unlimited time, exact transmitter site to be determined with Commission's approval (B1-P-1679).

KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—Granted construction permit to install new transmitter and increase power from 100 to 250 watts (change frequency to **1490 kc.** under NARBA) (B3-P-3112).

KSTP—KSTP, Inc., St. Paul, Minn.—Granted modification of license to modify the directional antenna for daytime use (B4-ML-1043).

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Granted modification of license to increase nighttime power from 100 to 250 watts and change frequency from **1420 kc.** to **1210 kc.**, 250 watts day, unlimited time (B5-ML-1050).

DESIGNATED FOR HEARING

Triple Cities Broadcasting Co., Inc., Binghamton, N. Y.—Designated for hearing application for construction permit for new station to operate on **1420 kc.**, 250 watts, unlimited time (B1-P-2990).

Utica Observer-Dispatch, Inc., Utica, N. Y.—Designated for hearing application for construction permit for new station to operate on **1420 kc.**, 250 watts, unlimited time, exact transmitter site and type of antenna to be determined (B1-P-2702).

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Designated for hearing application for modification of construction permit (B3-P-3000) to increase hours of operation from daytime to unlimited, using 500 watts at night; make changes in equipment and extend commencement and completion dates to 10 and 30 days after grant, respectively. Requests facilities of WTJS, Jackson, Tenn. (station operates on **1360 kc.**, 1 KW, daytime only) (B3-MP-1150).

MISCELLANEOUS

KMLB—Liners Broadcasting Station, Inc., Monroe, La.—Passed motion to consolidate hearing on application of KMLB for construction permit to change frequency and increase power with application of KNOE, Inc., for a new station in Monroe.

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Granted in part motion to postpone hearing now scheduled for March 18 to May 19 on application for construction permit to change frequency from **1450 kc.** to **590 kc.**; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day, unlimited time, using DA for night.

WARM—Union Broadcasting Co., Scranton, Pa.—Granted in part motion for continuance of hearing now set for March 10 to March 24 in re application for license to cover construction permit for **1370 kc.**, 250 watts, unlimited time.

KFRO—Voice of Longview, Longview, Tex.—Passed for one week petition to intervene in the hearing on application of KGNO, Dodge City, Kans., for modification of license.

Granite District Radio Broadcasting Co., Murray, Utah.—Granted motion for order to take depositions in re application for new station to operate on **1500 kc.**, 250 watts, unlimited time.

WLAK—J. P. Marchant, D. J. Carey, Melvin Myer (Transferors), and The Tribune Co. (Transferee), Lakeland, Fla.—Granted joint motion to dismiss application of applicants to transfer control of Lake Region Broadcasting Co., licensee of Station WLAK, Lakeland, Fla.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Dismissed motion to continue hearing now scheduled for March 10 on applications of WCAM, WCAP and WTNJ for renewal of licenses, and applications for construction permits of Trent Broadcasting Corp. and WTNJ, as this hearing was continued by the Commission on March 4, 1941.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted motion for continuance of hearing now scheduled for March 12 on application for renewal of license and directed continuance to May 1, 1941.

Continued for one month the consolidated hearing now scheduled for March 10 on applications for renewal of license for WCAM, Camden, N. J., WCAP, Asbury Park, N. J., WTNJ, Trenton, N. J., and for construction permit of Trent Broadcasting Corp., Trenton, N. J., for new station, and WTNJ, Trenton, N. J., for change in operating assignment.

Upon consideration of objections filed to Commission Orders of February 4, 1941, the Commission determined that any application for renewal of license of WBOC, Salisbury, Md., which may be granted for the period beginning March 29, 1941, should specify the frequency **1230 kc.**

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with 100 watts power from 7:30 p. m. to 11 p. m., CST, on March 4, 5, 6, 7 and 8, 1941, in order to broadcast Illinois State High School Elimination Basketball Tournament games only.

W8XFM—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation, with the transmitter located at corner Vine and Fifth Streets, Cincinnati, Ohio; Crosley, Type EDS-213-M, maximum rated carrier power output 1000 watts, for the period March 3, 1941, and ending in no event later than May 1, 1941.

KOB—Don Lee Broadcasting System, San Diego, Calif.—Granted modification of construction permit (B5-P-2940) which authorized changes in equipment, for extension of commencement and completion dates to April 10 and June 9, 1941, respectively (B5-MP-1178).

KBIZ—J. D. Flavey, Ottumwa, Iowa.—Granted modification of construction permit (B4-P-2499, which authorized a new station on **1210 kc.**, 100 watts, unlimited time), for approval of vertical antenna, transmitter and studio sites and installation of new transmitter (B4-MP-1167).

WSPR—WSPR, Inc., Springfield, Mass.—Granted license to cover construction permit (B1-P-2509) which authorized change of frequency to **1240 kc.**, hours of operation to unlimited, and installation of DA for day and night use (B1-L-1329). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-667).

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Granted license to cover construction permit (B1-P-2910) for changes in hours of operation from daytime to unlimited, using 1 KW day and night, and installation of DA for day and night use on **950 kc.** (B1-L-1335). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-687).

WKH—United Broadcasting Co., Cleveland, Ohio.—Granted license to cover construction permit (B2-P-2670) for increase in power from 1 KW night, 5 KW day, to 5 KW day and night, and installation of directional antenna for night use (Bz-L-1330). Also granted authority to determine operating power by direct measurement of antenna power (Bz-Z-670).

KFDY—South Dakota State College, Brookings, S. Dak.—Granted authority to make changes in automatic frequency control equipment (B4-F-177). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-682).

KPLC—Calcasieu Broadcasting Co., Lake Charles, La.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-653).

WJBO—O. E. Richardson & F. L. Adair, Hammond, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-686).

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-684).

WDEF—Joe W. Engel, Chattanooga, Tenn.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-690).

KLMB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-683).

WBAP—Carter Publications, Inc., Fort Worth, Tex.—Granted authority to determine operating power by direct measurement of antenna input on frequency **820 kc.** under NARBA (B3-Z-683).

WHLD—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Granted authority to determine operating power by direct measurement of antenna input on frequency **1290 kc.** under NARBA (B1-Z-681).

KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Granted authority to determine operating power by direct measurement of antenna input on frequency **1340 kc.** under NARBA (B4-Z-691).

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna power on frequency **1170 kc.**, and under NARBA **1210 kc.** (Bz-Z-685).

W75NY—Metropolitan Television, Inc., New York City.—Granted modification of construction permit for new FM station, for approval of transmitter, changes in antenna, and change in population from 11,010,372 to 11,814,746 (B1-MPH-7).

KGIIB—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—Granted construction permit to move formerly licensed RCA 1-D 1 KW transmitter from Fronting on Kapiolani Blvd. to Kapiolani Blvd, Honolulu, for use as an auxiliary (B-P-3089).

KGHB—Echo Park Evangelistic Assn., Portable-Mobile, area of Los Angeles.—Granted construction permit for new relay broadcast station to be used with applicant's standard broadcast station KFSG; frequencies **1622, 2058, 2150, 2790 kc.**, 40 watts (B5-PRY,235).

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of construction permit for increase in power from 10 to 50 KW and changes in equipment, for extension of completion date from March 8 to May 7, 1941 (B5-MP-1179).

W3XMC—McNary and Chambers, Washington, D. C.—Granted special temporary authority to operate high frequency experimental broadcast station on **42600 kc.**, 100 watts power, special emission for frequency modulation, with transmitter located at 2701 14th St., Washington, D. C., for a period ending not later than May 1, 1941.

W3XMC—Northwest Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft station KHDIW on **2790 kc.**, on March 6, 1941, in order to conduct tests, and from 10 p. m. to 11 p. m. PST, oo March 7, 1941, in order to relay broadcast Seattle Blackout to Radio Station KIRO.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to operate with power of 250 watts from 9 p. m. to 10 p. m. EST March 10, 17 and 24, 1941, in order to broadcast Brooklyn Jewish Center Forum only.

WCOP—Massachusetts Broadcasting Co., Boston, Mass.—Granted special temporary authority to operate from 6:15 p. m. to 6:30 p. m. EST on March 9, 16, 23, and 30, 1941, in order to broadcast the American Legion Auxiliary program only.

APPLICATIONS FILED AT FCC

550 Kilocycles

NEW—Fort Smith Newspaper Publishing Co., Fort Smith, Ark.—Construction permit for a new broadcast station to be operated on **550 kc.**, 1 KW, unlimited time, directional antenna for day and night use, Class III.

580 Kilocycles

NEW—Martha M. Russell, d/b as Russell Plantation, Russelltown, Tex.—Construction permit for a new broadcast station to be operated on **580 kc.**, 1 KW, and unlimited hours, Class III-B.

610 Kilocycles

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-P-2997) to use old RCA transmitter as auxiliary.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power.

680 Kilocycles

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Construction permit to increase power from 5 to 50 KW, install new transmitter, make changes in directional antenna for day and night use, and change location of transmitter from Andover to Burlington, Mass.

710 Kilocycles

NEW—Park Cities Broadcasting Corp., Dallas, Tex.—Construction permit for a new standard broadcast station to be operated on **940 kc.**, 500 watts, unlimited time, Class III-B. Amended re stock ownership and to request **710 kc.**, 5 KW, Class II, new transmitter, installation of directional antenna for night use, and to specify transmitter site.

780 Kilocycles

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Transfer of control of corporation from R. E. McDonald and Barbara McDonald to Midnight Sun Broadcasting Co., 332 shares of common stock.

900 Kilocycles

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Construction permit to install directional antenna for night use, and requesting **930 kc.** under NARBA.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Authority to determine operating power by direct method, on **930 kc.** under NARBA.

1120 Kilocycles

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power, on **1150 kc.** under NARBA.

1140 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Construction permit to install new transmitter and directional antenna for night use, increase power from 25 to 50 KW, change hours from simultaneous day, share WAPI night, to unlimited. Amended to request **1170 kc.** under NARBA and make changes in antenna system.

1160 Kilocycles

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Construction permit to install new transmitter, directional antenna for day and night use; change frequency from **1160 kc.** to **1140 kc.**; increase power from 5 to 50 KW; change hours from simultaneous day, share WOWO night, to unlimited; and move transmitter from Liberty, W. Va., to St. Clairsville, Ohio. Amended to request **1170 kc.** under NARBA, and antenna changes.

1200 Kilocycles

WITH—The Maryland Broadcasting Co., Baltimore, Md.—License to cover construction permit (B1-P-2792) as modified, for a new standard broadcast station and to change location of studio.

WITH—The Maryland Broadcasting Co., Baltimore, Md.—Authority to determine operating power by direct method.

1230 Kilocycles

NEW—Roy St. Lewis, Norfolk, Va.—Construction permit for a new broadcast station to be operated on **1200 kc. (1230 kc.** NARBA), 250 watts, unlimited time. Amended: transmitter and studio sites to be determined, Norfolk, Va.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Authority to determine operating power by direct measurement of antenna power.

WFBM—WFBM, Inc., Indianapolis, Ind.—Relinquishment of control of licensee corporation by H. M. Bitner, of 1012½ shares common.

1250 Kilocycles

WNEW—WODAAM Corp., New York, N. Y.—Modification of construction permit (B1-P-2687) for authority to install directional antenna for day and night use and increase power from 1 KW night, 5 KW day, to 5 KW day and night, requesting **1280 kc.** under NARBA and extension of completion date from 6-1-41 to 180 days after grant, and make changes in directional antenna.

WKST—WKST, Inc., New Castle, Pa.—Modification of construction permit (B2-P-2809) to install directional antenna for night use, change hours from daytime to unlimited using 1 KW power day and night; requesting changes in directional antenna system and requesting **1280 kc.** under NARBA.

1280 Kilocycles

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Authority to install automatic frequency control equipment, on **1310 kc.** under NARBA.

1310 Kilocycles

KRJF—Star Printing Co., Miles City, Mont.—Transfer of control of corporation from Sarah M. Scanlan, executrix of the estate of Joseph D. Scanlan, deceased, to Sarah M. Scanlan (403 shares).

1340 Kilocycles

KDTH—Telegraph Herald, Dubuque, Iowa.—Modification of construction permit (B4-P-960) as modified, which authorized a new station, requesting changes in directional antenna, extension of commencement and completion dates from 3-7-41 and 9-7-41 to one day after date of grant and 180 days thereafter, respectively, and **1370 kc.** under NARBA.

1370 Kilocycles

KEVR—KVL, Inc., Seattle, Wash.—Construction permit to change frequency from **1370 kc.** to **1420 kc.**, make changes in equipment, and increase power from 100 watts to 250 watts day, 100 watts night, and change hours of operation from share—KRKO to unlimited time. Amended to request **1090 kc.** under NARBA, 250 watts day and night, changes in equipment, install new antenna, change name to Evergreen Broadcasting Corp., move studio and transmitter.

KRKO—Everett Broadcasting Co., Inc., Everett, Wash.—Modification of construction permit (B5-P-2027) for new transmitter, antenna, increase in power, and move of transmitter, requesting changes in antenna and extension of commencement date to 30 days after grant and completion date to 90 days thereafter. Amended to request **1400 kc.** under NARBA.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1370 kc.** to **1260 kc.** under NARBA, increase power from 250 watts to 1 KW night, 5 KW day, and move transmitter.

KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Authority to install automatic frequency control equipment on **1400 kc.** under NARBA.

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA.

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Authority to determine operating power by direct measurement of antenna power on **600 kc.** under NARBA.

WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—Voluntary assignment of license from Tom M. Bryan to Ralph A. Horton.

NEW—Dorman Schaeffer, Klamath Falls, Ore.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 250 watts, unlimited hours, Class IV. Amended to specify transmitter site and make antenna changes.

1380 Kilocycles

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Authority to determine operating power by direct measurement of antenna power on **1410 kc.** under NARBA.

1400 Kilocycles

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—License to use WARD's transmitter at 583 Meserole St., Brooklyn, N. Y.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—License to use WARD's transmitter at 583 Meserole St., Brooklyn, N. Y.

1420 Kilocycles

KNET—John C. Welch, Wm. M. Keller, and Bonner Frizzell, d/b as The Palestine Broadcasting Assn., Palestine, Tex.—Authority to install automatic frequency control equipment, on **1450 kc.** under NARBA.

WHLN—Blanfox Radio Co., Inc., Harlan, Ky.—Modification of construction permit (B2-P-2885) which authorized construction of a new broadcast station for approval of transmitter site and antenna.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Construction permit to change frequency from **1420 kc.** to **1430 kc.** (**1460 kc.** under NARBA), increase power from 250 watts to 1 KW, install new transmitter, and changes in antenna.

1450 Kilocycles

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Construction permit to make changes in equipment, changes in directional antenna (for use night and day), change frequency and power from **1450 kc.**, 1 KW night, 5 KW day, to **730 kc.**, 10 KW day and night, and move transmitter from

Cuyahoga Hts. to Dover, Ohio. Amended to request **1220 kc.** under NARBA, 50 KW, changes in equipment and directional antenna, and move transmitter to Strongsville Village, Ohio.

1480 Kilocycles

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Authority to install automatic frequency control equipment on **1520 kc.** under NARBA.

1500 Kilocycles

KAWM—A. W. Mills, Gallup, N. Mex.—Construction permit to install new transmitter and make changes in antenna.

KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—Construction permit to install new transmitter, increase power from 100 watts to 250 watts, and request **1490 kc.** under NARBA.

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y. —Construction permit to install new transmitter, new antenna system, change in frequency from **1500 kc.** to **1600 kc.** under NARBA, increase power from 250 watts to 5 KW, move transmitter from Woodside (L. I.) to New York, N. Y.

1530 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio.—Construction permit to increase power from 1 to 5 KW, using directional antenna day and night, install new transmitter, and changes in directional antenna. Amended to request **1550 kc.** under NARBA and to make changes in directional antenna to be used night only.

1550 Kilocycles

KPMC—Pioneer Mercantile Co., Bakersfield, Calif.—Construction permit to change frequency from **1550 kc.** to **1560 kc.** (Class I-B), increase power from 1 to 10 KW, install new transmitter and new antenna, and change location of transmitter.

FM APPLICATIONS

K45LA—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (B5-PH-26) to change coverage from 7,000 to 7,585 square miles, population from 2,604,104 to 2,612,000, make changes in antenna and move studio.

NEW—United Broadcasting Co., Cleveland, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **48500 kc.**, coverage 8,420 square miles, population 1,314,595.

MISCELLANEOUS APPLICATIONS

NEW—Muzak Corp., New York, N. Y.—Construction permit for a new developmental broadcast station to be operated on **117000 kc.** or some channel not now allocated for some purpose, 1000 watts and special emission for frequency modulation. Amended re corporate structure.

FEDERAL TRADE COMMISSION ACTION

No complaints were issued by the Commission during the past week.

STIPULATIONS

Following stipulations have been entered into during the past week by the Commission.

Asphalt Grave Vault Co., Frederick Ave. at Willard St., Baltimore, has entered into a stipulation to cease certain representations in the sale of burial vaults.

Under its stipulation, the respondent corporation agrees to cease using the words "Asphalt Grave Vault" or other words of similar meaning to describe its vaults when they are composed in whole or in part of, or contain ingredients other than, asphalt, and to desist from employing the phrase "Asphalt Concrete Grave Vault" or words of similar import to designate its vaults when in fact the binding agent for the aggregates in such vaults consists of Portland cement, or when such binding agent does not consist of asphalt. The respondent further stipulates that it will cease using the word "asphalt" or similar words in any manner to mislead buyers into believing that the binding agent of the vaults consists of asphalt or that such vaults are made of a mastic composed of asphalt and aggregates.

Further representations which the respondent agrees to discontinue are statements tending to convey the impression that its vaults are indestructible or will afford everlasting protection. The respondent also stipulates that it will cease representing that, at the time of interment, its vaults are waterproof or airtight or that they will remain impervious to water, moisture or dampness, unless such are the facts. (3044)

Consolidated Royal Chemical Corporation, 544 South Wells St., and Benson & Dall, Inc., an advertising agency, 327 South LaSalle St., both of Chicago, entered into stipulations in which they agree to cease disseminating advertisements which contain certain representations concerning "Zymole Trokeys," a medicated lozenge sold by the Consolidated corporation.

Each respondent agrees to cease advertising that "Zymole Trokeys" will go twice as far as cough syrup at half the cost; that it constitutes a new way to relief, and that the syrupy solution obtained by melting this product in water will be beneficial to children suffering from croup. (02742-02749)

Burke Edwards, 4733 Bethesda Ave., Bethesda, Md., has entered into a stipulation in which he agrees to cease representing that "Berkeley Springs Mineral Water" is beneficial in the treatment of, or is indicated as a treatment for, arthritis, diabetes, skin diseases or rheumatism, or constitutes a competent remedy for any of such maladies, diseases or ailments. (3046)

Duplan Silk Corporation, 498 Seventh Ave., New York, entered into a stipulation in which it agrees that in the sale of a fabric made from or containing rayon, it will cease using the names "Toujours," "Toot Sweet" or "Evergrand" or other names, fanciful or otherwise, in referring to such fabric, without disclosure of the fact that such product is made of or contains rayon, as the case may be. Such disclosure, according to the stipulation, is to be made clearly and unequivocally in all printed matter and sales representations. The respondent corporation further stipulates that it will desist from employing the term "Reg. U. S. Pat. Off." or any other term of similar meaning in connection with a purported trade name or mark which has not been registered as such in the United States Patent Office. (3047)

Hamilton Ross Factories, Inc., 666 Lake Shore Drive, Chicago, stipulated it will cease certain representations in the sale of blankets.

The respondent agrees to desist from quoting fictitious and excessive prices as the customary or regular prices or values of blankets or other merchandise; to cease employing the words "Silky Rayon" or similar words to describe its blanket binding or other fabrics or merchandise made of cotton, and to discontinue the use of the words "Wooly" or wool or other similar words to designate blankets or other products which are composed of or contain fibers other than wool.

According to the stipulation, none of its provisions shall be construed as authorizing the labeling of any wool product in any manner other than in strict conformity with the provisions of the Wool Products Labeling Act of 1939, after its effective date, July 14, 1941. (3043)

McDonald's Hatchery—Raymond McDonald and Roy McDonald, trading as McDonald's Hatchery, 2830 Evans Ave., Fort Worth, Texas, have entered into a stipulation in which they agree to cease advertising that the flocks of baby chicks which they sell are inspected by the United States Department of Agriculture, and are inspected or mated by a disinterested judge of the American Poultry Association.

The stipulation recites that the United States Department of Agriculture has not actually inspected the respondents' flocks of chicks although such inspections have been made by an official State agency recognized by the Department of Agriculture as cooperating with the National Poultry Plan. According to the stipulation, the A.P.A. judge who mates the flocks is Roy McDonald, of the respondent copartnership, and therefore not a disinterested party. (02750)

Pettinella Advertising Company—Ferdinand Pettinella, who conducts an advertising agency under the name Pettinella Advertising Co., 15 Sheridan Square, New York, has entered into a stipulation to cease certain representations in the advertisement of the medicinal preparations "Fernet Vittone" and "Acqua Fiuggi" on behalf of E. Fucini & Co., Inc., New York. The respondent Pettinella agrees to desist from disseminating advertisements which represent that Fernet Vittone is a tonic, unless expressly limited to its effect as a gastric tonic; that everyone requires a tonic, stomachic and digestive; that Fernet Vittone is a competent treatment for intestinal disturbances or has any effects beyond those of a laxative, stomachic and gastric tonic, and that Acqua Fiuggi is an effective remedy for gallstones, kidney troubles, gout, calculus of the bladder, defective blood circulation or excessive uric acid. (02748)

Thymo Borine Laboratory, 810 Plankinton Ave., Milwaukee, has entered into a stipulation in which it agrees to cease advertising that "Thymo Borine," sold for use as a mouth wash, deodorant and antiseptic, purifies the breath, mitigates inflammation of the mouth resulting from artificial teeth, and stops perspiration odors or foot odors; that the preparation is a competent treatment for itching scalp or itching skin due to skin bites, poisons or hives; that it is effective in treating athlete's foot, and that it is an effective germicide when used as gargle. (02747)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Coal Carburetor Co., New Brunswick, N. J., and Thornton W. Price, its president, has been ordered to cease and desist from misleading representations in the sale of "Coal Carburetor," a device designed for facilitating the combustion of coal and gases in furnaces.

The Commission order directs the respondent to cease representing that its Coal Carburetor equipment has been endorsed or recommended by the United States Government or any of its branches, or that its use has been advocated by the United States Bureau of Mines, or that it has been recommended by any public health authority or other recognized group organized for the preservation of health.

The respondent also is directed to cease advertising that its equipment is the most efficient means known for producing heat from coal or that such efficiency has been established by comparative tests with other equipment and devices designed for the same general purpose, unless the truth of such representation shall have been actually established by such tests. (4070)

General Motors Corporation, Detroit, and its sales subsidiary, General Motors Sales Corporation, have been ordered to cease and desist from misleading representations of prices in the sale of automobiles.

Commission findings are that prices featured by the respondent corporations, and five dissolved General Motors subsidiaries, in various advertisements published between 1934 and 1939 were not in fact the prices of the various cars illustrated or described.

The findings relate the following instances, among others, as being typical of the respondents' advertising practices during the period from 1934 to 1939:

An advertisement illustrated a completely equipped 1936 Oldsmobile car and conspicuously displayed a price of $675 unqualified by any other language on the face of the advertisement. The public was charged $901.50 for this car at the place of manufacture, the price having been built up as follows: List price of car illustrated, $820; standard accessories, $37.50; factory handling charge, $3; Federal taxes, $22.25; delivery and handling charge (including advertising), $17.25; and transportation, $1.50.

Another advertisement illustrated a Chevrolet Standard Sedan with a price of $465 in large type and nearby in small, inconspicuous type the words "and up" followed in yet smaller lettering with the statements: "List price of new Standard Roadster at Flint, Michigan, $465.00. With bumpers, spare tire and tire lock the list price is $20.00 additional." However, the car illustrated actually cost purchasers at Flint $605.40 and the roadster described in the fine print would have cost $518.50 instead of $465, which was its "list price" at Flint without delivery, handling, conditioning, spare tire and other items.

A widely published advertisement of an Oldsmobile appearing in 1939 featured the price of $777 in large figures adjacent to the illustration accompanied by the words "and up" in smaller lettering. By means of an asterisk, this price was connected with another fine print legend which advised that this was the "Delivered Price at Lansing, Michigan." However, the car illustrated was not sold at Lansing for $777 but for $889, the actual selling price having been shown in very fine print inconspicuously placed below the rear wheel of the car pictured.

Commission findings are that the respondents' advertisements have led the public erroneously to believe that the cars illustrated or described can be purchased at the point of manufacture for the price featured in the advertisement and at points distant for the featured price plus transportation charges.

DETAILS OF THE CEASE AND DESIST ORDER

The Commission order directs the General Motors Corporation and General Motors Sales Corporation to cease and desist from representing as the price of any automobile in any advertisement promoting retail sales, any price other than the true retail price at the place designated for sale of the car. According to the order, such retail price is to include all charges for any equipment or accessories illustrated or described in the advertisement or necessary for the operation of the car, or customarily included as standard equipment. This price, according to the order, is also to include charges for advertising, delivery, handling, or similar items, except transportation charges where the advertised car is transported from the point where advertised for sale to another or different point for delivery to a retail purchaser.

The order further directs the respondents to cease using a designated price in any advertisement illustrating an automobile offered for sale at retail, unless the true retail price of the illustrated car is set out in juxtaposition thereto in words and figures equal in size and conspicuousness to the terms designating the price of any other automobile referred to in the advertisement.

The order further prohibits the respondents from advertising automobiles for sale at a designated retail price, unless such price includes all federal, State and local taxes, or unless the advertisement clearly and legibly states, immediately adjacent to the price quoted, that the price is subject to additional charges for such taxes; and directs the respondents to cease advertising or representing an automobile as being for sale at retail at a designated price unless such car is in fact made available and sold to the public, at the point specified, for the price stated, or at a point distant therefrom for the price stated plus transportation charges thereto. (3173)

Husco Manufacturing Company—Ivan D. Hussey, trading under the name Husco Manufacturing Co., and under other names, 85 Broad St., S. W., Atlanta, has been ordered to cease and desist from using lottery methods in the sale of hosiery, knives, fountain pens and other merchandise. The respondent is also in business under the names The Hussey Manufacturing and Distributing Co., The Hussey Distributing Co., Hussey Co., Hussey Manufacturing Co., and Terry Products Co.

The Commission order directs the respondent to cease and desist from selling and distributing such products so packed and assembled that sales may be made by means of a lottery; from supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which devices may be used in selling or distributing such merchandise to the public, and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

The Commission order further directs the respondent to discontinue using the words "manufacturer" or "manufacturing" as part of any trade name used by him unless and until he shall operate a factory in which such merchandise is wholly manufactured. (4386)

Rabhor Corporation, 1450 Broadway, New York, has been ordered to cease and desist from misrepresentations in the sale of men's robes, jackets, lounge suits and other wearing apparel.

Commission findings are that the respondent, in advertising literature and other printed matter, has represented that its garments are made entirely of silk, when in fact they have consisted of various combinations and mixtures of cotton, rayon, silk and fibers other than silk, a portion of them having been manufactured from a material composed of 70 per cent cotton and 30 per cent silk.

The Commission order directs the respondent to cease using the word "silk" or other words descriptive of silk to designate any fabric or product not composed wholly of silk; provided, that such terms may be used as descriptive of the silk content of fabrics or products composed in part of silk and in part of other fibers if, in immediate connection, there is also employed conspicuous lettering truthfully designating each constituent fiber or material.

The order further directs the respondent to cease employing the unqualified term "satin" or other similar term indicative of silk to describe any fabric or product not composed entirely of silk; provided that when such term is used truthfully to designate the type of weave, construction, or finish, it shall be qualified by employing in immediate connection therewith other words of equal conspicuousness accurately naming the fibers or materials from which such products are made.

The respondent also is ordered to cease advertising, offering for sale or selling fabrics, garments, or other products composed in whole or in part of rayon without clearly disclosing, by use of the word "rayon", the fact that such fabrics or products are composed of rayon. According to the order, when such fabrics or products are composed in part of rayon and in part of other fabrics or materials, such fabrics or materials shall be designated in immediate conjunction with the word "rayon" in letters of at least equal conspicuousness which shall truthfully describe each constituent fiber or material. (3619)

Schutter Candy Co., 1013 North Cicero Ave., Chicago, has been ordered to cease and desist from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

The order directs the respondent to desist from selling or distributing any merchandise so packed and assembled that sales to the public may be made by means of a lottery; from supplying others with lottery devices which may be used in selling or distributing the respondent's merchandise to the public by means of a game of chance, and from supplying others with packages or assortments of candy which may be used to conduct a lottery or gift enterprise in the sale to the public of the candy contained in such packages or assortments.

The respondent is further ordered to cease supplying to others for sale to the public assortments of candy, whether contained in one or more than one package, composed of different colored pieces of candy of uniform size and shape individually wrapped in opaque wrappers, and larger pieces of candy or other merchandise, which larger pieces or other merchandise may be given as prizes to the purchasers procuring pieces of candy of a particular color. (3636)

FTC CASE CLOSED

The Federal Trade Commission closed its case against Nu-Age Co., formerly of 309 Castle Building, Tulsa, Okla., without prejudice to its right to resume proceedings, should the facts so warrant. The respondent corporation had been charged with violation of the Federal Trade Commission Act in the sale of a medicinal preparation, "Nu-Age," also described as "Natural Mineral Extract."

According to information received by the Commission, the respondent corporation had discontinued the sale of its "Nu-Age" preparation and its license to engage in business had been cancelled by the State of Oklahoma.

The Commission also has dismissed without prejudice a complaint charging Interstate Ribbon and Carbon Corporation, 2202-2210 Superior Ave., East Cleveland, Ohio, with the dissemination of misrepresentations in the sale of typewriter ribbons and carbon paper.

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 12, March 21, 1941

THE WEEK IN WASHINGTON

The broadcasters' conference committee met four hours with an ASCAP committee in New York on Thursday, and ASCAP agreed to attempt to work up proposals to submit to the broadcasters' committee (p. 255).

One Week Till Movin' Day (p. 257).

The FCC this week ordered a hearing to determine "whether or not joint control of newspapers and radio broadcasting stations tends to result in an impairment of radio service under the standard of 'public interest, convenience and necessity' " (p. 255).

The NAB Board approved the committee revision of the agency contract form, a copy of which is included in this issue (p. 256).

Plans for the NAB's annual convention in St. Louis, May 12, are going forward (p. 260).

Requests for BMI tunes are running far ahead of those for ASCAP tunes, a survey shows (p. 260).

District 11 broadcasters re-elected Earl H. Gammons, WCCO, as Director (p. 265).

A new libel law for broadcasting in Oregon was approved March 14 (p. 265).

Ray C. Wakefield was confirmed as a new member of the FCC. The Commission amended its FM rules. The FCC warns stations against private negotiations with stations in neighboring countries in an effort to solve reallocation problems. Chairman James Lawrence Fly said that the Commission was still meeting on the "monopoly report" (p. 266).

The latest unit volume report is included with this issue (p. 290).

Broadcasters, ASCAP Meet

A conference committee appointed by the NAB Board of Directors met with an ASCAP committee on Thursday, March 20, for a general discussion of all points in the current controversy.

The meeting, held in a New York hotel, was suggested by the broadcasters after a meeting of their committee Wednesday afternoon. The joint meeting lasted nearly four hours.

The broadcasters pointed out to the ASCAP committee that the best way to make progress was for ASCAP to submit proposals for the broadcasters' committee to study and pass out to the industry with its advice.

The ASCAP committee agreed to consider the matter and to attempt to work up proposals. There was no understanding as to how long it would take ASCAP to do this, and no date was fixed for the next joint meeting. When the proposals are received, the broadcasters' committee will meet to consider them. The industry will be kept advised of all developments.

The conference committee appointed by the NAB Board to meet with ASCAP was made up of the following:

Neville Miller, chairman
John Shepard, 3rd, Yankee Network
Walter Damm, WTMJ
Mark Ethridge, WHAS
Harold Hough, WBAP
John Elmer, WCBM
Sam Rosenbaum, WFIL
Edwin W. Craig, WSM
Paul Morency, WTIC
Theodore Streibert, MBS
William West, WTMV
Niles Trammell, NBC
John J. Gillin, Jr., WOW
Edward Klauber, CBS
Herbert Hollister, KANS

The NAB Board voted to extend the current associate membership campaign to April 12. Several amendments to the NAB By-Laws were considered. These will be discussed in a future edition of the NAB Reports.

The Board instructed the staff to draw up a strong resolution endorsing Daylight Saving on a nationwide basis in the interest of national defense.

Membership, convention plans and a public relations campaign also were discussed by the Board.

Newspaper Ownership Questioned

The FCC this week ordered a hearing to determine "whether or not joint control of newspapers and radio broadcasting stations tends to result in an impairment of

(Continued on page 256)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

NEWSPAPER OWNERSHIP QUESTIONED

(Continued from page 255)

radio service under the standard of 'public interest, convenience and necessity.' "

Through the hearing, the Commission said, it would "seek to obtain full and complete information for its guidance in passing upon applications for high frequency broadcast stations (FM) and for future acquisition of standard broadcast stations by newspapers."

The text of the Commission's statement:

In view of the increasing number of applications by newspapers to operate radio stations in the new high frequency (FM) broadcast service, the Federal Communications Commission today ordered public hearings and an investigation to determine what policy or rules, if any, should be promulgated in this connection.

Through such hearings and investigation, the Commission will seek to obtain full and complete information for its guidance in passing upon applications for high frequency broadcast stations (FM) and for future acquisition of standard broadcast stations by newspapers. Hearings will be conducted with the objective of determining whether or not joint control of newspapers and radio broadcasting stations tends to result in an impairment of radio service under the standard of "public interest, convenience and necessity." The hearings to be held on this issue will be of a broad, public character open to all applicants, prospective applicants, grantees, existing licensees, representatives of trade groups affected, and such other witnesses as the Commission may wish to call.

The question of newspaper ownership of radio stations has long been debated before the Commission and elsewhere and has been an issue in a nmber of specific cases presented to the Commission. The Commission has in the past denied licenses to newspapers where there was a well qualified applicant asking for the same facilities. In one case, for example—at Port Huron, Michigan—the Commission favored a non-newspaper applicant for a radio station because it would afford the community "a medium for the dissemination of news and information to the public which will be independent of and afford a degree of competition to other such media in the area."

In undertaking public hearings, the Commission does not imply that it is opposed to newspaper ownership of radio stations in general or in any particular situation. The purpose of the hearings and the investigation is to obtain for the Commission sufficient information so that it will have a rational basis for the determination of future cases. At this time, when the FM field is just beginning to open up, the opportunity is presented for an evaluation of policy without impairment to existing investments.

Commission records indicate that approximately one-fourth of all commercial FM applications are filed in behalf of newspaper interests. Of 94 applications received up to the present month, 27 were from concerns or persons in the newspaper business.

In the older field of standard broadcast, more than one-third of the existing stations are now identified with newspapers to a greater or lesser extent. At least 100 standard broadcast stations are owned by publishers with more than one newspaper and more than one radio station connection. In more than 90 localities the only radio outlet is in the hands of the only local newspaper.

Commissioners Case and Craven dissented.

The text of FCC Order No. 79:

Whereas, under the provisions of the Communications Act of 1934, as amended, the Federal Communications Commission is empowered and directed to grant licenses for radiobroadcast stations only after a determination that "public interest, convenience, or necessity" would be served thereby; and

Whereas, the question whether the granting of a license is in the "public interest, convenience, or necessity" where it results in common control of one or more radio stations and one or more newspapers has been presented to the Commission from time to time and has been the subject of debate before the Commission and elsewhere; and

Whereas, there are now pending before the Commission a large number of applications for high frequency broadcast stations (FM) with which are associated persons also associated with the publication of one or more newspapers; and

Whereas, the Commission desires at this time to obtain full and complete information for the guidance of the Commission in passing upon applications for high frequency broadcast stations (FM) with which are associated persons also associated with the publication of one or more newspapers; and

Whereas, the Commission deems it advisable at this time, when the public service of frequency modulation is in its early stages, to consider the adoption of a policy with respect to joint control of radio stations and newspapers, such policy to be applied by the Commission in passing upon high frequency broadcast applications (FM) coming before it and to guide and inform future applicants; and

Whereas, the Commission deems it advisable at the same time that it undertake consideration of the question of joint control of newspapers and radio with respect to applications for high frequency broadcast stations (FM) to consider the adoption of a policy to be applied by it in passing upon applications for the future acquisition of standard broadcast stations by newspapers;

Now, therefore, it is hereby ordered That the Federal Communications Commission undertake an immediate investigation to determine what statement of policy or rules, if any, should be issued concerning applications for high frequency broadcast stations (FM) with which are associated persons also associated with the publication of one or more newspapers and that public hearings with respect thereto be held at such times and such places as the Commission may direct, and that such investigation and public hearings shall also include consideration of statements of policy or rules, if any, which should be issued concerning future acquisition of standard broadcast stations by newspapers.

It is further ordered That in those few cases in which the Commission has heretofore granted applications for high frequency broadcast stations (FM) with which are associated persons also associated with the publication of one or more newspapers, the construction permits to be issued shall contain the condition that no construction of the facilities authorized therein shall be undertaken or continued until after the Commission shall have completed the aforesaid investigation and shall have taken action upon the basis thereof; Provided, however, that, upon a showing that the public interest, convenience or necessity will be served thereby, construction at an earlier date may be authorized.

By the Commission.

T. J. Slowie,
Secretary.

Sales

AGENCY CONTRACT FORM

On Tuesday the NAB Board of Directors voted approval of the NAB Committee's revision of the agency

(Continued on page 259)

ONE WEEK TO MOVIN' DAY

NETWORK SHOWS

According to Bill Hedges' March 13 bulletin to all NBC stations, the Red and Blue networks will carry a special Movin' Day program, 7:15-7:30 p. m., Friday, March 28. He urged every station to take "this outstanding broadcast."

A. Opfinger, MBS's program service manager, has scheduled Mutual's coast-to-coast show for 9:15-9:30 p. m. same night. E. K. Jett, FCC chief engineer, will explain the advantages of reallocation. Fulton Lewis, Jr., 7:00-7:15 p. m., same night, will also plug the move.

According to Columbia's Washington office, CBS is thinking in terms of two programs. The initial show, providing for local cut-ins, is set for Thursday, March 27, 10:15-10:45 p. m. The other show, for which the exact hour was unknown at press time, would probably be broadcast on Friday, just prior to Movin' Day.

BEARD DISPLAYS CRYSTAL

Jay P. Beard, owner, KBTM, Jonesboro, Ark., has his station in readiness for change-over. Daytimes the new crystal is on display in the front window of the city's leading jewelry store.

The subject of frequency changes is now a topic of general conversation throughout the United States and territories. Under the impetus of next week's big push, the success of the educational and promotional campaign will be assured.

Looking over the data sheets with information for the brochure, to be mailed agencies and stations next week, is an inspiration for any man in the broadcasting business. Everybody "has done his duty" and then some. That will be apparent when the brochure, "56 Days", reaches you.

If six state members of the Governors' Movin' Day Proclamation committee are fortunate and are able to secure the desired documents, the industry will have received unusual support those first in command of the home front.

The cities in which Mayoralty proclamations have been issued will be listed in the brochure. Their number will be a surprise.

Below are Governors whose proclamations have been received during the last week, together with the names of broadcasters who acted as industry representative in securing them. Total this week is eleven from states and one from Puerto Rico.

ARIZONA—Gov. Sidney P. Osborn
Arranged by Dick Lewis, KTAR, Phoenix
GEORGIA—Gov. Eugene Talmadge
Arranged by Leonard Reinsch, WSB, Atlanta
ILLINOIS—Gov. Dwight H. Green
Arranged by Leslie C. Johnson, WHBF, Rock Island
MAINE—Gov. Sumner Sewall
Arranged by George F. Kelley, Jr., WCSH, Portland
MARYLAND—Gov. Herbert R. O'Conor
Arranged by John Elmer, WCBM, Baltimore
MISSOURI—Gov. Forrest C. Donnell
Arranged by Merle S. Jones, KMOX, St. Louis
NEVADA—Gov. E. P. Carville
Arranged by W. D. Warren, KOH, Reno
NEW MEXICO—Gov. John E. Miles
Arranged by Ivan R. Head, KVSF, Santa Fe
NEW YORK—Gov. Herbert H. Lehman
Arranged by Harold E. Smith, WOKO, Albany
PUERTO RICO—Gov. Guy J. Swope
Arranged by John A. Zerbe, WKAQ, San Juan
TEXAS—Gov. W. Lee O'Daniel
Arranged by Harold Hough, WBAP, Fort Worth
VERMONT—Gov. William H. Wills
Arranged by Charles P. Hasbrook, WCAX, Burlington

RADIO GUIDE

All editions of *Radio Guide* which hit the newsstands on Wednesday, March 19 carry the first installment of the reallocation story. The second installment will appear in the following issue. This issue will also contain a complete log with the new frequencies. *Radio Guide* reaching readers on Wednesday, April 2, will contain another log with stations listed by frequencies.

This week's issue has prominently displayed on the front cover "Prepare for Radio's Moving Day, page 37."

Martin Lewis, executive editor, says, "I hope you like it." To which we reply, on behalf of the industry, "We certainly do, Mr. Lewis, your assistance is appreciated by all of us."

RCA-S.E.P. PAGE

The Saturday Evening Post for delivery Wednesday, March 26, is scheduled to have a page on the subject of reallocation.

It was prepared under the direction of Dave Finn, RCA advertising manager, along last December and necessarily held for release until the FCC reallocation order came through.

"CIRCUS" PUBLICITY

Many broadcasters with an eye to showmanship are using huge moving vans, sometimes with equally large trailers, as cruising bulletin boards to advertise the moving of their kilocycles. Since the moving van is particularly appropriate to the present promotion, the stunt is being well received.

ARIZONA STATIONS ACTIVE

The story of Radio Movin' Day Proclamation by Governor Sidney P. Osborn of Arizona has received widespread publicity in the state and southwest. In Phoenix Mayor Reed Shupe is also issuing a proclamation.

"All Arizona stations will follow NAB suggestions in publicizing event," wired Dick Lewis, KTAR, state chairman of the Governor's Movin' Day Proclamation Committee.

GOVERNORS' LEAGUE STANDINGS

District	Standing	States in	States out
No. 2.......	1.000	New York	
No. 4.......	1.000	Maryland North Carolina South Carolina Virginia West Virginia	
No. 5.......	1.000	Alabama Florida Georgia Puerto Rico	
No. 6.......	1.000	Arkansas Louisiana Mississippi Tennessee	
No. 7.......	1.000	Kentucky Ohio	
No. 8.......	1.000	Indiana Michigan	
No. 10......	1.000	Iowa Missouri Nebraska	
No. 11......	1.000	Minnesota North Dakota South Dakota	
No. 12......	1.000	Kansas Oklahoma	
No. 13......	1.000	Texas	
No. 15......	1.000	California Nevada	
No. 16......	1.000	Arizona California New Mexico	
No. 17......	1.000	Oregon Washington	
No. 1.......	.833	Connecticut Maine Massachusetts New Hampshire Vermont	Rhode Island
No. 14......	.800	Colorado Idaho Utah Wyoming	Montana
No. 9.......	.500	Illinois	Wisconsin
No. 3.......	.000		Delaware New Jersey Pennsylvania

Some "out" states have proclamations in negotiation.

RAYTHEON STATION GUIDE

Three-colored window posters promoting reallocation have been mailed to dealers handling Raytheon tubes. The company is also distributing vest-pocket station guides listing present frequencies with the corresponding new dial location.

MAINE PROCLAIMS TUESDAY

The Radio Movin' Day Proclamation for Maine will be issued on Tuesday, March 25, by Governor Sumner Sewall. It will be made public during the Governor's press conference according to George F. Kelley, Jr., WCSH, who engineered the proclamation on behalf of Maine's broadcasters.

TUNG-SOL WINDOWS

Thousands of set owners are going to be "stopped" by the four-colored easel window display that Tung-Sol has made available to dealers. Extending the full length of the center panel is a scantily clad drum major asking you to "Keep in tune."

PUERTO RICO PROCLAIMS

The Honorable Guy J. Swope, Governor of Puerto Rico, has joined with the chief executives of the states in issuing a proclamation and thus cooperating with the broadcasting industry.

Yesterday's air mail brought the news from John A. Zerbe, vice president and general manager of Station WKAQ, that Governor Swope would issue the proclamation on Monday, March 24. Mr. Zerbe's station at 620 does not change frequency.

MARKET REPORTERS HELP

All market newsmen have been bulletined by the U. S. Department of Agriculture to help in spreading reallocation information among listeners. Scores of programs will carry tag lines telling listeners where the market news reporter will be found on the dial on and after March 29. Printed market reports will also contain the new frequencies of stations carrying the market news programs.

SPECIAL SECTION IN DETROIT

The Detroit News will issue a special Movin' Day section. Among participating advertisers are: WJBK, WJR, WJLB, WWJ and WXYZ, Detroit; WCAR, Pontica; WEXL, Royal Oak; and CKLW, Windsor, Ont.

N. Y. CHILDREN INFORMED

Top ranking educators, generally, have proved to be sympathetic to NAB's suggestion that they assist in publicizing reallocation. Here's an interesting paragraph quoted from a letter by Max U. Bildersee, associated supervisor of radio education, New York State:

"I am happy to tell you that within a few days a letter will go forward to the City, Village and District Superintendents of Schools, telling them of the change in broadcast frequencies and suggesting that they transmit this

information to the principals and teachers in the schools of the State." That IS cooperation.

SCRANTON PROMOTIONS

To impress the new wave length of station WGBI, Scranton, Pa., on the youngsters, George D. Coleman, commercial manager, arranged for a broadcast in front of the studio building. Ten thousand (10,000) youngsters came and received a ruler carrying the station's new frequency and a CBS map.

During another promotion, he gave a new $5 bill to the first 100 persons that presented a $1 bill having the last three figures of the serial number identical with the new frequency, 910.

The station sent letters to 200 school principals; and 30,000 letters were sent out by United Churches. Reallocation news was contained in 33,000 copies of church bulletins.

TWO SPECIAL SECTIONS

Two special Movin' Day sections will be produced in Hartford, Conn., by the *Courant* and the *Times*. The former will be published on Sunday, March 23, and the latter on the following Wednesday. They are expected to run from 12 to 16 pages, and will be complete with art and appropriate copy. Managers and department heads of WTIC, WDRC, WTHT and WNBC are contributing stories. Out of town advertising on the part of WTIC will include eight state newspapers and several in Massachusetts.

NOTES

J. B. Plumley, WSNJ, Bridgeton, N. J., announces a proclamation by the city's mayor. . . . Grays Harbor Public Utility District has distributed 10,000 stuffers for Harry R. Spence, KXRO, Aberdeen, Wash. . . . 30,000 special cards will be inserted in department store April statements to Peoria housewives on behalf of WMBD and 100 car and bus cards have been placed. . . . Manager Wilt Gunzendorfer, KSRO, Santa Rosa, Calif., launched Movin' Day early in March with a quarter-hour show which resulted in publication in all local papers. . . .

Joe Maland, vice president, WHO, Des Moines, sent photostat copies of Governor Wilson's proclamation to all radio stations in Iowa. . . . Mayor Reed Shupe, of Phoenix, Ariz., has issued a proclamation.

A total of 90,000 stuffers were mailed to customers of Duke Power Company from the main office in Charlotte, N. C., according to Earle J. Gluck, general manager, WSOC, who is working closely with A. E. Joscelyn, manager, WBT.

Emerson S. Smith, program director, KDYL, Salt Lake City, brought Governor Herbert B. Maw to the studio and transcribed his Movin' Day proclamation. Afterwards copies of the recording were sent to every Utah station involved in change-over.

From Major Edney Ridge, WBIG, Greensboro, N. C., comes a platter with two interpretations of the Movin' Day theme, one by the station's octette and the other by its hillbilly band.

SALES

(Continued from page 256)

contract form. The recommended form is included in this issue, and an extra copy is supplied herewith.

Renewal of discussions with the AAAA Time Buyers' Committee followed 4 A's request for certain changes in the contract form recommended by NAB January 9. Following several meetings of sub-committees of both groups, a joint meeting of both full committees, and a meeting of staff members and attorneys, final poll of the NAB Committee resulted in this recommended form for agency business which meets the Board's approval.

The changes embodied in the revision were of minor character or to clarified agreed intent. The 4 A's, it is said, still object to the new form in three principal respects: (1) Station's right to substitute commercially sponsored programs of public importance. They contend that only political or governmental programs should be substituted on a sponsored basis, and that all other programs of public importance should be substituted on a sustaining basis. (2) No reference in the contract to the services of a regular staff announcer. NAB thinks this should be handled in each case on the face of the contract. (3) Station's obligation to reimburse agency for non-cancellable talent costs *only* when station itself has contracted for the talent. The NAB Committee unanimously favored these provisions as drafted in the new form, and deemed further meetings would be unavailing because of their firm conviction on these points.

Stations are again reminded that the recommended form is supplied merely as an indication of the preponderant practice of a majority of broadcasters, and one that will be acceptable to most agencies. Some stations, it is believed, will vary certain of the recommended provisions to conform to their established policies. Other arrangements will naturally be made in terms on the face of the contract in individual deals. Inasmuch as the NAB Committee believes a certain amount of "rubber-stamping" and bargaining for terms in individual cases to be inevitable, it feels that it has brought out a form that meets as nearly as possible the agency practice and wishes, and that most agencies will use it substantially as recommended.

For local business direct with advertisers, stations will want to consider using the January 9 form. That form calls for payment by the twentieth of the month, but in many cases stations will prefer to make appropriate change to provide for payment at an earlier date. Stations which have not as yet printed that form should consider the advisability of striking out the word "agency" wherever it appears on the back and substituting the word "advertiser," and also striking all references to agency and commissions on the face. Those which have already printed it can continue to use it on local advertiser business by striking out the reference to agency commissions. The Committee believes it desirable for stations to use two forms, one for agency business and one for business direct with the advertiser.

The NAB-AAAA Conference Committee stands discharged, with the understanding that the sub-committee on the Invoice Form will confer with the Accounting Committee. That committee is in process of ironing out details in the invoice for further discussion with the AAAA Fiscal Committee. Release of the form is expected within the next month.

NAB Convention

Promotion Exhibit Question Box No. 1

Question: Are all entries to be on standard size panels?
Answer: Yes; all entries must be on standard size panels, 28 x 44 inches.

Question: Can they be used vertically or horizontally?
Answer: Yes; both arrangements are acceptable.

Question: Are there any rules in regard to the treatment of the panels within the standard size shape?
Answer: No. Use any color scheme, arrangement, or device that you like.

Question: Will many of the smaller stations enter this exhibit?
Answer: Yes. Because of the standard size panels, and the seven classifications of entries, many small stations will enter in at least one classification.

The closing date for entries is May 3. Shipment is to be made to the New Jefferson Hotel, St. Louis, c/o NAB Promotion Exhibit Committee.

HOTEL RESERVATIONS

The advance reservations for rooms at the St. Louis hotels during the convention far exceed the record of any previous convention. In other words, a bumper attendance is indicated. The convention opens Monday, May 12. That is just seven weeks away. Those who have not already arranged for rooms at St. Louis are urged to get their requests in promptly. There are plenty of rooms available in the various hotels and still a considerable number at the Jefferson.

Address communications direct to the hotel at which accommodations are desired or to the Housing Committee, Ray Dady, KWK, Chase Hotel, St. Louis, Chairman.

GOLF TOURNAMENT

The NAB Golf Tournament with the *Broadcasting Magazine* trophy has aroused considerable interest. It will be held this year on Monday afternoon, May 12, so those who plan to enter must remember to bring along their golf togs and clubs.

CONVENTION PROGRAM

The program is rapidly taking shape and promises to be one of the most interesting and constructive ever offered at an NAB convention. It will include topics that vitally concern every broadcaster. No one can afford to miss this Nineteenth Annual Convention at St. Louis, May 12 to 15, inclusive. Make your plans now.

BMI

BMI WINS IN OPEN MARKET

Requests for BMI tunes are running far ahead of those for ASCAP tunes not only on BMI stations but on those stations having both BMI and ASCAP licenses. This preference for BMI hits is not confined to the United States but has been strikingly apparent in Canada where, aside from the war songs, 85% of the requests currently received for popular tunes are for BMI numbers.

Sheet music sales in Canada as well as those in the United States are reflecting this preference. For example, printings and sales in Canada of *I Hear A Rhapsody* are double that of ASCAP's best seller. Foreign publishers and foreign societies have noted this preference and are, at the present time, negotiating with BMI for exclusive rights in their respective territories. A deal has been consummated with Campbell, Connelly & Co., Ltd., one of the three leading British publishers and the house issuing *There'll Always Be An England,* calling for exclusive rights in the British Isles and guaranteeing five publications a month. There is also spirited bidding going on for BMI's Australian rights.

Programs devoted to the performance of request numbers and operating throughout the night report that there has been no slackening of interest where the music has been chosen principally from that licensed by BMI. Outstanding testimony is furnished by the program entitled, *Dawn Patrol,* operating out of Philadelphia and Washington on BMI stations. This program has established listening posts at many restaurants, taverns, and points

(Continued on page 263)

AGENCY CONTRACT
(RECOMMENDED BY NAB, MARCH 21, 1941)

RADIO STATION
ADDRESS
CITY

(AGENCY'S ORDER NO...)

....
(Place and Date)

AGREEMENT between ....called "agency" and ....

called "station" to broadcast radio programs of .... as specified below:
(Advertiser)

NAME OF PROGRAM: PRODUCT:

Length of Broadcast	Hour	Days	Times Per Week	Total No. Times

COMMENCEMENT DATE	EXPIRATION DATE

PROGRAM MATERIAL ARRANGEMENTS

ADDITIONAL INSTRUCTIONS

BASE RATE (before discounts); $...

CHARGES	Net Station Time	Talent	Line Service	Other Charges	Total
Each Broadcast:	$..............................	$..............................	$..............................	$..............................	$..............................
	$..............................	$..............................	$..............................	$..............................	$..............................
For....................Broadcasts:	$..............................	$..............................	$..............................	$..............................	$..............................

LESS AGENCY COMMISSION (% of Net Station Time Charge):

The conditions on the reverse side are part of this contract.

.... *(Station)*

.... *(Agency)*

BY..

BY..

(OVER)

Conditions of Contract

(Recommended by NAB, March 21, 1941)

1. PAYMENT

(a) Agency agrees to pay station and station agrees to hold agency solely liable for payment, for broadcasting covered by this contract unless otherwise expressly agreed in writing.

(b) Agency agrees to pay for such broadcasting at the office of station or its representative authorized to collect on or before the twentieth day of the month following that in which broadcasting is done; provided, however, that if the postmark date on the invoice envelope is later than the seventh day of the month, agency shall not be deemed in default if it makes payment on or before the last day of that month. In all cases date of payment is material and unless otherwise stipulated the postmark date on the envelope properly addressed to station or to its representative authorized to collect shall be considered the date when payment was made.

(c) Station's invoices for such broadcasting shall be rendered not less often than monthly and shall be in accordance with station's log.

(d) Affidavits of performance shall be furnished by station on request of agency.

(e) Station reserves the right to cancel this contract forthwith at any time in the event of default or material violation by agency of any of the provisions of this contract or in the event that agency's credit shall become impaired. Upon such cancellation charges in respect of all broadcasting done hereunder and unpaid shall become immediately due and payable. Such cancellation shall not prejudice any other right of station against agency.

2. TERMINATION

This contract may be terminated by either party by giving the other fourteen (14) days' prior written notice; provided that no such notice shall be effective until twenty-eight (28) days after start of broadcast service hereunder. If agency so terminates this contract it will pay station according to station's rate card on which this contract is based for the lesser number of periods, for all services previously rendered by station. If station so terminates this contract, agency will then either agree with station on a satisfactory substitute day or time for continuance of broadcasts covered by this contract at the card rates on which this contract is based for such substitute time, or, if no such agreement can be reached agency will pay station according to the rates specified herein, for all services previously rendered by station; that is, the agency shall have the benefit of the same discounts which the agency would have earned had it been allowed to complete the contract. In the event of termination hereunder neither party shall be liable to the other party otherwise than as specified in this paragraph, and in paragraph 7 hereof.

3. INABILITY TO BROADCAST

Should any broadcast hereunder be omitted or interrupted by reason of labor disputes, or failure or impairment of facilities arising from any cause, or by reason of any cause beyond station's control, station shall not be liable to agency except to the extent of allowing in such case either (1) a pro rata reduction in the time charges hereunder, or (2) if an interruption occurs during the commercial announcement portion of any broadcast a credit to agency in the same proportion to the total station time charge which the omitted commercial portion bears to the total commercial portion of the broadcast, it being mutually agreed that station shall credit agency on whichever basis is more favorable to agency. In the event of such omission station will upon agency's request make a suitable courtesy announcement as to such omission. Such omission or interruption shall not affect rates of discount; that is, the agency shall have the benefit of the same discounts which the agency would have earned had it been allowed to complete the contract.

4. SUBSTITUTION OF PROGRAMS OF PUBLIC IMPORTANCE

Station shall have the right to cancel any broadcast covered by this contract in order to broadcast any event which it deems to be of public importance; it is understood that a commercial program will not be substituted unless deemed by station to be of the utmost public importance at the time. In such case, station shall notify agency as far in advance as possible, and agency and station shall agree on a satisfactory substitute day or time for the broadcast, or, if no such agreement can be reached, the broadcast shall be considered as cancelled without affecting this contract except that in each such case station shall allow agency a pro rata reduction in the time charges of the station hereunder. If the talent to have been used on the cancelled program was to be furnished by station, agency shall not be liable for any non-cancellable cost of such talent; it is mutually agreed that in no case shall station be liable for cost of any talent for which station itself does not contract. Such cancellation shall not affect rates of discount; that is, the agency shall have the benefit of the same discounts which the agency would have earned had it been allowed to complete the contract. In the event of such cancellation or substitution, station shall upon agency's request make a suitable courtesy announcement as to such cancellation or substitution and as to any substitute time agreed upon.

5. RATES

(a) It is agreed that the rates named in this contract are the lowest rates and that the discounts named are the maximum discounts made by station at the date of execution of this contract for like services and that if at any time during the life of this contract station reduces its rates or increases its discounts for like services, this contract shall be completed from the effective date of such reduction in rates or increase in discounts at such reduced rates or increased discounts.

(b) If this contract is continued beyond the time specified herein, the additional broadcasts shall be considered part of this contract and the same rate shall apply until any lower rate prevailing at the time this contract is made shall have been earned; and then such lower rate shall apply to the whole contract. This provision shall not, however, cover a service rendered by station later than one year from the date of the first broadcast.

(c) In the event of revision of station rates or discounts, this contract may be extended at the rates and discounts herein shown without penalty of short rate or discounts on previous broadcasts hereunder, for a period of not more than fifty-two (52) weeks from the effective date of such revision; provided, however, that such extension is executed not later than thirty (30) days after the effective date of such revision.

(d) In the event agency contracts with station for additional time for the current advertiser hereunder the rates and discounts shown on the rate card on which this contract is based shall apply to such additional time for a period of fifty-two (52) weeks from the effective date of any revision of rates or discounts.

(e) All broadcasts placed by agency under this contract for the current advertiser within one year from the date of the first broadcast hereunder may be combined to earn frequency discounts, provided, however, that announcements cannot be so combined with five (5) minute or longer programs.

(f) Any rate will be furnished agency upon its written request.

(g) Agency agrees that it will not rebate to its client any part of the commission allowed by station.

6. PROGRAMS

(a) Agency undertakes to deliver to station seven days in advance of each broadcast, agency's program material which shall be satisfactory to station both as to talent and program content. If in the opinion of station program material furnished by agency is in any way objectionable, station may refuse to broadcast such material and such refusal shall not prejudice any other right of the parties under this contract.

(b) If agency fails so to furnish program material or talent, station shall promptly notify agency. If after giving such notice station fails to receive such program material or talent in time for broadcast, station shall have the right to announce the name, address and business of the advertiser, produce a creditable program and make the specified station time charge and a reasonable talent charge to agency.

(c) Agency program material shall comply with the Broadcast Code of the National Association of Broadcasters.

7. INDEMNITY

(a) Any litigation against agency or advertiser, or the employees of either, brought to enforce the rights of any third party alleged to have been violated by broadcasting matter described herein as station material will be defended by and at the expense of station. Any litigation against station or its employees brought to enforce the rights of any third party alleged to have been violated by broadcasting matter described herein as agency material will be defended by and at the expense of agency.

(b) The indemnitor (party hereto on whom duty of defense is imposed hereunder) shall have full and complete control of such litigation and may settle, compromise and adjust the same. The indemnitor shall be responsible for the payment of any judgment for damages and costs rendered in such litigation against the indemnitee(s) and shall indemnify and hold the indemnitee(s) harmless from loss or damage caused by or arising out of any such judgment.

(c) Subparagraphs (a) and (b) hereof shall be effective only in the event that (1) within fifteen days after the initial summons or process is served upon the indemnitee, written notice thereof is given to the indemnitor and within ten days thereafter a written request to defend such litigation is mailed or delivered to indemnitor and (2) from time to time during the pendency of such litigation and after the duty of defense has been assumed by the indemnitor, the indemnitee, upon request, shall disclose to the indemnitor all relevant facts in the possession or under the control of the indemnitee by making available to the indemnitor for consultation and as witnesses at their customary places of business all employees and other persons under the control of the indemnitee having possession of such facts and making available to the indemnitor all relevant documentary material in the possession or under the control of the indemnitee.

(d) Station material consists of (1) all material used in programs furnished by station except material furnished by agency in connection with such programs, and (2) copyrighted musical compositions performed in non-dramatic form which station is licensed by Broadcast Music, Inc., at the time of broadcast to perform publicly for profit. Agency material is everything broadcast hereunder excepting station material. Station approval of agency material for broadcasting shall not affect agency's indemnity obligations under this contract.

(e) Notwithstanding the indemnitor shall have assumed the defense of any litigation hereunder, the indemnitee, upon relieving the indemnitor in writing of its obligations hereunder with respect to such litigation, shall have the right, if it shall so elect, thereafter to conduct the same at its expense by its own counsel. The indemnitor upon request shall keep the indemnitee fully advised with respect thereto and confer with the indemnitee or its counsel.

(f) Station agrees upon request of agency to furnish the names of copyright licensing organizations which on the effective date of this contract have licensed station to perform publicly for profit their respective musical compositions; and until agency receives notice from the station to the contrary agency shall have the right to rely thereon with respect to this and any future broadcasting contracts between station and agency.

(g) The provisions of this paragraph shall survive any cancellation or termination of this contract.

8. GENERAL

This contract is made subject to all Federal, State and Municipal laws and regulations now or hereafter in force, is not assignable without the consent of station, and constitutes the entire understanding between the parties. Waiver of any provision hereof in any instance shall not constitute a general waiver of any right hereunder.

(OVER)

BMI

(Continued from page 260)

where men gather together throughout the night. Despite the fact that these listeners hear ASCAP tunes at the motion picture houses, the *Dawn Patrol* seldom receives a request for one.

Every BMI song has been judged not according to its value in a Broadway production or a Hollywood movie, but according to the number of people who would be interested in it. This standard, BMI officials feel, was reflected almost immediately in the response of the listening audience. In the coin boxes and in those new inventions where the patron is permitted to name a tune for performance, the current score stands about eight to two in favor of BMI. BMI's top eight headed by *I Hear a Rhapsody* and *You Walk By* are the current favorites.

BMI HEADS FOR NEW YEAR

Carl Haverlin, BMI's Station Relations Director, reports that renewal licenses from BMI stations have been coming in during the past week at a greatly increased rate. A large majority of all stations have already sent in their renewals and Mr. Haverlin hopes to get the rest of the renewals cleared up within the coming week or ten days.

On March 14th the Eleventh District meeting at Minneapolis adopted a resolution expressing unanimous support for BMI and pledging those present to renewal of their licenses.

BMI FEATURE TUNES
March 24-31

1. WALKIN' BY THE RIVER
2. WISE OLD OWL
3. HIGH ON A WINDY HILL
4. YOU WALK BY
5. HERE'S MY HEART
6. FRIENDLY TAVERN POLKA
7. IT ALL COMES BACK TO ME NOW
8. MAY I NEVER LOVE AGAIN
9. I CAN'T REMEMBER TO FORGET
10. G'BYE NOW
11. LOAFING ON A LAZY DAY
12. ALL I DESIRE
13. LET'S DREAM THIS ONE OUT
14. TALKING TO THE WIND
15. BREAKFAST FOR TWO
16. STONE'S THROW FROM HEAVEN, A
17. WITH A TWIST OF THE WRIST
18. WHERE'S THE CAPTAIN'S HAT

In preparation—what promises to be 1941's biggest song hit—*My Sister and I*

BMI BATS HIGH FOR WEEK

The popularity record for the week proves that BMI music holds the commanding lead which it has been building up for the past several months. *Billboard* shows that nine of the most popular records in the coin machine list are published or licensed by BMI and again nine of the ten best selling retail records are also in the BMI catalogue. Both *Billboard* and *Variety* agree in giving BMI thirteen of the fifteen sheet music best sellers.

The efforts made by BMI to stimulate program diversification show results in the *Billboard* list of radio plugs. Out of the twenty leading songs for this week twelve were BMI publications and eight were in the catalogues of affiliated publishers.

Julius P. Witmark, Jr., BMI's Sales Manager, reports that *You Walk By* has now been added to the list of the BMI songs which have gone over the one-hundred-thousand mark in sheet music sales.

MARKS SETS RECORD FOR NETWORK PERFORMANCE

A new high record for the number of individual compositions performed on any one evening over the major networks was set last Friday night, March 14, by the Edward B. Marks Music Corporation. No less than 32 songs, running all the way from hot swing to "long-hair" classics and from the Latinest of Latin to the most American rhythms, were included in the programs broadcast over the chief stations. All of these numbers were licensed through BMI.

The most important commercial hours had a full quota of Marks tunes. Jimmy Dorsey on his *Twenty-Grand* program featured his inimitable arrangement of *Amapola* as recorded on the Decca disc, which is establishing a new high. On the same program Mary Small performed *Para Vigo Me Voy* (*Say Si Si*) in Spanish in truly Latin style.

The Philip Morris program, directed by Ray Bloch, featured a beautiful version of *Two Hearts That Pass in the Night*, the new Ernesto Lecuona tune, followed immediately by that classic of early rhythm, *Jazz Me Blues*. The same program ended with a brilliantly conceived medley of *Manhattan* and *Sentimental Me*, two of the best songs ever written by Rodgers and Hart.

The Alka Seltzer program had *Ida, Sweet As Apple Cider;* Frank Black played *Para Vigo Me Voy* on his Cities' Service program; the Phillips hour had Abe Lyman playing an old waltz that has not been heard much of late, *Kentucky Dream;* the Camel program from Hollywood listed a brand new song *Why Cry Baby*, as well as the familiar *El Rancho Grande;* and various other commercial and sustaining programs were enhanced by such other

Marks standard and popular successes as *There'll Be Some Changes Made Today, Yours, For Want of a Star* (another new Lecouna song based on his celebrated *La Comparsa*), *Blues My Naughty Sweetie Gives to Me, Song of the Islands, Mama Inez, Ballin' the Jack, It Was Wonderful Then, Let's Dance* (Benny Goodman's theme), *Salud, Dinero y Amor, Shim-Me-Sha-Wabble, The Peanut Vendor, Everybody Works But Father, My One Romance, My Shawl, Story of a Horn, Tishomingo Blues,* and several others.

This broad representation of Marks music on the air was by no means unusual. While there may not be as many as 32 different Marks copyrights broadcast over the major networks every night, there are usually from 20 to 30 and these are performed anywhere from one to six times. As a result, the Marks catalogue is booming in sales and in general all-around popularity.

LONGFELLOW MUSIC BY MERRIMAN

BMI has recently published in its standard catalogue a musical setting by its own Dana Merriman of Henry Wadsworth Longfellow's poem, *The Legend of the Crossbill.* Orchestrations and mixed chorus arrangements made by Mr. Merriman himself will be released within a few days.

In 1934 Mr. Merriman, as an NBC conductor, had to build some programs which, although not of sacred music, should nevertheless be suitable to the Lenten Season. He remembered *The Legend of the Crossbill,* and included it on a program as a vocal solo with orchestral accompaniment, and then went home to write the music. The poem concerns the story of a little bird who pecked at the nails of the Cross and stained the feathers of its throat with blood so that all its winged descendants carry the red mark to this day.

Mr. Merriman has just received a letter from the poet's grandson, Henry Wadsworth Longfellow Dana, telling him he has received the new BMI song just in time for inclusion in a bibliography of *Longfellow Music.*

SEARS' SWEET SWING

Sweet Swing and Jerry Sears are synonymous. This active young conductor of orchestras for radio transcriptions will always be identified with the swinging of the classics no matter how many other interesting things he does in music. It all began when George Marlo, BMI's Professional Manager, heard some transcription recordings with an unusual combination for dance music, string quartette, harp, and bass, which Jerry had arranged for World Broadcasting System, Inc. Mr. Marlo thought they would make good material for regular dance orchestras so Jerry did a series for BMI which have been heard from coast-to-coast during the past few months. Some people like them very much and some people don't like them at all, but judging from the requests that come in from broadcasting studios they are growing in popularity. Particularly the old timers like *I Dreamt I Dwelt In Marble Halls, Loch Lomond,* and *My Heart At Thy Sweet Voice.*

Coming to BMI was like starting over again for Jerry. His abbreviated business career began and ended with Brentano's which is in the same building with BMI. It was all due to the fact that a musician needs too much sleep. Jerry played professionally during the time he was employed as a salesman at Brentano's and after he was threatened several times with being fired, he decided it was better to work by night than by day and devoted himself to his orchestra.

Jerry Sears might be termed a serious musician who has gone "modern." By combining the best in musical idiom with the best of the popular classics, he has developed a unique style of music. His clever modernizations of classical and traditional selections are strikingly original, with an insistent rhythm that captivates your ears and sets your feet to dancing.

One of the youngest radio conductors, Jerry has an enviable background of training and experience. He attended Cornell University, where he majored in philosophy, but at the same time he took all the music courses at the Ithaca Conservatory, studying piano under Leon Sampaix. It finally got to the point where his activities as piano accompanist for glee clubs, and arranger and conductor of college orchestras, made such demands that he hardly had time for his college courses.

After graduation, convinced that he was definitely interested in a musical career, he was engaged by Cass Hagan's orchestra at the Park Central in New York, as saxophonist and arranger. In this same band were Lennie Hayton, pianist, and Red Nichols, trumpeter. Subsequently he spent several years conducting, composing, and arranging for Paramount Pictures and for Publix Corporation.

He has been arranger for Paul Ash at the New York and Brooklyn Paramount theaters, for Phil Baker, and for Ray Noble; pianist and arranger for Nathaniel Shilkret, and for Roger Wolfe Kahn's Pennsylvania Orchestra when it was signed for the first NBC Lucky Strike series. For more than five years he was a regular conductor for NBC.

Just recently, Jerry assembled a new band of thirteen pieces, all carefully selected musicians of proven ability. Frankie Signorelli, his pianist, was formerly with Paul Whiteman and has played for the famous Memphis Five and other well-known groups. Paul Ricci, his first saxophonist, formerly a member of the Andre Kostalanetz orchestra, is now in demand by all the top-flight orchestras. The other members are equally outstanding.

District Meetings

DISTRICT 11 MEETING

The Broadcasters of Minnesota, North Dakota and South Dakota met at Minneapolis on Friday, March 14. A full outline of the music situation was given by Carl Haverlin and a discussion in which nearly all present participated followed.

The following resolution was unanimously adopted:

> "We urge the continued support of Broadcast Music, Inc., by the broadcasting industry and to that end we call upon all stations to renew their BMI licenses that it may be continued on an effective and a permanent basis."

Earl H. Gammons, WCCO, was re-elected Director. Following the general business session the sales managers held a meeting at which practical problems in the sales field were discussed. The following were in attendance:

Lloyd R. Amoo, KRMC; John W. Boler, KVOX; W. C. Bridges, WMFG; Carl J. Burkland, WCCO; Donn Clayton, NCBS; A. A. Fahy, KABR; F. E. Fitzsimonds, KFYR; Earl H. Gammons, WCCO; Edward Hoffman, WMIN; Joseph Henkin, KSOO; George R. Hahn, KSOO-KELO; Morton Henkin, KSOO-KELO; C. F. Hagman, WTCN; Ken Hance, KSTP; Stan Haigh, WLOL; Phil Hoffman, WNAX; Emmett J. Heerbt, Jr., WCCO; Stanley Hubbard, KSTP; Ray Jenkins, KSTP; Barney Lavin, WDAY; Dalton LeMasurier, KDAL; Harry Linder, KWLM; John F. Meagher, KYSM; Burton Paulu, WLB; E. C. Reineke, WDAY; Otto Rupp, KFAM; Fred Schilplin, KFAM; Frederick C. Chilplin, KFAM; Edward P. Shurick, WLOL; Wallace E. Stone, WDGY; Robert Tincher, WNAX; Warner C. Tidemann, KATE; Lee L. Whiting, WTCN; M. H. White, KWNO; Bert Wick, KDLR; and Milton M. Blink, Standard Radio.

DISTRICT 15 SALES MANAGERS MEET

Wilt Gunzendorfer, KSRO, recently re-elected chairman of the Sales Managers Division of the 15th District of the NAB, presided at a sales managers meeting at San Francisco, March 1.

Problems peculiar to sales managers and salesmen were discussed. Among the subjects were:

Sales Managers, Salesmen and their Problems
Sales Ideas
Rates—Rate Structure
Promotion and Merchandising Activities
The Commercial Code of the NAB

Howard Lane, KFBK, NAB District 15 Director, outlined the purposes of the newly created NAB Department of Broadcast Advertising.

Members from Northern California who participated in the meeting were:

Ralph Brunton, KJBS; Charles A. Whitmore, KTKC; Philip G. Lasky, KROW; Harold H. Meyer, KYA; Keith B. Collins, KMJ; Leo O. Ricketts, KFBK; William Beasom, KSRO; Lilian Holmes, KYA; Bill Shea, NBC; Walter G. Tolleson, NBC; Jack Reese, KROY; George F. Barringer, KHUB; Eddie Calden, KHUB; D. E. Lundy, KROY; Roger R. Hunt, KROY; Howard N. Martineau, KHUB; Frank Nicholson, KFBK; David H. Sandeberg, McClatchy; W. B. Ryan, KGO-KPO; Joe Comelli, KSRO; Dan Weldon, KSRO; Henry Root, KYA; H. J. Tyler, KSFO; Carl Nielsen, KYA; Ed Franklin, KJBS; Lou Simon, KYA; John Brunton, KQW; C. L. McCarthy, KQW; Clyde Coombs, KARM; F. W. Morse, KLS; Wilt Gunzendorfer, KSRO; Howard Lane, KFBK; Art Westlund, KRE; P. D. Allen, KLX; S. H. Patterson, KSAN.

NEW YORK SALES MANAGERS

Charles F. Phillips, commercial manager of WFBL, Syracuse, and chairman of the Second District Sales Managers Committee (all stations in the State of New York) advises that a sales managers meeting will be held in Syracuse on Wednesday, March 26. All stations in the District are urged to have their sales manager on hand. This will be an important meeting.

CORRECTION

Owing to a typographical error, the NAB Reports, page 121, listed the new frequency of Station WPID, Petersburg, Virginia, under the reallocation as 790 kc. This should have been 1240 kc.

ALUMINUM DISCS

Manufacturers of aluminum discs have attempted in a series of discussions with the Office of Production Management to secure a priority rating and some assurance that their aluminum requirements will be safeguarded. While NAB has followed these discussions closely it has taken no active part.

It appears at the present writing that there is little possibility that the appeal of the manufacturers will be favorably considered and that the supply of aluminum for disc purposes may be seriously curtailed.

In view of this situation which has as yet produced no serious effect upon stations using these discs, it seems advisable to caution in an attempt to conserve the supply on hand. Such conservation may be accomplished by use of other material for reference recording. It has also been suggested that station operators carefully inspect their supply of used discs to determine if some of these cannot be returned to manufacturers for reprocessing. We are advised that it requires approximately two months to assure reprocessing and, therefore, prompt action is necessary. The return of used discs and the judicious use of the present supply coupled with the substitution of other methods where possible will contribute to a solution of this problem.

The Engineering Committee at the direction of the Board will look into the matter of the price to be allowed by manufacturers for returned discs and subsequent advice regarding this matter will be given.

Legislation

OREGON LIBEL LAW

Oregon Senate Bill No. 340 relating to the broadcasting of defamatory matter passed both branches and was approved March 14. We print the Act:

An Act relating to the broadcast of defamatory matter over the facilities of radio and television broadcasting stations, and defining the liability therefor.

Be It Enacted by the People of the State of Oregon:

Section 1. The owner, licensee or operator of a radio station or television broadcasting station, and the agents or employees of any such owner, licensee or operator, shall not be liable for any damages for any defamatory statement published or uttered in or as a part of a radio or television broadcast, by one other than such owner, licensee or operator, or agent or employee thereof, unless it shall be alleged and proved by the complaining party, that such owner, licensee, operator, agent or employee, has failed to exercise due care to prevent the publication or utterance of such statement in such broadcast.

FEDERAL LEGISLATION

H. R. 3997 (Sacks, D-Pa.) COPYRIGHT—To amend the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, as amended, and for other purposes. Referred to Committee on Patents.

H. R. 4016 (O'Brien, R-N. Y.) COPYRIGHT—To reduce the amount of damages for infringement of copyright of musical compositions in certain hotels and other places. Referred to Committee on Patents.

STATE LEGISLATION

Arizona:

H. 144 (Phelps) FARM PRODUCTS—FALSE ADVERTISEMENT—To prohibit the false advertisement of agricultural commodities sold for human consumption. Referred to Committees on Judiciary, Agric. & Irrig., County and County Aff.

Illinois:

H. 360 (Crowley) MUSICAL COPYRIGHT SOCIETIES—Makes it unlawful for authors, composers, etc., of any copyrighted vocal or instrumental musical composition to form a combination, society, firm, partnership, etc., either within or without the state, when one of the objects of such combination is the determination and the fixation of license fees and other exactions and the amounts thereof required, by such combination for itself or its members. Referred to Committee on Judiciary.

Maryland:

H. 591 (Dempsey) FOOD, DRUG AND COSMETIC—Food and Drug Law. To repeal Secs. 189-200 of Art. 43 of the Annotated Code (1939 Ed.), and to enact Secs. 189-200-0 in lieu thereof to provide a Uniform Food, Drug and Cosmetic Act. Referred to Committee on Hygiene.

H. 737 (Houck) SPORTS—ADVERTISING—To add Secs. 291A to Art. 27a the Annotated Code (1939 Ed.), providing for dissemination, publication and transmission by newspaper, radio, etc., of news pertaining to any sport, sporting event, contest or contingency. Referred to Committee on Judiciary.

Missouri:

H. 447 (Librach) PROPAGANDA—Regulating and dealing with propaganda inciting race nationality, color or religious hatred.

Nevada:

A. 273 (Jones) MONOPOLIES—Creates an anti-monopoly board to effectuate the true intent of the Federal Copyright Laws. Referred to Committee on Judiciary.

Ohio:

H. 616 (Radcliff) TRADE RESTRAINT—MUSICAL COMPOSITIONS—To outlaw combinations fixing prices for public performance rights of vocal or instrumental musical compositions. Referred to Committee on Judiciary.

Pennsylvania:

H. 792 (Taylor) RACIAL HATRED—To add Secs. 418, 419, 420, 421, 422 and 423 of the Penal Code of 1939, P. L. 872, by making unlawful acts designated to incite racial or religious hatred, and imposing penalties. Referred to Committee on Judiciary Special.

Vermont:

H. 248 (General Committee) ELECTRICAL INTERFERENCE—To amend section 3678 of the Public Laws relating to radio interference.

Wisconsin:

A. 527 (Schrnitz) COPYRIGHTED MUSIC—An Act to create 177.01, sections 2A, 2B and 2C and to amend 177.01, section 7 of the statutes relating to copyrighted music. Referred to Committee on Judiciary.

FEDERAL COMMUNICATIONS COMMISSION

WAKEFIELD CONFIRMED

Ray C. Wakefield was confirmed on Monday by the Senate as a member of the FCC for a term of seven years beginning July 1, 1940. Mr. Wakefield succeeds the late Thad H. Brown as a member of the Commission.

FM RULES AMENDED

The FCC has amended the rules governing high frequency broadcast (FM) stations in order to stimulate development in this new service by relaxing the requirements with respect to the areas to be served. This action was taken upon suggestions by the industry that such relaxations, essentially of a temporary character, are needed to meet existing conditions.

With respect to cities having large basic trade areas, such as Washington, Houston, St. Louis and Kansas City, the new rules permit stations to be authorized on a temporary basis to serve less than the basic trade area but at least the metropolitan district of the city in question. Such authorizations will not be granted in the absence of a special showing that there is a need for relaxing the basic requirement in the particular case. Such grants will be subject to the condition that the Commission may in the future require the licensee to serve the entire basic trade area. In determining to make such a requirement in the future the Commission will take into consideration such matters as the availability or shortage of frequencies in the particular city, the number and qualifications of applicants who are willing to serve the entire basic trade area, the competitive effect of continuing the authorizations for a smaller service area upon stations serving or willing to serve the entire basic trade area, the distribution of receiving sets within the basic trade area, and other pertinent factors.

The Commission made available three of the frequencies presently allocated for cities having a population less than 25,000 for assignment also to stations in cities having a greater population located in and adjacent to metropolitan districts having a population greater than 1,000,000.

In addition, the Commission indicated that, although under Section 3.226(b) of the Rules eleven channels are available for any particular basic trade area, it would reserve, in making present assignments, three such channels for communities outside the principal city of the basic trade area.

NOTICE TO FM STATIONS

Supplementing its announcement of February 26 concerning provisions for experimental high frequency (FM) broadcast stations to expedite commercial operation, the FCC now offers further aid to FM broadcasters in their transition period by prescribing:

A person holding a construction permit for a commercial high frequency broadcast station may be permitted to operate on a temporary basis with equipment delivering a less effective signal than that required to render service to the entire area specified under the rules applicable to such station, provided, the applicant demonstrates that he has made a bona fide effort to comply with the terms of his construction permit. Such showing must include photostatic copy of acknowledgement of order for transmitter and promised delivery date.

REALLOCATION

The FCC issued the following statement about reallocation:

Information has reached the Federal Communications Commission that in certain instances private representatives of radio stations in the United States have been attempting to deal directly with the owners of radio stations in some of the neighboring countries, notably Canada, Cuba and Mexico, or with government officials in these countries, on matters having to do with the allocation of radio frequencies, and specifically involving proposed changes in the frequencies of certain broadcasting stations either in the United States or in the other countries mentioned.

Such a procedure in many instances might jeopardize any international negotiations which might be in progress, and might bring prejudicial results in the case of certain international treaties to which the United States is a party. Such action could cause serious embarrassment to this government.

Any proposed negotiation between broadcast stations in this country and those in foreign countries should be through the medium of prescribed government jurisdiction. All such cases should be presented first to the Federal Communications Commission which in turn will recommend appropriate action through diplomatic channels if required.

This notice is in no way intended to affect any negotiations concerning the exchange of programs as between the various countries which are being carried on in the normal conduct of program contract arrangements.

FCC has issued the following notice to all standard broadcast stations regarding the March 29 changes:

On January 31, 1941, in connection with its publication of the frequency assignments effective March 29, 1941, the Commission issued a notice to all standard broadcast station licensees authorizing tests on the new frequencies and setting forth the procedure required of licensees employing directional antennas. Detailed steps were outlined to be followed by such stations. It was specified that data on the radiation field together with the frequency check should be supplied to the Commission for approval upon completion and prior to March 29, 1941.

Licensees of stations employing directional antennas are advised that, due to the general delay in submitting the required data, renewals of licenses for the period beginning 3:00 a.m., March 29, 1941, specifying the regularly authorized operating power, can be assured only in cases where the necessary performance data is submitted by March 21, 1941. In the case of any licensee which does not submit the required data by that date, temporary authorization only may be granted and the Commission will specify such power as it deems appropriate in each case to prevent interference to other stations.

FLY DISCUSSES NETWORK REPORT

At a press conference early this week, Chairman James Lawrence Fly of the FCC stated that the Commission last week met twice on the network "monopoly" report and two meetings are scheduled for this week. He refused to hazard a guess as to when the report would be completed by the Commission and released. He reiterated that it would be a brand new report, although it would take into consideration information furnished by the Committee report and the Law Department of the Commission. In answering a specific question, Mr. Fly said he expected a "unanimous" report. He stressed the point that the Commission is writing its own report.

Chairman Fly said he was hopeful that the television hearing, beginning on March 20, would only last for a couple of days. He expressed the opinion that industry representatives would not waste any time. Mr. Fly told the newsmen that he sees progress in the television situation with the attitude of the industry as a whole tending toward an agreement. Of course, he said, there will be those "not wishing to give in on certain fundamental things."

Mr. Fly said that it is not yet clear how color television would be dealt with. He said that eventually there will be color television, but there is a question of how it will be provided for at the beginning.

The FCC today announced adoption of orders (B-127), dismissing the applications of Chilton Radio Corporation and V.O. Stamps, both applicants for a new station in Dallas, Texas.

The applicants applied for a permit to use frequency 1370 kilocycles, 100 watts, unlimited time. A consolidated hearing was held in the matter. Thereafter, applicant Stamps died, whereupon the Chilton Corp. applied for a dismissal of the Stamps application, and petitioned the Commission to reconsider and grant its application.

On January 1, 1941, the Commission authorized the Chilton Radio Corp. to amend its application to specify another frequency than originally requested. An amendment was filed, and the application of Chilton Radio Corp. has been removed from the hearing docket, and the petition to reconsider and grant is dismissed.

BIBLE SCHOOL APPLICATION

Public interest, convenience, and necessity will not be served by granting the application of God's Bible School and College, Cincinnati, Ohio, for a construction permit looking to establishment by that institution of a new international broadcast station to serve Latin America, according to a proposed decision of the FCC.

In Proposed Findings of Fact and Conclusions (B-132) based upon a hearing August 13, 14, and 26, 1940, the Commission points out that while the chief frequency requested—21610 kilocycles—is available, its characteristics do not permit rendition of a satisfactory program service to South America except during the daytime at certain seasons of the year. Also, by reason of the differences in direction of the zones of Mexico and Central and South America, it would be necessary to utilize two antennas, instead of the one proposed, in order to render adequate service. Moreover, no comprehensive inquiry was undertaken by the applicant with a view to determining the types of programs which would be acceptable to the potential audiences.

Therefore, the Commission concludes:

1. The applicant does not propose to provide adequate technical facilities to carry forward the proposed service.
2. The applicant has failed to show that the technical operation of the proposed station would be conducted by qualified persons.
3. The proposed programs were not predicated upon a comprehensive survey designed to determine whether such programs would be acceptable to the areas to be served, nor has the applicant shown that it has the necessary program sources available to render an international service in the public interest.
4. Public interest, convenience, and necessity will not be served by the grant of this application.

The applicant proposed to operate three hours a day on 11710 kilocycles and unlimited time on 21610 kilocycles with A3 emission and power of 60 kilowatts.

DEFENSE LISTENING POSTS

Establishment of special national defense "listening posts" to record, translate, transcribe and analyze foreign short-wave broadcasts is being undertaken by the FCC in cooperation with the Defense Communications Board.

A 24-hour watch for subversive and other pertinent radio propaganda from abroad is being set up at primary monitoring stations strategically located throughout the United States and its possessions.

A picked force of 350 technicians, translators, clerks, propaganda analysts and other experts will work in eight-hour shifts to keep abreast of all overseas emissions which may involve propaganda intended for persons in this country or neighboring countries. Such continuous listening is necessitated by the difference in time and propagation characteristics of international broadcasts. The listeners and analysts will pay particular attention to voice broadcasts, including newscasts, speeches, announcements and playlets, as well as some musical programs.

After being recorded in the field, all this material will be coordinated and studied at Washington. The extent of the work involved is indicated by the fact that it requires an average of seven hours of translation and transcription to fully process one hour of recorded material. It will be necessary to record and analyze matter of which 75 per cent will be in languages other than English.

This necessary step to deal with vital national defense problems developed by radio is taken on recommendation of the Defense Communications Board, as approved by the President and the Bureau of the Budget. It has a high degree of cooperation from other Government agencies, who want to be correctly informed on the extent and character of foreign broadcasts reaching this country. Broadcasters and private propaganda analysis organizations are cooperating in this patriotic endeavor to keep the Government fully informed on the situation in the air.

BROADCAST MEASUREMENTS

During the month of February, experts of the FCC measured 718 broadcasting stations, leaving 166 stations not measured.

Of this number 662 stations showed a maximum deviation within 0-10 cycles; 48 stations a maximum deviation within 11-25 cycles; 5 stations a maximum deviation within 26-50 cycles; and 3 stations a maximum deviation over 50 cycles. No stations showed a maximum deviation over 20 cycles.

890 STATIONS

The Federal Communications Commission issued operating licenses to one station and granted seven permits for the construction of new stations during the month of February, 1941. A comparative table by months follows:

	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1
Operating	771	775	779	783	791	799	806	810	816	825	831	835	836
Construction	51	48	47	53	56	58	57	54	52	51	51	46	54
	822	823	826	836	847	857	863	864	868	876	882	881	890

MUSICAL PITCH BROADCAST

The standard frequency radio service of the National Bureau of Standards, Department of Commerce, which has been conducted on a reduced basis since last November when fire destroyed the Bureau broadcasting station WWV has been extended by the resumption of the standard musical pitch and of seconds intervals. Barring unforeseen developments due to the current use of temporary equipment, it is pointed out, the service will henceforth be on the air continuously day and night. The radio frequency is, as formerly, 5,000 kilocycles per second.

The standard musical pitch carried by the broadcast is the frequency 440 cycles per second, corresponding to A above middle C. In addition there is a pulse every second, heard as a faint tick, when listening to the 440 cycles. The pulse lasts 0.005 second, and provides an accurate time interval for purposes of physical measurements.

The 440-cycle tone is interrupted every five minutes for one minute in order to give the station announcement and to provide an interval for the checking of radio measurements based on the standard radio frequency. The announcement is the station call letters (WWV) in telegraphic code (dots and dashes).

The accuracy of the 5-megacycle frequency, and of the 440-cycle standard pitch as transmitted, is better than a part in 10,000,000. Transmission effects in the medium (Doppler effect, etc.) may result in slight fluctuations in the 440-cycle frequency as received at a particular place; the average frequency received is however as accurate as that transmitted. The time interval marked by the pulse every second is accurate to 0.000 01 second. The 1-minute, 4-minute, and 5-minute intervals marked by the beginning and ending of the announcement periods are accurate to a part in 10,000,000. The beginnings of the announcement periods are so synchronized with the basic time service of the U. S. Naval Observatory that they mark accurately the hour and the successive 5-minute periods; this adjustment does not have the extreme accuracy of the time intervals, but is within a small fraction of a second.

The broadcast is from a 1-kilowatt transmitter. It is most useful for moderate distances in the daytime and long distances at night. For reception in locations reasonably free from interference, it is receivable in the summer at all distances up to about 500 miles from Washington in the middle of the day. The distance range increases after about 4 P.M. (EST) until at night the broadcast is receivable throughout the United States (i.e., the 5-Mc carrier frequency; the 440-cycle tone is sometimes not receivable at night beyond about 1300 miles). Sometimes at night it may be difficult to receive either the 5 Mc or the 440 cycles at distances between about 50 and 500 miles, while it is easy to receive them beyond 500 miles. In the autumn the daytime distance range will increase, rising to about 1000 miles in the winter.

The service from the temporary transmitter will continue for some months. As rapidly as possible the Bureau will establish a new station to provide more fully than in the past, standard frequencies reliably receivable at all times throughout the country. These will be transmitted on more adequate power, and several radio carrier frequencies will be used, in order to provide more certain coverage of all distances and times.

FROM THE FCC MAIL BAG

The Federal Communications Commission is in receipt of a letter from a certain organization complaining of "dissemination by publications and broadcasters of alleged false and misleading information designed to eliminate the use of horses and mules." Since the Commission does not have authority to proceed against program sponsors in such a connection, it has referred the communication to the Federal Trade Commission which, because of allegedly false advertising claims involved, may have jurisdiction if there is interstate involvement.

The varied nature of mail received by the Commission is exemplified in other recent communications:

The basketball team of a particular university wants to converse over an amateur station in connection with a scheduled trip to Hawaii. It is informed that there is nothing to prevent this, providing the rules and regulations concerning amateur operation are observed, particularly that section which prohibits an amateur from engaging in any direct or indirect commercial transmission.

A radio station announcer complains of long hours and low wages. His letter has been transmitted to the Wage and Hour Division of the Department of Labor.

The Commission has had to write numerous letters advising that, since it serves largely as a licensing authority, it is not in a position to furnish information concerning opportunities in the broadcast field, recommend radio schools or courses, help in the preparation of radio scripts or programs, or furnish copies of broadcast schedules.

A Californian is informed that the Commission has not allocated special radio frequencies for the exclusive use of any group of amateurs or for any amateur "network." Any licensed amateur radio operator may use any frequency assigned to the amateur service in accordance with the terms of his license and the Commission's rules governing such use.

Frequently, the Commission has to reply to individuals seeking special statistical data that, while every effort is made to furnish data where practicable, the stress of routine work makes it impossible to do specific research for private persons. It points out, however, that reports and other public information filed with the Commission may be examined in the Public Reference Room in its Washington Offices.

A Brooklyn, N. Y., resident asks about requirements for "dental workers" in Commission employ. The Commission refers the application to the United States Civil Service Commission, from whence it draws its personnel.

A licensed radio operator does not know whether to sign the program log with his name in full as it appears on his license or with his favorite shorter version. He is probably relieved to learn that there is no prescribed form other than "the person having actual knowledge of the facts required shall sign the log when starting duty and again when going off duty."

The Commission cannot make public distribution of frequency radio spectrum charts. However, a frequency allocation table is contained in the "General Rules Governing Standard Broadcast Stations" (Part 2 of the Commission's Rules and Regulations), which is sold by the Superintendent of Documents, Government Printing Office, Washington, for 10 cents a copy.

Incidentally, a new printed general information pamphlet, "Radio—A Public Primer," is being supplied individually upon request.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, March 24. They are subject to change.

Monday, March 24

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., **1370 kc.,** 250 watts, unlimited.

Thursday, March 27

NEW—Worcester Broadcasting, Inc., Worcester, Mass.—C. P., **1200 kc.,** 250 watts, unlimited (using two 100-watt amplifier stations).

Friday, March 28

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans. —Modification of license, **1340 kc.,** 500 watts night, 1 KW day, unlimited. Present assignment: **1340 kc.,** 250 watts night, 1 KW day, unlimited.

NEW—J. C. Kaynor, Ellensburg, Wash.—C. P., **1310 kc.,** 250 watts, unlimited.

FUTURE HEARINGS

During the past week the Commission has announced the following future dates for broadcast hearings. They are subject to change.

April 3

To Be Heard Before Commissioner Paul A. Walker, Place of Hearing to Be Later Designated

WTMC—Ocala Broadcasting Company, Inc., Ocala, Fla.—In the Matter of Revocation of License of Station.

WDLP—Panama City Broadcasting Company, Panama City, Fla.—

In the Matter of Revocation of License of Station.
Consolidated Hearing

NEW—Western Gateway Broadcasting Corp., Schenectady, N. Y.—C. P., **1210 kc.,** 250 watts, unlimited.

NEW—Van Curler Broadcasting Corp., Schenectady, N. Y.—C. P., **1210 kc.,** 250 watts, unlimited.

April 14

To Be Heard Before Commissioner Paul A. Walker,
in Ocala, Florida

WTMC—Ocala Broadcasting Company, Inc., Ocala, Fla.—In the Matter of Revocation of License of Station.

April 17

To Be Heard Before Commissioner Paul A. Walker,
in Panama City, Florida

WDLP—Panama City Broadcasting Company, Panama City, Fla.—In the Matter of Revocation of License of Station.

April 18

NEW—J. Leslie Doss, Bessemer, Ala.—C. P., **1370 kc.,** 250 watts, unlimited.

April 22

NEW—Camden Broadcasting Co., Camden, N. J.—C. P., **800 kc.,** 500 watts, daytime.

April 28

WRDO—WRDO, Inc., Augusta, Maine.—Renewal of license, **1370 kc.,** 100 watts, unlimited.

April 29

NEW—The Outlet Company, Providence, R. I.—C. P., **44300 kc.,** 16,370 square miles, unlimited.

June 30

NEW—KNOE, Inc., Monroe, La.—C. P., **1420 kc.,** 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Gordon Gray, Winston-Salem, N. C.—Granted construction permit for new high frequency broadcast (FM) station to operate on frequency **44100 kc.;** 69,400 square miles; population, 4,346,000 (B3-PH-76).

W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted modification of (FM) construction permit to specify new transmitter, new antenna, change in population and location of main studio at 1440 Broadway, New York City (B1-MPH-8).

KFOR—Cornbelt Broadcasting Corp., Lincoln, Neb.—Granted construction permit to authorize construction provided for in expired permit (B4-P-2537) as modified, for changes in equipment, changes in antenna system, increase in power from 100 watts night, 250 watts day to 250 watts day and night on **1210 kc.,** and change transmitter location to 48th and Vine Streets, Lincoln (B4-P-3087).

Natchez Broadcasting Co., Natchez, Miss.—Granted construction permit for new standard broadcast station to operate on **1490** (NARBA) **kc.,** 250 watts, unlimited time (B3-P-2999).

KRKO—Everett Broadcasting Co., Everett, Wash.—Construction permit for **1370 kc.,** 100 watts night, 250 watts day, issued to Lee E. Mudgett, cancelled, and new permit issued to present licensee, The Everett Broadcasting Co. (B5-AP-33).

APPLICATION DENIED

W1XG—General Television Corp., Boston, Mass.—Denied request for extension of special temporary authority to operate visual and aural transmitters at the location of Brookline Ave. and Park Drive, for a period of one month from March 20.

DESIGNATED FOR HEARING

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Designated for hearing application to increase power from 250 watts to 1 KW night, 5 KW day; change frequency from **1370** to **1260 kc.** (NARBA), install directional antenna for night use and move transmitter to Windmer Ave. and Conshohocken Ave. Philadelphia (B2-P-3115). To be heard with pending Trenton applications.

KDRO—Drohlich Brothers, Sedalia, Mo.—Designated for hearing application for construction permit to change frequency from **1500** to **800 kc.** (under NARBA), increase power from 250 watts to 1 KW, and time of operation from unlimited to daytime only, make changes in antenna, and install new transmitting equipment (B4-P-3035).

James F. Hopkins, Inc., Detroit, Mich.—Designated for hearing application for new FM broadcast station to operate on **46500 kc.,** 2,130 square miles (B2-PH-1).

Natchez Radio Corp., Natchez, Miss.—Designated for hearing application for construction permit to operate on **1370 kc.,** 250 watts, unlimited time (B3-P-3064).

MISCELLANEOUS

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with Station KRKO from 4 p. m. to 7 p. m., March 19, from 9:45 a. m. to 12 noon, March 20, and from 4 p. m. to 7 p. m. March 20, from 9:45 a. m. to 12 noon, and from 4 p. m. to 6 p. m. March 21, from 4 p. m. to 6 p. m. PST, March 22, 1941, in order to broadcast basketball games only.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Denied special temporary authority to operate on **1390 kc.** from 6 to 7 a. m., 12 to 3 p. m., and 8 to 12 midnight CST, for the period March 30, 1941, to not later than April 28, 1941, in order to broadcast programs described in letter dated February 19, 1941, pending action on application for unlimited time operation.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Denied special temporary authority to operate with power of 2½ KW night, on **790 kc.** for the period March 29, 1941, to not later than April 27, 1941, in order to render better nighttime service.

Stephen R. Rintoul, Stamford, Conn.—Granted petition for reconsideration and grant without hearing of application for construction permit for new standard broadcast station to operate on **1370 kc.,** 250 watts, unlimited time, subject to condition that in any authorization to operate after March 29, 1941, the Commission may specify the frequency **1400 kc.** instead of **1370 kc.,** and subject further that permittee shall within two months after effective date of order, file with the Commission an application for modification of construction permit specifying exact transmitter location and antenna system; or if such application cannot be submitted within the time allowed, an informal request for extension of time must be submitted stating the necessity therefor. Hearing heretofore scheduled, cancelled (B1-P-2789).

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Continued to March 31, 1941, the oral argument now scheduled for March 13, 1941, in re renewal of license.

Piedmont Publishing Co., Winston-Salem, N. C.—Designated for hearing application for construction permit for new high frequency broadcast station to operate on the frequency **46700 kc.,** with a coverage of 4,600 square miles (B3-P-53).

Columbus Broadcasting Co., Inc., area of Columbus, Ga., Portable-Mobile.—Granted construction permit for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.,** 50 watts; to be used with applicant's standard broadcast station WRBL (B3-PRY-237).

KEJM—Perkins Bros. Co. (The Sioux City Journal), Portable-Mobile, area of Sioux City, Ia.—Granted license to cover construction permit (B4-PRE-375) to make changes in equipment and decrease power in relay station to 1.2 watts (B4-LRE-343).

WEPA—Edwin H. Armstrong, Portable-Mobile, area of New York City.—Granted modification of construction permit (B1-PRE-277), which authorized a new Special Relay Broadcast Station), to specify new Group "I" frequencies of **156750, 158400, 159300, 161100 kc.** in accordance with new rules, requesting extension of commencement date to 60 days after grant and completion date to 180 days thereafter (B1-MPRE-49).

W49BN—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Granted modification of construction permit for new high frequency broadcast station for approval of transmitter and antenna (B1-MPH-4).

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Granted construction permit to move transmitter from 17th Ave. and Lincoln St., Denver, Colo., to 1501 E. Hampden Ave., near Denver, Colo. (B5-PHB-285).

WBOE—Cleveland City Board of Education, Cleveland, Ohio.—Granted license to cover construction permit to install new equipment, change frequency to **42500 kc.,** increase power to 1000 watts, and change type of emission for non-commercial educational broadcast station (B2-LED-4).

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted modification of construction permit to change equipment, frequencies and increase power, for extension of completion date from April 6, 1941, to May 6, 1941 (B1-MPIB-20).

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted modification of construction permit to change equipment, frequencies and increase power, for extension of completion date from April 6, 1941, to May 6, 1941 (B1-MPIB-21).

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitter units to be installed and operated from the State-Lake Bldg., Chicago; Link Transmitter Type No. 50-UTX with 100 watts for visual, Link Transmitter Type No. 25-UBX, 25 watts aural; temporary steel tower to be used on roof, in order to conduct tests from March 20 to not later than April 18, 1941, in accordance with construction permit.

KCRC—Enid Radiophone Co., Enid, Okla.—Granted authority to install automatic frequency control equipment on **1390 kc.** under NARBA (B3-F-190).

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Granted authority to install automatic frequency control equipment on **1080 kc.** under NARBA (B4-F-181).

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted modification of construction permit for increase in power and new equipment, for new transmitter (requesting **1150 kc.** under NARBA) (B3-MP-1189).

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted modification of construction permit for changes in equipment, for extension of completion date from April 22, 1941, to October 22, 1941 (B2-MP-1192).

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Granted license to use WARD's transmitter at 583 Meserole Street, Brooklyn, N. Y. (B1-L-1348).

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Granted license to use WARD's transmitter at 583 Meserole Street, Brooklyn, N. Y. (B1-L-1349).

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA (B3-Z-705).

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Granted authority to determine operating power by direct measurement of antenna power on **1150 kc.** under NARBA (B5-Z-708).

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—Granted authority to determine operating power by direct measurement of antenna power on **1450 kc., 1480 kc.** under NARBA (B5-Z-695).

WALA—Pape Broadcasting Co., Mobile, Ala.—Granted authority to determine operating power by direct measurement of antenna input on **1410 kc.** under NARBA (B3-Z-707).

WKBB—Sanders Bros. Radio Station, Dubuque, Iowa.—Granted authority to determine operating power by direct measurement of antenna input on **1490 kc.** under NARBA (B4-Z-704).

WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted construction permit to make changes in directional antenna and change frequency from **1350 kc.** to **1380 kc.** under NARBA (B1-P-3105).

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted modification of construction permit (B3-P-2969 which authorized increase in power to 1 KW night, 5 KW LS, and installation of new transmitter), for change in frequency from **1410 kc.** to **1440 kc.** under NARBA. No authority to operate hereunder will be granted prior to March 29.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-669).

Piedmont Publishing Co. (area of Winston-Salem, N. C.), Portable-Mobile.—Granted construction permit for new relay broadcast station (portable-mobile), frequencies **30820, 33740, 35820, 37980 kc.,** 2 watts power, A3 emission, to be used with applicant's standard broadcast station WSJS (B3-PRE-387). Also granted license to cover above construction permit (B3-LRE-342).

KRLM—Roy Miller (area of Sacramento, Calif.), Portable-Mobile.—Granted construction permit to change frequencies, increase power, and make changes in equipment from **30820, 33740, 35820, 37980 kc.,** 10 watts power, to **1622, 2058, 2150, 2790 kc.,** 50 watts power, for relay broadcast station KRLM (B5-PRY-232).

WBKY—University of Kentucky, Beattyville, Ky.—Granted license to cover construction permit for new non-commercial educational broadcast station, **42900 kc.,** 100 watts, A3 emission (B2-LED-5).

W2XWV—Allen B. DuMont Labs., Inc., New York City.—Granted modification of construction permit for new television broadcast station, to extend completion date from February 13, 1941, to April 13, 1941 (B1-MPVB-33).

W10XKT—Allen B. DuMont Labs., Inc., Portable (area of New York City).—Granted license to cover construction permit for new television station, **258000-270000 kc.,** 50 watts; granted on an experimental basis only conditionally (B1-LVB-23).

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to install automatic frequency control equipment on **1440 kc.** under NARBA (B3-F-188).

KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-674).

KOIL—Central States Broadcast Co., Omaha, Nebr.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-689).

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Granted authority to determine operating power by direct measurement of antenna input on **1240 kc.** under NARBA (B5-Z-697).

West Publishers, Inc., Houston, Tex.—Granted petition for leave to amend application for new station to specify directional antenna for nighttime that will conform to requirements of Havana Treaty, or in alternative to request another assignment than **610 kc.,** 1 KW, unlimited time, DA night. Hearing scheduled for March 24 cancelled.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted modification of construction permit which authorized move of transmitter and installation of new antenna, for extension of completion date from March 16, 1941, to May 1, 1941 (B2-MP-1187).

WLAG—LaGrange Broadcasting Co., LaGrange, Ga.—Granted modification of construction permit for new station for authority to install new transmitter, **1240 kc.** under NARBA, 250 watts, unlimited time, subject to the limitation that no authority effective prior to March 29, 1941, will be issued to operate on the terms and conditions specified therein (B3-MP-1183).

KMYR—F. W. Meyer, Denver, Colo.—Granted modification of construction permit for new station for frequency **1340 kc.** under NARBA, changes in antenna, change transmitter site locally, and extend completion date from April 28, 1941, to 180 days after grant (B5-MP-1199).

WAGE—Sentinel Broadcasting Corp., Syracuse, N. Y.—Granted modification of construction permit for new station for installation of new transmitter, extension of commencement date 30 days after grant and completion date 90 days thereafter (B1-MP-1188).

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit for new equipment, for changes in antenna system and move of transmitter from 1¼ miles west by southwest of Newton Square, on Bishops Hollow Road, Pa., to near Church and Pamona Roads, Cinnaminson and Moorestown Township, N. J., and extend commencement date to 30 days after grant and completion date 180 days thereafter (B2-MP-1164).

WNAC—The Yankee Network, Inc., Boston, Mass.—Granted modification of construction permit which authorized increase in power, changes in equipment, and installation of directional antenna, for extension of commencement date from September 24, 1940, to March 29, 1941, and completion date from March 24, 1941, to June 29, 1941 (B1-MP-1184).

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted license to cover construction permit for change in hours of operation, installation of directional antenna for night use, and move transmitter (B4-L-1343). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-702).

WMBG—Havens & Martin, Richmond, Va.—Granted motion to dismiss petition for rehearing filed by WMBG directed against action of the Commission November 19, 1940, granting without hearing the application of Pinellas Broadcasting Co. (WSTP), St. Petersburg, Fla., for construction permit to change frequency from **1370** to **1350 kc.,** increase power from 250 watts unlimited time, to 500 watts night 1 KW day, unlimited time, install new transmitter and make changes in antenna (B3-P-2933).

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Dismissed without prejudice motion to consolidate hearing on application of KMLB for construction permit to change frequency, etc., with application of KNOE, Inc., for a new station in Monroe, La.

KNOE, Inc., Monroe, La.—Granted motion for continuance to June 30 of hearing now scheduled for March 31, in re application for new station to operate on **1420 kc.,** 250 watts, unlimited time.

KFRO—Voice of Longview, Longview, Texas.—Dismissed without prejudice petition to intervene in the hearing on application of KGNO, Dodge City, Kans., for modification of license to increase night power to 500 watts on present assignment, **1340 kc.**

J. Leslie Doss, Bessemer, Ala.—Granted motion to take depositions in Bessemer, Ala., in re application for new station to operate on **1370 kc.,** 250 watts, unlimited time.

J. Leslie Doss, Bessemer, Ala.—Granted motions to take depositions at Tuscaloosa and Decatur, Ala., in re above application.

J. Leslie Doss, Bessemer, Ala.—Granted motion for continuance of hearing now scheduled for April 11 to April 18.

Butler Broadcasting Corp., Hamilton, Ohio.—Granted motion for indefinite continuance of hearing now scheduled for March 19, pending action on petition to reconsider and grant application for new station to operate on **1420 kc.,** 250 watts, unlimited time.

WNYC—Municipal Broadcasting System of City of New York.—Passed for one week petition for intervention in hearing on application of Camden Broadcasting Co. for a new station in Camden, N. J.

WNAB—Harold Thomas, Bridgeport, Conn.—Granted modification of construction permit (B1-P-2410, which authorized a new station to operate on **1420 kc.,** 250 watts, unlimited hours), for change in frequency from **1420** to **1450** under NARBA. No authority to operate hereunder will be granted prior to March 29.

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Granted modification of construction permit (B2-P-2251, which authorized a new station on **1500 kc.,** 100 watts night, 250 watts day, unlimited hours), for change in frequency from **1500** to **1490 kc.** under NARBA. No authority to operate hereunder will be granted prior to March 29.

WRLC—R. G. LeTourneau, Toccoa, Ga.—Granted modification of construction permit which authorized a new station to operate on **1420 kc.,** 250 watts, unlimited hours, for change in frequency from **1420** to **1450 kc.** in accordance with NARBA. No authority to operate hereunder will be granted prior to March 29.

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Texas.—Granted modification of construction permit (B3-P-2230, which authorized a new transmitter and increase in power to 1 KW), for change in frequency from **1330** to **1360 kc.** under NARBA. No authority to operate hereunder will be granted prior to March 29.

WABC—Columbia Broadcasting System, Inc., New York City.—Granted modification of construction permit (B1-F-2975, which authorized a new auxiliary transmitter with 5 KW power for emergency use only, located at Little Pea Island, New Rochelle, N. Y.), for change in frequency from **860** to **880 kc.** under NARBA. No authority to operate hereunder will be granted prior to March 29.

W2XMN—Edwin H. Armstrong, N. of Alpine, N. J.—Granted special temporary authority to operate FM experimental station on **117430 kc.**, with 40 KW power, using special emission for frequency modulation with a maximum band width not to exceed **200 kc.**, for a period of 60 days in order to conduct tests, subject to condition that no interference is caused to other stations on same or adjacent channels.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 p. m., PST, to the conclusion of basketball games on March 14, 15, and 17, 1941, in order to broadcast said games on sustaining basis only.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m., PST, to the conclusion of the Modesto Evening Junior College Forum on March 18, to the conclusion of the Modesto Symphony Orchestra program on March 25, and to the conclusion of the Modesto Evening Junior College Forum on April 1, 1941, in order to broadcast said programs only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with 100 watts power from 7:30 p. m. to 11 p. m., CST, March 12, 13, 14, 15, 17, and 18, 1941, in order to broadcast basketball games only.

KRLH—Clarence Scharbauer, Midland, Tex.—Granted modification of construction permit which authorized increase in power from 100 to 250 watts, installation of new vertical radiator, changes in transmitting equipment, and move of transmitter and studio, for change in frequency from **1420** to **1450 kc.** in accordance with NARBA; no authority to operate hereunder will be granted prior to March 29, 1941.

WWNY—The Brockway Co., Watertown, N. Y.—Granted modification of construction permit for new station to operate on **1270 kc.**, 500 watts, daytime only, for change in frequency to **1300 kc.** in accordance with NARBA; no authority to operate hereunder will be granted prior to March 29, 1941.

Capitol Broadcasting Co., Inc., Raleigh, N. C.—Granted special temporary authority to operate relay broadcast station WCTO on frequency **2758 kc.**, licensed to WGTM, Inc., on March 15, 1941, in order to relay broadcast special enents pickup near Southern Pine, N. C., to radio station WRAL.

WBOS—Westinghouse Radio Stations, Inc., Hull, Mass.—Granted extension of special temporary authority to operate International Broadcast Station WBOS with a power of 50 KW using two WL-895R tubes in lieu of tubes specified in construction permit application File No. B1-PIB-23, pending the filing and action on an application for license to cover construction, for the period March 13, 1941 to not later than April 11, 1941.

WBRY—American-Republican, Inc., Waterbury, Conn.—Granted authority to make changes in automatic frequency control equipment on **1590 kc.** under NARBA (B1-F-186).

WGY—General Electric Co., Schenectady, N. Y.—Granted authority to install automatic frequency control on **810 kc.** under NARBA (main transmitter) (B1-F-182). Same for auxiliary transmitter (B1-P-184).

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted authority to install automatic frequency control equipment on **1190 kc.** under NARBA (B4-F-179).

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted authority to install automatic frequency control equipment (auxiliary transmitter) (B3-F-185).

WMC—Memphis Publishing Co., Memphis, Tenn.—Granted special temporary authority to operate with 5 KW power for the period March 13, 1941 to not later than March 28, 1941, pending reallocation and to overcome interference caused to WMC by Station CMBC.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 2 a. m. to 3 a. m., EST, on March 25, 1941, in order to broadcast the Newark News Radio Club DX program only.

WNEL—Juan Piza, San Juan, P. R.—Granted special temporary authority to rebroadcast on a sustaining basis the Metropolitan Opera programs on Saturdays to be received from International Broadcast Station WWBI and WRCA over WNEL for a period not to exceed thirty days.

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted special temporary authority to operate from 9:15 p. m., EST, to conclusion of President's speech before White House Correspondence Assn. on March 15, 1941, in order to broadcast said speech only.

WTBO—Associated Broadcasting Corp, Cumberland, Md.—Granted special temporary authority to operate from 9:15 p. m., EST, to conclusion of President's speech before White House Correspondence Assn. on March 15, 1941, in order to broadcast said speech only.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted special temporary authority to operate from 8:15 p. m., CST, to the conclusion of the Women's National A. A. U. Tournament on March 28, 1941, in order to broadcast said program only, using 500 watts only.

WOI—Iowa State College of Agriculture & Mechanical Arts, Ames, Iowa—Granted special temporary authority to operate from 8:15 p. m. to 10:30 p. m., CST, on March 18, 21 and 22, 1941, in order to broadcast National Basketball Championship tournament games only.

WPAY—Vee Bee Corp., Portsmouth, Ohio.—Granted modification of construction permit which authorized equipment changes, antenna changes, increase in power from 100 watts to 250 watts, and move transmitter, for change in frequency from **1370 kc.** to **1400 kc.**, in accordance with the NARBA; no authority to operate hereunder will be granted prior to March 29, 1941.

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Adopted order setting aside action taken March 11, 1941, granting application for modification of license to change frequency to **1210 kc.** and power to 250 watts, unlimited time, and granted the frequency assignment of **1240 kc.** instead of **1210 kc.**, said modification to become effective March 29, 1941 (B5-ML-1050).

APPLICATIONS FILED AT FCC

600 Kilocycles

WCAO—The Monumental Radio Co., Baltimore, Md.—Transfer of control of corporation from Lewis M. Milbourne and Clarence W. Miles (voting trustees) to Lewis M. Milbourne, L. Waters Milbourne and Clarence W. Miles (voting trustees).

780 Kilocycles

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Authority to determine operating power by direct measurement of antenna power, **790 kc.** under NARBA.

WTAR—WTAR Radio Corp., Norfolk, Va.—Authority to install automatic frequency control equipment for auxiliary transmitter on **790 kc.** under NARBA.

900 Kilocycles

KSEI—Radio Service Corp., Pocatello, Idaho.—Authority to determine operating power by direct measurement of antenna power on **930 kc.** under NARBA.

920 Kilocycles

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Modification of construction permit (B3-P-2901) as modified for installation of directional antenna for night use, increase in power from 1 KW to 1 KW night, 5 KW day, installation new transmitter, change in hours, and move transmitter, further requesting changes in directional antenna, requesting **950 kc.** under NARBA, extension of completion date from 9-9-41 to 180 days after grant.

930 Kilocycles

WELI—City Broadcasting Corp., New Haven, Conn.—Modification of construction permit (B1-ML-868) which authorized increase in power and change in directional antenna for night use, requesting changes in directional antenna and **960 kc.** under NARBA and extension of commencement and completion dates from 2-17-41 and 8-17-41 to 1 day after grant and 180 days thereafter, respectively.

950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified for extension of required date of completion from 4-5-41 to 5-5-41.

1200 Kilocycles

WJBC—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, a partnership, Bloomington, Ill.—Voluntary assignment of license to Arthur Malcolm McGregor, Dorothy Charlotte McGregor and Hugh L. Gately, d/b as Radio Station WJBC.

1220 Kilocycles

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Construction permit to install new transmitter, change frequency from **1220 kc.** to **1370 kc.,** change hours of operation from daytime to unlimited, using 250 watts power. Amended to install new transmitter, request 1 KW power, daytime hours of operation, and **1220 kc.** under NARBA.

1230 Kilocycles

NEW—Roy St. Lewis, Norfolk, Va.—Construction permit for a new broadcast station to be operated on **1200 kc. (1230 kc.** under NARBA), 250 watts, unlimited time. Amended to give studio and transmitter sites.

1260 Kilocycles

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Modification of construction permit (B4-P-2568) which authorized installation of new transmitter, increase in power, and directional antenna for day and night use, requesting change in type of transmitter, changes in directional antenna, **1270 kc.** under NARBA, and extend date of completion from 5-17-41 to 180 days after date of grant.

1280 Kilocycles

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Modification of construction permit (B3-P-2641) to install directional antenna for night use, move transmitter and increase power, requesting **1310 kc.** under NARBA, changes in directional antenna system, and extension of completion date from 6-30-41 to 180 days after grant.

1310 Kilocycles

KAND—Navarro Broadcasting Assn., J. C. West, Pres., Corsicana, Tex.—Construction permit to make equipment changes and increase power from 100 watts to 250 watts on **1310 kc., 1340 kc.** under NARBA.

1330 Kilocycles

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Construction permit to use formerly licensed W.E. 310-B, 250-watt transmitter as auxiliary and install new crystal oscillator for **1330 kc. (1360 kc.** under NARBA).

1350 Kilocycles

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit to change frequency from **1350 kc.** to **680 kc.,** increase power from 1 KW night, 5 KW day, to 50 KW, install new equipment and directional antenna for day and night use, and move transmitter. Amended to change requested location of transmitter and make changes in directional antenna for day and night use.

KBWD—Wendell Mayes, Joe N. Weatherby, B. P. Bludworth, and J. S. McBeath, d/b as Brown County Broadcasting Co., Brownwood, Tex.—Modification of construction permit (B3-P-2672) for a new station, requesting approval of antenna, installation of new transmitter, approval of studio site and transmitter site, requesting **1380 kc.** under NARBA.

1360 Kilocycles

KCRC—Enid Radiophone Co., Enid, Okla.—Construction permit to move transmitter and studio, make antenna changes, install new transmitter, and increase power from 250 watts to 1 KW, Class III-A station, and install directional antenna for day and night use. Amended to request **1390 kc.** under NARBA, make changes in directional antenna, and install new transmitter.

1370 Kilocycles

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Modification of construction permit (B3-P-2933) which authorized new transmitter, changes in antenna, change in frequency and increase in power, requesting change in type of transmitter, **1380 kc.** under NARBA, extension of commencement and completion dates to 30 days after date of grant and 90 days thereafter.

1410 Kilocycles

NEW—A. M. Burton, Nashville, Tenn.—Construction permit for a new broadcast station to be operated on **1380 kc.,** 1 KW, unlimited hours, directional antenna for day and night use. Amended: Requesting **1410 kc.** under NARBA and changes in directional antenna.

1420 Kilocycles

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Modification of construction permit (B2-P-2700) for new transmitter increase in power, requesting new antenna system, new transmitter, **1450 kc.** under NARBA, and move transmitter, extend commencement date to 30 days after grant and completion date to 180 days thereafter.

1440 Kilocycles

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Authority to determine operating power by direct measurement of antenna power on **1470 kc.** under NARBA.

1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-PSB-13) as modified for increase in power, move transmitter and new equipment, further requesting changes in equipment, increase power from 5 to 10 KW, frequency from **1550** to **1560 kc.** under NARBA, extend commencement and completion dates from 8-5-40 and 2-5-41 to 30 days after grant and 180 days thereafter respectively. Amended: Re directional antenna.

FM APPLICATIONS

NEW—WHEC, Inc., Rochester, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.;** population, 551,374; coverage, 2,318 square miles.

NEW—King-Trendle Broadcasting Corp., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **47300 kc.;** population, 2,564,008; coverage, 6,900 square miles.

NEW—The Yankee Network, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.;** population, 11,298,250; coverage, 8,500 square miles. Amended: To change location of studio.

TELEVISION APPLICATION

W2XMT—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-40) which authorized a new television broadcast station, requesting extension of commencement and completion dates to 6-1-41 and 1-1-42 respectively.

MISCELLANEOUS APPLICATIONS

KALW—Board of Education of The San Francisco Unified School District, San Francisco, Calif.—Modification of construction permit (B5-PED-14) as modified, for a new non-commercial educational broadcast station, requesting extension of completion date from 4-14-41 to 5-14-41.

NEW—The KANS Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.,** 2 watts power, emission A3.

WMEJ—The Metropolis Co., Portable-Mobile.—License to cover construction permit (B3-PRY-219) for a new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why a cease and desist order should not be issued against them.

Sisco-Hamilton Company—A complaint has been issued charging Sisco-Hamilton Co., 514 South Loomis St., Chicago, with the use of lottery methods in the sale of candy.

The respondent, according to the complaint, sells to dealers assortments of candy so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes when the merchandise is sold to the consuming public. Push card devices are used, the complaint alleges.

Charging that the respondent's practices have been contrary to Federal Government public policy and the Federal Trade Commission Act, the complaint grants the respondent 20 days for filing answer. (4471)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

Almklov's Pharmacy—Four Cooperstown, N. D., individuals, trading as Almklov's Pharmacy, have entered into a stipulation to cease certain representations in the sale of "X.E.M. Salve" and "Almklov's Scalp and Hair Tonic." The individual respondents are Norman A. Hoel, Mrs. Wm. G. Cook, C. W. Almklov, and Sigurd Almklov.

Under their stipulation the respondents agree to cease disseminating advertisements which represent that X.E.M. Salve is a remedy or cure for eczema, barber's itch, refractory cases of ringworm, athlete's foot, psoriasis, dandruff, or any itching skin affections or eruption, or that this preparation will remove the cause of these diseases or conditions or has therapeutic value in their treatment in excess of affording symptomatic relief of itching and irritation.

The respondents further agree to desist from advertising that Almklov's Scalp and Hair Tonic extirpates dandruff, cures itching scalp, keeps the hair from falling out, or penetrates the skin to extirpate the bacilli. (02752)

J. H. Schenck & Son, Inc., Philadelphia, distributor of "Dr. Schenck's Mandrake Pills," has entered into a stipulation in which it agrees to cease disseminating advertisements which fail to reveal that the pills should not be used when abdominal pain or other appendicitis symptoms are present, and that frequent or continued use may result in dependence on laxatives. The stipulation provides that such advertisements need contain only a statement that the preparation should be used only as directed on the label, if and when the label either contains a warning of the consequences that may result from use of the product under certain conditions or directs attention to a similar caution statement in the accompanying labeling. (02751)

Smith Laboratory, Inc., 619 Lee Building, Kansas City, Mo., stipulated that it will cease advertising pharmaceutical products for feminine hygiene designated "Colagyn Hygienic Vaginal Jelly" and "O. M. 41 Hygienic Vaginal Jelly" as being dependable, reliable, or unfailing contraceptives. The respondent also agrees to cease representing that these products constitute a competent remedy for certain diseases of women. (3048)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

American Maize-Products Co., producer of glucose or corn syrup unmixed, one of the principal products used in manufacturing candy, has been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act. The respondent company has its headquarters at 100 East 42nd St., New York, and a corn refining plant at Roby, Ind.

Commission findings are that the respondent, after increasing the price of its corn syrup, has discriminated by selling it to some purchasers at the former and lower price while concurrently selling syrup of like grade and quality to other purchasers at the new and higher price, the differences between the lower and higher prices varying from five to 55 cents a hundredweight.

According to findings, the respondent also has discriminated by selling and delivering to purchasers syrup of like grade and quality in several types and sizes of containers at prices per hundredweight which increase over the tank car price per hundredweight according to the size and type of container. Such increases over the tank car price, the findings continue, vary from 10 cents per hundredweight in the case of tank wagons, to $1.08 per hundredweight in five-gallon kegs.

Further findings are that the respondent's disciminations increase the costs of the unfavored purchaser over the costs of the favored purchaser directly as the amount of the discrimination between them and as the syrup content of the candy which they manufacture increases; that the discriminations substantially lessen competition between the favored and unfavored purchasers, and that they tend to create monopoly in such favored purchasers, and to injure, destroy and prevent competition with them.

The Commission order directs that the respondent cease and desist from discriminating in price between different purchasers of glucose or corn syrup unmixed of like grade and quality, either directly or indirectly, in the manner and degree as found by the Commission; from continuing or resuming such discriminations; from otherwise discriminating in price in a manner and degree substantially similar to the discriminations found, and from otherwise selling such product to some purchasers at a different price than to other purchasers, where the effect may be to violate the Robinson-Patman Act. (3805)

Beeman's Laboratory, Incorporated, 70 Central Ave., S. W., Atlanta, and two of its officers and a director, have been ordered to cease and desist from disseminating certain misleading advertisements concerning their preparation "BQR," advertised as a cold remedy. The respondent officers are E. A. Rush and Mrs. J. F. Rush, and the respondent director is H. C. Allen.

Commission findings are that the respondent's product is a laxative with mild analgesic properties and has no curative action on the underlying factors that cause colds.

Under the Commission order, the respondent is directed to cease disseminating advertisements which represent that BQR is a cure or remedy for colds; will prevent colds or cold infection; has any curative value in connection with the underlying factors which cause colds; or has any therapeutic value in the treatment of colds in excess of that furnished by a laxative and a mild analgesic. (4451)

Drug Profits, Inc.—J. H. Camp, trading as J. H. Camp and Drug Profits, Inc., Ravenswood, W. Va., has been ordered to cease and desist from certain misrepresentations in the sale of the medicinal preparations "Phalene" and "Burtone."

The order directs the respondent to cease disseminating advertisements which represent that Phalene is a liver tonic; has any value in preventing premature aging, or has any value for removing poisons from the system in excess of that afforded by an ordinary laxative. The order also directs the respondent to desist from representing that Phalene has any therapeutic value in treating sick headache, nauseated stomach, loss of appetite, aching muscles and joints, restless sleep, tired rundown condition, indigestion, or acid conditions, in excess of causing a laxative action by the intestines and thus affording temporary relief when such conditions are due to or symptomatic of constipation.

Under the order, the respondent is further directed to cease representing that Burtone will correct faulty habits of elimination, produce free organic action of the liver or lower bowel or free the body of toxic poisons, or that this preparation has any therapeutic value in the treatment of bilious attacks, stomach nausea, headaches, indigestion, stomach gas, or sick, tired-out feeling, in excess of affording temporary relief when such conditions are due to constipation. (4446)

Health Ray Manufacturing Co., Inc., Deep River, Conn., has been ordered to cease and desist from disseminating misleading advertisements of its "Twin-Arc Health Ray Sun Lamp."

Commission findings are that the respondent advertised, among other things, that ". . . 4 minutes with the New Twin-Arc Sun Lamp is equivalent to one hour of sunshine."

According to findings, the respondent's lamp does not emit sufficient angstrom units of ultraviolet rays to be classed as a sun lamp but instead is what is known as a therapeutic lamp. Its therapeutic value, according to findings, is limited to the possible destruction of bacteria when present on the surface of the skin.

The Commission order directs the respondent to cease disseminating advertisements which represent that its device is a sun lamp emitting ultraviolet rays comparable to those of natural sunlight, or having the same wave-lengths or an intensity equal to or greater than the ultraviolet rays of natural midsummer sunlight; that the device is suitable and safe for home use by laymen for treating diseases without the supervision of a competent physician; that its home use will help build strong bones and teeth, tone up the system, act as a tonic and stimulate the glands, and that its use constitutes a cure or remedy for athlete's foot and for acne, pimples, and surface skin eruptions, and will build up the bodily resistance or improve health.

The Commission order further prohibits the dissemination of advertisements which fail to reveal that the unsupervised use of the respondent's device by persons neither trained in its operation nor skilled in diagnosing and treating disease, may result in severe burns and other serious injury to health. (4408)

Lessing Hat Co., Inc., Third and Mercer Sts., New York, and Joseph Loring, its president, who also is in business at the same address under the name of Loring Hat Co., has been ordered to cease and desist from misrepresentations in the sale and distribution of hats and caps.

The order directs the respondents to cease representing in any manner that hats or caps made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

The order further prohibits the respondents from representing that hats or caps manufactured in whole or in part of used or second-hand materials are new or are composed of new materials, by failure to stamp on the sweat bands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. The order provides further that if sweat bands are not affixed to the hats or caps then the stamping must appear on the bodies of the hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (4245)

National Mineral Co., trading as Helene Curtis Industries, 2638 North Pulaski Rd., Chicago, has been ordered to cease and desist from certain misrepresentations in the sale of a cosmetic oil known as "Helene Curtis Duchess Machineless Oil Wave," and as "Helene Curtis Duchess Machineless Oil Solution," and of a cosmetic device designated "Helene Curtis Duchess Machineless Pads."

The order directs the respondent to cease and desist from disseminating advertisements which represent that the cosmetic oil has properties effective in supplying nourishment or strength to the hair, or causing hair to grow; that this preparation will nourish or invigorate the hair roots or hair shaft, and that it is the original machineless oil wave, and to cease representing that the respondent manufactures this preparation, unless it controls a factory wherein the product is made.

Under the order, the respondent is further directed to cease advertising that the cosmetic pad product contains a thermostatic device or that it will control or regulate heat, or do more than indicate temperature changes. (4185)

Ruth Gowns, Inc., 498 Seventh Ave., New York, has been ordered to cease and desist from representing that its dresses and other wearing apparel for women are composed of fibers or materials other than those of which such products are actually composed.

The order further directs the respondent corporation to cease advertising, offering or selling fabrics, garments, or other products composed in whole or in part of rayon without clearly disclosing such rayon content. According to the order, when such fabrics or products are composed in part of rayon and in part of other fibers or materials, all of such fibers or materials, including the rayon, are to be set forth in immediate connection with each other in letters of at least equal size and shall truthfully designate each constituent fiber or material.

Commission findings are that the respondent's failure to disclose by tag or label the rayon content of its products tended to deceive buyers into believing that its products were silk. (4426)

Victoria Chemical Company—Four New Jersey corporations and one New York corporation engaged in the sale of medicinal products, and nine individual officers of the corporations, have been ordered to cease and desist from disseminating false advertisements of a medicinal preparation designated "Anti-Drink."

The respondents are: Victoria Chemical Co., and Schwarz Druggists, Inc., 887 Broad St., Newark, N. J.; Schwarz Drug Co., 565 Bloomfield Ave., Bloomfield, N. J.; Schwarz Drug Stores, Inc., 457 Clinton Ave., Newark; Hiram Schwarz, Inc., 158 Main St., White Plains, N. Y.; and Sarah Schwarz, Esther Schwarz, Joel J. Schwarz, Samuel Schwarz, Ira L. Schwarz, Sylvan Schwarz, Hiram Schwarz, Oscar Katz and Jacob Eisen, officers of the respondent companies.

Commission findings are that contrary to representations made or implied by the respondents in their advertisements, their preparation is not a cure, remedy or competent treatment for the liquor habit, and is not safe for use as it contains the drug tartar emetic in sufficient quantity to cause serious injury to health if used under conditions prescribed in the advertisements or under customary or usual conditions.

The Commission order directs the respondents to cease disseminating advertisements which represent that their preparation is a cure, remedy or a competent or effective treatment for alcoholism or the liquor habit; that its use will eradicate the desire for alcoholic stimulants, and that the preparation is harmless, or may be safely used, or which advertisements fail to reveal that use of the preparation may result in inflammation of the stomach and intestinal tract and disturbance of the heart and nervous system. (4403)

FTC CASE CLOSED

The Federal Trade Commission closed its case against Union Concession Company, 456 South State St., Chicago, without prejudice to its right to resume proceedings, should the facts so warrant. The respondent had been charged with the use of lottery methods in the sale of candy. According to information received by the Commission, the respondent corporation was dissolved on January 30, 1941.

December 1940 Broadcast Advertising Unit Report

Broadcast Advertising Unit Volume as reported by 220 stations and the three national networks for the month of December totaled 3,741,133 program units and 328,475 announcement units. There is an indicated increase in both announcement and program units from the month of November, although direct comparison does not exist between the December report and that of November, which included 203 stations and the major networks. Direct comparison does exist in the report for national networks. The December program unit total for national networks is 2,565,845. It represents an increase of 3.8% from the November total 2,452,390 program units.

The report is complete for national networks, including the business of the Columbia Broadcasting System, the Mutual Broadcasting System and the National Broadcasting Company. Regional, national, non-national network and local business are not complete for the entire industry; the figures represent the total of such business placed on the 220 stations reporting.

On the last page of this analysis, there appears a complete roster of the 220 stations reporting their December business. There is also included in the list eight additional stations which submitted reports for the month, but from which data were not received in time for inclusion in this tabulation.

One hundred and ninety-eight of the stations reporting December business were included in the November tabulation. Twelve stations reporting in November failed to report in December. Thirty stations reporting in December were not included in the November tabulation, but of the 30, ten had reported for October.

It is obvious that there is not a constant sample between the two months and, therefore, absolute comparison is not possible. There is in evidence a definite upswing in station cooperation and interest in the "Broadcast Advertising Unit Report." It is hoped now that increasing numbers of stations will cooperate in furnishing their basic data in the early months of 1941, so that a constant sample between months can be had and the task of projecting industry totals can be undertaken.

Indicated Trends

As mentioned above, there exists absolute comparison, November to December, for national network business. All of the national network accounts reported in both November and December were in the "General" advertising classification. The total for the month of December was 3.8% above that reported for November. December business in the Automotive classification was up 64%; in Building Materials up 84%; in Confections increased 10.5%; Financial increased 6%; Groceries rose 5.5%; Housing Equipment and Supplies increased 12%; Industrial up 14%; Insurance increased 15%; Jewelry and Silverware increased 25%; Medical rose 7.5%; Miscellaneous accounts rose 81% (largely from new business in Chamber of Commerce and Merchants Associations classification); Public Utility increased 26%; Publications was up slightly; Religion increased 27%; Tobacco increased 8%; Toilet Requisites rose 18%; and Transportation rose slightly. Those accounts which decreased from November to December are Political, which dropped from 178,230 units in November to zero for December, and Wearing Apparel, which decreased 18%.

Interpreting the above, it must be borne in mind that the December thirty-one-day month is compared with November, a thirty-day month. Also, allowance must be made for Sunday, Monday and Tuesday occurrence five times in December, as compared with Saturday and Sunday five-day occurrence in November.

Although direct comparison is not possible for station business other than national network, some trends are indicated. There is evidence of an increase in both program and announcement units in Retail advertising and a decline in both program and announcement units in General advertising. In the Retail classification, program units increased for all sources of business, but announcement units declined on regional networks and increased in national non-network (national spot) and local. In General advertising, all business sources declined except program units placed locally.

The most noted increases, November to December, in Retail advertising occurred in Automotive, Bakeries, Building Supplies and Contractors, Clothing Stores, Department Stores (up sharply—both program and announcement units), Educational, Furniture and Home Furnishings, Hotels and Restaurants, Jewelers, Merchandise Chains (in both program and announcement units), Musical Instruments, Office Equipment, Radio, Real Estate, Stationers, and Beauty Shops (showing a shift from announcement to program units).

Retail classification losses were sustained in Boots and Shoes, Dairies, Drug Stores (down in program units, up in announcement units), Electric and Gas Appliances and Supplies, Grocer and Food Stores, Heating and Plumbing and Sporting Goods.

General advertising gains were found in Alcoholic Beverages; Amusement (program units increase, offset by a substantial loss in announcement units), Education, Financial, Industrial, Insurance, Public Utility, Publication, Religion, Radio, Tobacco, and Transportation.

General advertising losses were sustained in Agriculture, Automotive (off in program units, up slightly in announcement units), Building Materials (off in program units, up in announcement units), Grocers (off in both program and announcement units), Housing Equipment and Supplies, Medical, Miscellaneous, Political, Publications (off in program units, up slightly in announcement units), Sporting Goods, Toilet Requisites, Wearing Apparel (off in program units, off sharply in announcement units) and Watches (off sharply in program units and slightly in announcement units).

How to Use It

Capitalize on the indicated trends. In this report is excellent sales argument for selling time to advertisers in those classifications showing an up trend. Also, the signal is on those classifications which need special attention in sales service to hold your accounts, where the industry trend is off.

The positive check on your own situation is to analyze your own station's business against all stations of like classification as found in Table III, and also to compare your business with that placed in cities of the approximate size of that in which you operate, as found in Table IV.

The Legend

A program unit equals one minute of program time. An announcement unit is equal to one announcement, unless the time consumed is one and one-half minutes or longer, in which case the units are calculated to the nearest number of minutes.

Advertising business placed in radio is classified under two major headings—"Retail" and "General." Retail advertising is defined as the advertising placed by businesses which sell direct to consumers. General is that advertising placed by businesses which sell for resale and not direct to consumers.

In Retail advertising the analysis presented here classifies retail businesses according to their principal retail line. No attempt is made to classify according to specific product advertised. This classification is most useful to the broadcasting industry since advertising is placed by the individual retail store and such buying units as have similar business are grouped together.

In General advertising the classification is primarily an analysis of the products advertised by businesses engaged in selling to others for resale. The significance of this to the radio industry is that advertising campaigns are carried for individual products and in this analysis similar products are grouped together. Also included in the general classification are such service businesses as Financial, Insurance, Professional and Service, and Transportation which, because of their nature, could not properly be considered retail.

Future Reports

As stated in the "October 1940 Broadcast Advertising Unit Report," subsequent releases of the Unit Analysis will be given in summary form only in the NAB Reports. Complete detail will be furnished to those stations cooperating in this undertaking by submitting monthly business data.

TABLE I

BROADCAST ADVERTISING—220 STATIONS AND ALL NATIONAL NETWORKS

Source of Business	Retail		General		Total		TOTAL
	Pgm. Units	Ann. Units	Pgm. Units	Ann. Units	Pgm. Units	Ann. Units	
National Network	....	....	2,565,845	....	2,565,845	....	2,565,845
Regional Network	7,095	1,524	79,856	4,771	86,951	6,295	93,246
National Non-Network	62,714	9,683	410,972	86,620	473,686	96,303	569,989
Local	449,799	191,785	164,852	34,092	614,651	225,877	840,528
Total other than National Network	519,608	202,992	655,680	125,483	1,175,288	328,475	1,503,763
Grand Total	519,608	202,992	3,221,525	125,483	3,741,133	328,475	4,069,608

TABLE II

BROADCAST ADVERTISING—220 STATIONS AND ALL NATIONAL NETWORKS BY TYPE OF SPONSORING BUSINESS AND BY SOURCE OF BUSINESS

RETAIL ADVERTISING UNITS

December 1940

	Type of Sponsoring Business	National Network		Regional Network		National Non-Network		Local		Total Other Than National Network		Totals	
		Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
	Amusements	------	------	90	209	------	166	14, 975	7, 981	15, 065	8, 356	15, 065	8, 356
011	Theaters	------	------	------	5	------	84	7, 079	4, 672	7, 079	4, 761	7, 079	4, 761
019	Miscellaneous	------	------	90	204	------	82	7, 896	3, 309	7, 986	3, 595	7, 986	3, 595
	Automotive	------	------	720	181	9, 047	595	41, 012	19, 864	50, 779	20, 640	50, 779	20, 640
021	Aviation	------	------	------	------	60	------	------	------	60	------	60	------
022	Garages and Service Stations	------	------	720	32	60	77	8, 244	5, 247	9, 024	5, 356	9, 024	5, 356
024	Parts and Accessories	------	------	------	10	8, 250	229	4, 461	1, 880	12, 711	2, 119	12, 711	2, 119
025	Passenger Cars	------	------	------	120	507	27	24, 863	10, 675	25, 370	10, 822	25, 370	10, 822
026	Tires and Tubes	------	------	------	16	170	109	2, 097	1, 630	2, 267	1, 755	2, 267	1, 755
027	Trucks	------	------	------	------	------	------	90	52	90	52	90	52
028	Tractors	------	------	------	------	------	------	1, 170	207	1, 170	207	1, 170	207
029	Miscellaneous	------	------	------	3	------	153	87	173	87	329	87	329
	Bakeries	------	------	240	64	315	112	11, 160	4, 899	11, 715	5, 075	11, 715	5, 075
039	Miscellaneous	------	------	240	64	315	112	11, 160	4, 899	11, 715	5, 075	11, 715	5, 075
	Book Stores	------	------	------	------	30	3	905	392	935	395	935	395
049	Miscellaneous	------	------	------	------	30	3	905	392	935	395	935	395
	Boots and Shoes	------	------	250	112	1, 965	323	5, 841	4, 666	8, 056	5, 101	8, 056	5, 101
051	Men's	------	------	------	------	------	------	190	127	190	127	190	127
052	Men's and Women's	------	------	------	------	------	------	30	277	30	277	30	277
053	Women's	------	------	------	------	------	4	------	338	------	342	------	342
059	Miscellaneous	------	------	250	112	1, 965	319	5, 621	3, 924	7, 836	4, 355	7, 836	4, 355
	Building Supplies and Contractors	------	------	75	28	5	130	18, 334	5, 772	18, 414	5, 930	18, 414	5, 930
069	Miscellaneous	------	------	75	28	5	130	18, 334	5, 772	18, 414	5, 930	18, 414	5, 930
	Clothing Stores	------	------	555	48	11, 285	969	53, 420	34, 644	65, 260	35, 661	65. 260	35, 661
071	Men's	------	------	300	16	8, 960	587	15, 368	14, 157	24, 628	14, 760	24, 628	14, 760
072	Men's and Women's	------	------	------	------	255	------	2, 145	1, 183	2, 400	1, 183	2, 400	1, 183
073	Women's	------	------	135	32	------	30	13, 258	10, 605	13, 393	10, 667	13, 393	10, 667
074	Credit Clothing	------	------	------	------	150	338	6, 250	2, 753	6, 400	3, 091	6, 400	3, 091
079	Miscellaneous	------	------	120	------	1, 920	14	16, 399	5, 946	18, 439	5, 960	18, 439	5, 960
	Dairies	------	------	120	------	104	105	4, 107	1, 476	4, 331	1, 581	4, 331	1, 581
099	Miscellaneous	------	------	120	------	104	105	4, 107	1, 476	4, 331	1, 581	4, 331	1, 581
	Department and Dry Goods Stores	------	------	300	42	15, 038	2, 867	74, 087	15, 447	89, 425	18, 356	89, 425	18, 356
159	Miscellaneous	------	------	300	42	15, 038	2, 867	74, 087	15, 447	89, 425	18, 356	89, 425	18, 356
	Drug Stores	------	------	150	11	1, 170	367	12, 634	4, 719	13, 954	5, 097	13, 954	5, 097
169	Miscellaneous	------	------	150	11	1, 170	367	12, 634	4, 719	13, 954	5, 097	13, 954	5, 097

Educational	------	------	75	31	1,435	106	4,439	1,943	5,949	2,080	5,949	2,080
179 Miscellaneous	------	------	75	31	1,435	106	4,439	1,943	5,949	2,080	5,949	2,080
Electric and Gas Appliances and Supply	------	------	------	13	360	72	9,917	4,771	10,277	4,856	10,277	4,856
189 Miscellaneous	------	------	------	13	360	72	9,917	4,771	10,277	4,856	10,277	4,856
Furniture and Home Furnishings	------	------	------	32	1,600	427	63,276	16,163	64,876	16,622	64,876	16,622
219 Miscellaneous	------	------	------	32	1,600	427	63,276	16,163	64,876	16,622	64,876	16,622
Grocers and Food Stores	------	------	2,415	67	10,205	544	20,909	6,196	33,529	6,807	33,529	6,807
221 Chain	------	------	2,025	48	8,825	510	525	143	11,375	701	11,375	701
222 Independent	------	------	------	------	------	------	------	------	------	------	------	------
239 Miscellaneous	------	------	390	19	1,380	34	20,384	6,053	22,154	6,106	22,154	6,106
Heating and Plumbing	------	------	30	------	30	90	5,522	4,306	5,582	4,396	5,582	4,396
249 Miscellaneous	------	------	30	------	30	90	5,522	4,306	5,582	4,396	5,582	4,396
Hotels and Restaurants	------	------	------	21	1,515	100	10,549	6,855	12,064	6,976	12,064	6,976
259 Miscellaneous	------	------	------	21	1,515	100	10,549	6,855	12,064	6,976	12,064	6,976
Jewelers	------	------	------	11	470	682	29,196	23,743	29,666	24,436	29,666	24,436
279 Miscellaneous	------	------	------	11	470	682	29,196	23,743	29,666	24,436	29,666	24,436
Merchandized Chains	------	------	------	43	3,810	1,317	69	180	3,879	1,540	3,879	1,540
299 Miscellaneous	------	------	------	43	3,810	1,317	69	180	3,879	1,540	3,279	1,540
Miscellaneous	------	------	1,880	551	2,290	391	54,568	18,819	58,738	19,761	58,738	19,761
301 Agriculture	------	------	------	------	220	21	3,471	898	3,691	919	3,691	919
302 Auctions	------	------	------	------	------	------	------	49	------	49	------	49
303 Beverages	------	------	------	------	------	------	------	------	------	------	------	------
304 Cleaners-Dyers-Laundries	------	------	225	33	180	20	16,060	5,722	16,465	5,775	16,465	5,775
305 Farms and Orchards (Produce)	------	------	------	------	------	------	835	772	835	772	835	772
306 Florists-Nurseries	------	------	------	3	355	40	2,094	2,200	2,449	2,243	2,449	2,243
307 General Stores	------	------	------	22	390	------	5,154	739	5,544	761	5,544	761
308 Confectionery (Ice Cream, etc.)	------	------	------	------	80	126	999	837	1,079	963	1,079	963
311 Shoe Repairing	------	------	------	------	------	------	693	307	693	307	693	307
312 Specialty Shops	------	------	195	4	1,000	171	4,492	4,811	5,687	4,986	5,687	4,986
315 Undertakers	------	------	------	------	------	13	5,045	497	5,045	510	5,045	510
349 Miscellaneous	------	------	1,460	489	65	------	15,725	1,987	17,250	2,476	17,250	2,476
Musical Instruments	------	------	------	28	1,845	37	6,309	1,778	8,154	1,843	8,154	1,843
359 Miscellaneous	------	------	------	28	1,845	37	6,309	1,778	8,154	1,843	8,154	1,843
Office Equipment	------	------	------	11	165	257	705	1,536	870	1,804	870	1,804
369 Miscellaneous	------	------	------	11	165	257	705	1,536	870	1,804	870	1,804
Radio	------	------	------	------	------	18	2,534	2,227	2,534	2,245	2,534	2,245
409 Miscellaneous	------	------	------	------	------	18	2,534	2,227	2,534	2,245	2,534	2,245
Real Estate	------	------	195	2	------	------	2,325	651	2,520	653	2,520	653
419 Miscellaneous	------	------	195	2	------	------	2,325	651	2,520	653	2,520	653
Sporting Goods	------	------	------	13	30	------	944	1,142	974	1,155	974	1,155
439 Miscellaneous	------	------	------	13	30	------	944	1,142	974	1,155	974	1,155
Stationers	------	------	------	6	------	------	815	660	815	666	815	666
449 Miscellaneous	------	------	------	6	------	------	815	660	815	666	815	666
Toilet Goods and Beauty Shops	------	------	------	------	------	5	1,247	955	1,247	960	1,247	960
459 Miscellaneous	------	------	------	------	------	5	1,247	955	1,247	960	1,247	960
Totals	------	------	7,095	1,524	62,714	9,683	149,799	191,785	519,608	202,992	519,608	202,992

TABLE II—Continued

GENERAL ADVERTISING UNITS

Type of Sponsoring Business	National Network		Regional Network		National Non-Network		Local		Total Other Than National Network		Totals	
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Agriculture	------	------	**2,095**	**140**	**10,475**	**1,332**	**4,859**	**862**	**17,339**	**2,334**	**17,339**	**2,334**
501 Cattle Foods	------	------	825	26	5,155	934	1,010	209	6,990	1,169	6,990	1,169
502 Seeds	------	------	130	114	2,705	170	155	45	2,990	329	2,990	329
503 Farm Machinery	------	------	180	------	525	------	------	6	705	6	705	6
504 Nurseries	------	------	------	------	130	26	75	------	205	26	205	26
505 Live Stock	------	------	735	------	205	59	2,954	412	3,894	471	3,894	471
509 Miscellaneous	------	------	135	------	1,755	143	665	190	2,555	333	2,555	333
Alcoholic Beverages	------	------	**3,370**	**529**	**27,445**	**6,019**	**1,945**	**1,264**	**32,760**	**7,812**	**32,760**	**7,812**
511 Beers	------	------	2,985	509	25,790	4,861	1,740	1,084	30,515	6,454	30,515	6,454
512 Wines	------	------	385	20	1,655	1,145	205	178	2,245	1,343	2,245	1,343
513 Liquors	------	------	------	------	------	13	------	2	------	15	------	15
519 Miscellaneous	------	------	------	------	------	------	------	------	------	------	------	------
Amusements	------	------	------	------	**15**	**74**	**300**	**22**	**315**	**96**	**315**	**96**
529 Miscellaneous	------	------	------	------	15	74	300	22	315	96	315	96
Automotive	**235,595**	------	**8,021**	**433**	**43,926**	**3,204**	**3,584**	**711**	**55,531**	**4,348**	**291,126**	**4,348**
531 Aviation	------	------	------	------	------	------	------	------	------	------	------	------
533 Gas and Oil	183,555	------	7,521	363	41,376	1,374	3,167	596	52,064	2,333	235,619	2,333
534 Parts and Accessories	------	------	60	------	180	146	------	23	240	169	240	169
535 Passenger Cars	43,940	------	110	70	1,540	1,508	------	60	1,650	1,638	45,590	1,638
536 Tires and Tubes	8,100	------	------	------	------	118	27	------	27	118	8,127	118
537 Trucks	------	------	------	------	------	------	390	------	390	------	390	------
538 Tractors	------	------	330	------	680	------	------	31	1,010	31	1,010	31
539 Miscellaneous	------	------	------	------	150	58	------	1	150	59	150	59
Building Materials	**21,750**	------	**120**	**6**	**620**	**39**	**1,800**	**694**	**2,540**	**739**	**24,290**	**739**
549 Miscellaneous	21,750	------	120	6	620	39	1,800	694	2,540	739	24,290	739
Confections	**55,485**	------	**1,490**	**315**	**9,815**	**3,808**	**735**	**216**	**12,040**	**4,339**	**67,525**	**4,339**
559 Miscellaneous	55,485	------	1,490	315	9,815	3,808	735	216	12,040	4,339	67,525	4,339
Educational	------	------	------	------	**325**	**72**	**80**	**4**	**405**	**76**	**405**	**76**
569 Miscellaneous	------	------	------	------	325	72	80	4	405	76	405	76
Financial	**4,815**	------	**430**	**30**	**4,300**	**1,533**	**21,360**	**6,534**	**26,090**	**8,097**	**30,905**	**8,097**
571 Banks and Trust Companies	525	------	375	30	1,170	130	9,888	2,812	11,433	2,972	11,958	2,972
572 Real Estate and Home Financing	------	------	------	------	125	19	2,970	606	3,095	625	3,095	625
573 Stock and Bond Houses	------	------	------	------	------	54	380	------	380	54	380	54
579 Miscellaneous	4,290	------	55	------	3,005	1,330	8,122	3,116	11,182	4,446	15,472	4,446
Groceries	**1,010,970**	------	**30,795**	**1,137**	**159,790**	**24,457**	**29,455**	**9,026**	**211,040**	**34,620**	**1,222,010**	**34,620**
581 Baking Products	5,640	------	2,520	321	10,050	2,448	13,174	3,907	25,744	6,676	31,384	6,676
582 Beverages	------	------	------	------	------	------	------	------	------	------	------	------
583 Coffee and Tea	69,390	------	2,550	90	11,610	1,267	1,865	632	16,025	1,989	85,415	1,989
584 Soft Drinks	16,950	------	------	33	22,578	6,073	1,278	165	23,856	6,271	40,806	6,271
589 Miscellaneous	32,310	------	1,365	------	1,817	919	735	238	3,917	1,157	36,227	1,157
585 Shortening	69,705	------	1,605	28	5,070	1,875	135	10	6,810	1,913	76,515	1,913
586 Cereals and Breakfast Foods	137,375	------	1,110	31	14,898	883	925	54	16,933	968	154,308	968
587 Condiments	19,550	------	345	13	3,590	726	------	225	3,935	964	23,485	964
588 Dairy Products	58,515	------	1,005	134	5,200	1,432	4,513	1,366	10,718	2,932	69,233	2,932
591 Meats-Fish-Poultry	12,090	------	510	28	8,825	467	1,750	651	11,085	1,146	23,175	1,146
592 Laundry Soaps and Cleansers	331,750	------	9,515	42	34,655	2,309	895	69	45,065	2,420	376,815	2,420
593 Flour	59,626	------	4,090	42	17,137	1,304	575	155	21,802	1,501	81,428	1,501
594 Sugar	------	------	390	------	240	351	30	------	660	351	660	351
595 Disinfectants and Exterminators	------	------	------	------	1,115	12	390	40	1,505	52	1,505	52
599 Miscellaneous	198,069	------	5,790	375	14,005	4,391	3,190	1,514	22,985	6,280	221,054	6,280
Hotels and Resorts	------	------	------	------	------	**6**	------	**6**	------	**12**	------	**12**
609 Miscellaneous	------	------	------	------	------	6	------	6	------	12	------	12
Housing Equipment and Supplies	**24,450**	------	**1,185**	**109**	**11,835**	**881**	**4,032**	**595**	**17,052**	**1,585**	**41,502**	**1,585**
611 Air Conditioning	------	------	------	------	1,760	------	110	2	1,870	2	1,870	2
612 Automatic Heating	------	------	------	------	25	60	285	------	310	60	310	60
613 Automatic Refrigeration	------	------	------	------	180	------	615	18	795	18	795	18
614 Fixtures	21,150	------	------	------	195	------	------	1	195	1	21,345	1
615 Fuel	3,300	------	810	109	2,595	253	1,020	311	4,425	673	7,725	673
616 Furniture and Furnishings	------	------	375	------	4,740	311	962	162	6,077	473	6,077	473
617 Heaters and Stoves	------	------	------	------	1,935	184	780	33	2,715	217	2,715	217
629 Miscellaneous	------	------	------	------	405	73	260	68	665	141	665	141
Industrial	**14,040**	------	**420**	**1**	**540**	**61**	**50**	**74**	**1,010**	**136**	**15,050**	**136**
639 Miscellaneous	14,040	------	420	1	540	61	50	74	1,010	136	15,050	136

Insurance	**16, 815**	------	**230**	**11**	**4, 985**	**197**	**3, 139**	**909**	**8, 354**	**1, 117**	**25, 169**	**1, 117**
649 Miscellaneous	16, 815	------	230	11	4, 985	197	3, 139	909	8, 354	1, 117	25, 169	1, 117
Jewelry and Silverware	**8, 400**	------	------	------	**150**	------	------	------	**150**	------	**8, 550**	------
659 Miscellaneous	8, 400	------	------	------	150	------	------	------	150	------	8, 550	------
Medical	**289, 928**	------	**12, 730**	**1, 323**	**52, 969**	**22, 028**	**560**	**273**	**66, 259**	**23, 624**	**356, 187**	**23, 624**
669 Miscellaneous	289, 928	------	12, 730	1, 323	52, 969	22, 028	560	273	66, 259	23, 624	356, 187	23, 624
Miscellaneous	**27, 775**	------	**2, 205**	**46**	**13, 562**	**1, 448**	**5, 365**	**1, 190**	**21, 132**	**2, 684**	**48, 907**	**2, 684**
671 Cards and Stationery	3, 645	------	------	------	650	208	------	------	650	208	4, 295	208
672 Chamber of Commerce and Merchants Associations	9, 805	------	------	2	290	8	1, 955	810	2, 245	820	12 050	820
673 Pet Foods	6, 075	------	------	------	3, 445	256	205	36	3, 650	292	9, 725	292
674 Phonograph Records	------	------	630	------	6, 495	205	150	9	7, 275	214	7, 275	214
675 Veterinary and Animal Medicine	------	------	------	------	730	196	20	9	750	205	750	205
699 Miscellaneous	8, 250	------	1, 575	44	1, 952	575	3, 035	326	6, 562	945	14, 812	945
Political	------	------	**15**	------	**45**	**1**	**515**	**22**	**575**	**23**	**575**	**23**
701 Local	------	------	------	------	------	------	135	9	135	9	135	9
702 State	------	------	------	------	------	------	------	------	------	------	------	------
703 National	------	------	------	------	45	1	------	------	45	1	45	1
709 Miscellaneous	------	------	15	------	------	------	380	13	395	13	395	13
Professional and Service	------	------	------	------	**700**	**173**	**12, 396**	**5, 367**	**13, 096**	**5, 540**	**13, 096**	**5, 540**
711 Opticians-Optometrists	------	------	------	------	90	142	5, 366	4, 160	5, 456	4, 302	5, 456	4, 302
712 Chiropractors	------	------	------	------	15	------	1, 375	235	1, 390	235	1, 390	235
713 Dentists	------	------	------	------	270	31	5, 250	708	5, 520	739	5, 520	739
714 Physicians (Medical)	------	------	------	------	------	------	------	75	------	75	------	75
715 Hospitals	------	------	------	------	195	------	75	11	270	11	270	11
719 Miscellaneous	------	------	------	------	130	------	330	178	460	178	460	178
Public Utilities	**13, 500**	------	**390**	**56**	**19, 099**	**2, 661**	**4, 720**	**992**	**24, 209**	**3, 712**	**37, 709**	**3, 712**
721 Electric Companies	------	------	195	50	8, 744	1, 552	3, 035	412	11, 974	2, 014	11, 974	2, 014
722 Gas Companies	------	------	135	------	3, 470	337	1, 305	301	4, 910	638	4, 910	638
723 Electric and Gas Companies	------	------	------	------	5, 965	83	165	240	6, 130	323	6, 130	323
724 Telegraph Companies	------	------	------	------	30	620	------	25	30	645	30	645
725 Telephone Companies	13, 500	------	60	6	750	72	------	10	810	88	14, 310	88
729 Miscellaneous	------	------	------	------	140	------	215	4	355	4	355	4
Publications	**7, 110**	------	**270**	------	**5, 450**	**1, 304**	**9, 557**	**1, 128**	**15, 277**	**2, 432**	**22, 387**	**2, 432**
731 Books	7, 110	------	------	------	2, 735	109	------	90	2, 735	199	9, 845	199
732 Magazines	------	------	120	------	1, 420	160	------	29	1, 540	189	1, 540	189
733 Newspapers	------	------	150	------	255	1, 006	9, 257	957	9, 662	1, 963	9, 662	1, 933
739 Miscellaneous	------	------	------	------	1, 040	29	300	52	1, 340	81	1, 340	81
Religion	**66, 360**	------	**7, 965**	**4**	**11, 955**	------	**53, 330**	**135**	**73, 250**	**139**	**139, 610**	**139**
749 Miscellaneous	66, 360	------	7, 965	4	11, 955	------	53, 330	135	73, 250	139	139, 610	139
Radio	------	------	**60**	------	**3, 370**	**264**	**2, 067**	**443**	**5, 497**	**707**	**5, 497**	**707**
751 Sets	------	------	60	------	1, 795	141	2, 067	443	3, 922	584	3, 922	584
752 Stations	------	------	------	------	------	------	------	------	------	------	------	------
753 Tubes	------	------	------	------	------	------	------	------	------	------	------	------
759 Miscellaneous	------	------	------	------	1, 575	123	------	------	1, 575	123	1, 575	123
Sporting Goods	------	------	------	------	------	**27**	------	------	------	**27**	------	**27**
769 Miscellaneous	------	------	------	------	------	27	------	------	------	27	------	27
Tobacco	**294, 755**	------	**5, 600**	**318**	**12, 915**	**1, 643**	**1, 460**	**684**	**19, 975**	**2, 645**	**314, 730**	**2, 645**
771 Cigars	22, 215	------	1, 365	124	2, 000	419	120	46	3, 485	589	25, 700	589
772 Cigarettes	202, 550	------	2, 600	134	6, 535	826	------	7	9, 135	967	211, 685	967
773 Tobacco	69, 990	------	975	60	2, 160	284	190	42	3, 325	386	73, 315	386
774 Miscellaneous Tobacco	------	------	330	------	1, 380	------	1, 150	589	2, 860	589	2, 860	589
779 Miscellaneous	------	------	330	------	840	114	------	------	1, 170	114	1, 170	114
Toilet Requisites	**438, 847**	------	**1, 655**	**54**	**17, 705**	**4, 248**	**465**	**108**	**19, 825**	**4, 410**	**458, 672**	**4, 410**
781 Antiseptics	------	------	------	------	120	------	15	78	135	78	135	78
782 Dentifrices	89, 940	------	------	------	1, 265	567	------	------	1, 265	567	91, 205	567
783 Perfumes-Cosmetics-Lotions	75, 582	------	170	------	2, 521	1, 111	450	------	3, 141	1, 111	78, 723	1, 111
784 Toilet Soaps	163, 485	------	------	------	10, 095	440	------	------	10, 095	440	173, 580	440
789 Miscellaneous	109, 840	------	1, 485	54	3, 704	2, 130	------	30	5, 189	2, 214	115, 029	2, 214
Transportation	**2, 700**	------	------	**101**	**2, 421**	**1, 085**	**2, 498**	**2, 609**	**4, 919**	**3, 795**	**7, 619**	**3, 795**
791 Airways	1, 950	------	------	------	15	9	------	1	15	10	1, 965	10
792 Bus Lines	------	------	------	87	351	137	505	370	856	594	856	594
793 Railroads	750	------	------	------	1, 670	371	165	189	1, 835	560	2, 585	560
794 Steamships	------	------	------	------	360	20	------	5	360	25	360	25
795 Tours	------	------	------	------	------	------	150	16	150	16	150	16
799 Miscellaneous	------	------	------	14	25	548	1, 678	2, 028	1, 703	2, 590	1, 703	2, 590
Wearing Apparel	**9, 450**	------	**900**	**34**	**4, 390**	**652**	**580**	**38**	**5, 870**	**724**	**15, 320**	**724**
801 Men's Wear	8, 700	------	60	7	990	84	40	19	1, 090	110	9, 790	110
802 Women's Wear	------	------	------	------	------	5	------	19	------	24	------	24
809 Miscellaneous	750	------	840	27	3, 400	563	540	------	4, 780	590	5, 530	590
Watches	------	------	------	**124**	**1, 170**	**9, 400**	------	**186**	**1, 170**	**9, 710**	**1, 170**	**9, 710**
819 Miscellaneous	------	------	------	124	1, 170	9, 400	------	186	1, 170	9, 710	1, 170	9, 710
MBS Locally Sponsored	**23, 100**	------	------	------	------	------	------	------	------	------	**23, 100**	------
Totals	**2, 565, 845**	------	**79, 856**	**4, 771**	**410, 972**	**86, 620**	**164, 852**	**34, 092**	**655, 680**	**125, 483**	**3, 221, 525**	**125, 483**

TABLE III

STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK) BY TYPE OF SPONSORING BUSINESS AND BY CLASS OF STATION

RETAIL ADVERTISING UNITS

December 1940

	Clear Channel Stations				Regional Stations						Local Stations						Totals	
	Unlimited		Part-Time		Unlimited		Limited & Day		Part-Time		Unlimited		Day		Part-Time			
Total Commercial Operating Stations	45		8		240		68		31		360		10		26		788	
Total Stations Reporting	33		6		90		17		2		71		0		1		220	
Type of Sponsoring Business	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Amusements	540	388	60	31	5,005	3,396	1,253	730	15	72	8,177	3,735	-----	-----	15	4	15,065	8,356
011 Theaters	180	221	-----	27	2,433	1,706	794	311	-----	65	3,657	2,427	-----	-----	15	4	7,079	4,761
019 Miscellaneous	360	167	60	4	2,572	1,690	459	419	15	7	4,520	1,308	-----	-----	-----	-----	7,986	3,595
Automotive	2,300	614	25	18	24,758	7,596	3,152	1,875	-----	234	20,184	10,240	-----	-----	360	63	50,779	20,640
021 Aviation	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	60	-----	-----	-----	-----	-----	60	-----
022 Garages and Service Stations	720	29	-----	5	2,560	1,924	720	218	-----	24	5,024	3,144	-----	-----	-----	12	9,024	5,356
024 Parts and Accessories	-----	23	25	-----	11,401	518	85	95	-----	107	840	1,376	-----	-----	360	-----	12,711	2,119
025 Passenger Cars	1,430	510	-----	13	9,358	4,356	2,242	1,346	-----	103	12,340	4,443	-----	-----	-----	51	25,370	10,822
026 Tires and Tubes	135	52	-----	-----	1,037	624	105	186	-----	-----	990	893	-----	-----	-----	-----	2,267	1,755
027 Trucks	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	90	52	-----	-----	-----	-----	90	52
028 Tractors	-----	-----	-----	-----	390	111	-----	-----	-----	-----	780	96	-----	-----	-----	-----	1,170	207
029 Miscellaneous	15	-----	-----	-----	12	63	-----	30	-----	-----	60	236	-----	-----	-----	-----	87	329
Bakeries	660	222	330	-----	4,320	1,557	187	632	390	69	5,828	2,591	-----	-----	-----	4	11,715	5,075
039 Miscellaneous	660	222	330	-----	4,320	1,557	187	632	390	69	5,828	2,591	-----	-----	-----	4	11,715	5,075
Book Stores	30	-----	-----	-----	110	156	-----	12	-----	2	795	225	-----	-----	-----	-----	935	395
049 Miscellaneous	30	-----	-----	-----	110	156	-----	12	-----	2	795	225	-----	-----	-----	-----	935	395
Boots and Shoes	1,210	140	-----	108	4,070	2,129	809	394	60	96	1,907	2,234	-----	-----	-----	-----	8,056	5,101
051 Men's	-----	-----	-----	-----	60	81	-----	-----	-----	-----	130	46	-----	-----	-----	-----	190	127
052 Men's and Women's	-----	-----	-----	-----	-----	22	-----	-----	-----	-----	30	255	-----	-----	-----	-----	30	277
053 Women's	-----	-----	-----	-----	-----	233	-----	-----	-----	-----	-----	109	-----	-----	-----	-----	-----	342
059 Miscellaneous	1,210	140	-----	108	4,010	1,793	809	394	60	96	1,747	1,824	-----	-----	-----	-----	7,836	4,355
Building Supplies and Contractors	710	112	75	4	5,339	2,371	547	453	-----	36	11,743	2,950	-----	-----	-----	4	18,414	5,930
069 Miscellaneous	710	112	75	4	5,339	2,371	547	453	-----	36	11,743	2,950	-----	-----	-----	4	18,414	5,930
Clothing Stores	5,570	829	210	279	33,758	14,382	3,548	3,732	450	362	21,649	15,937	-----	-----	75	110	65,260	35,661
071 Men's	2,845	352	100	143	14,405	5,067	602	1,265	270	75	6,346	7,818	-----	-----	60	40	24,628	14,760
072 Men's and Women's	-----	13	-----	78	610	553	255	123	-----	33	1,535	383	-----	-----	-----	-----	2,400	1,183
073 Women's	1,505	337	110	46	5,973	4,261	1,527	1,290	-----	215	4,263	4,422	-----	-----	15	96	13,393	10,667
074 Credit Clothing	585	-----	-----	-----	2,685	1,422	15	316	180	-----	2,935	1,353	-----	-----	-----	-----	6,400	3,091
079 Miscellaneous	635	127	-----	12	10,085	3,079	1,149	738	-----	39	6,570	1,961	-----	-----	-----	4	18,439	5,960
Dairies	-----	48	-----	-----	1,910	426	374	79	-----	69	2,047	959	-----	-----	-----	-----	4,331	1,581
099 Miscellaneous	-----	48	-----	-----	1,910	426	374	79	-----	69	2,047	959	-----	-----	-----	-----	4,331	1,581
Department and Dry Goods Stores	7,260	845	315	156	37,341	8,593	17,879	1,238	625	106	26,005	7,418	-----	-----	-----	-----	89,425	18,356
159 Miscellaneous	7,260	845	315	156	37,341	8,593	17,879	1,238	625	106	26,005	7,418	-----	-----	-----	-----	89,425	18,356
Drug Stores	465	84	-----	-----	8,210	1,988	910	579	-----	14	4,369	2,432	-----	-----	-----	-----	13,954	5,097
169 Miscellaneous	465	84	-----	-----	8,210	1,988	910	579	-----	14	4,369	2,432	-----	-----	-----	-----	13,954	5,097
Educational	25	160	345	9	2,659	1,377	2,305	73	-----	25	615	436	-----	-----	-----	-----	5,949	2,080
179 Miscellaneous	25	160	345	9	2,659	1,377	2,305	73	-----	25	615	436	-----	-----	-----	-----	5,949	2,080
Electric and Gas Appliances and Supply	135	45	-----	15	5,084	1,843	1,174	711	-----	103	3,884	2,139	-----	-----	-----	-----	10,277	4,856
189 Miscellaneous	135	45	-----	15	5,084	1,843	1,174	711	-----	103	3,884	2,139	-----	-----	-----	-----	10,277	4,856
Furniture and Home Furnishings	4,149	1,080	555	287	30,142	6,650	6,779	1,710	375	335	22,876	6,544	-----	-----	-----	16	64,876	16,622
219 Miscellaneous	4,149	1,080	555	287	30,142	6,650	6,779	1,710	375	335	22,876	6,544	-----	-----	-----	16	64,876	16,622
Grocers and Food Stores	4,460	99	-----	173	16,706	3,180	334	451	-----	56	11,969	2,794	-----	-----	60	54	33,529	6,807
221 Chain	2,415	3	-----	-----	8,450	271	120	20	-----	-----	390	407	-----	-----	-----	-----	11,375	701
222 Independent	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
239 Miscellaneous	2,045	96	-----	173	8,256	2,909	214	431	-----	56	11,579	2,387	-----	-----	60	54	22,154	6,106
Heating and Plumbing	-----	175	-----	1	2,552	2,259	205	207	-----	124	2,825	1,626	-----	-----	-----	4	5,582	4,396
249 Miscellaneous	-----	175	-----	1	2,552	2,259	205	207	-----	124	2,825	1,626	-----	-----	-----	4	5,582	4,396
Hotels and Restaurants	2,775	313	-----	33	4,516	1,831	798	970	-----	55	3,975	3,732	-----	-----	-----	42	12,064	6,976
259 Miscellaneous	2,775	313	-----	33	4,516	1,831	798	970	-----	55	3,975	3,732	-----	-----	-----	42	12,064	6,976
Jewelers	630	761	315	318	11,029	8,820	1,025	1,838	330	294	16,337	12,401	-----	-----	-----	4	29,666	24,436
279 Miscellaneous	630	761	315	318	11,029	8,820	1,025	1,838	330	294	16,337	12,401	-----	-----	-----	4	29,666	24,436
Merchandized Chains	1,530	96	-----	50	909	483	225	238	-----	18	1,215	655	-----	-----	-----	-----	3,879	1,540
299 Miscellaneous	1,530	96	-----	50	909	483	225	238	-----	18	1,215	655	-----	-----	-----	-----	3,879	1,540

	Miscellaneous	**1, 740**	**723**	**65**	**98**	**24, 746**	**7, 643**	**6, 084**	**1, 289**	**1, 170**	**335**	**24, 933**	**9, 621**	-----	-----	-----	**52**	**58, 738**	**19, 761**
301	Agriculture	30	54	-----	18	1, 411	332	610	121	-----	-----	1, 640	394	-----	-----	-----	-----	3, 691	919
302	Auctions	-----	-----	-----	-----	-----	8	-----	1	-----	-----	-----	40	-----	-----	-----	-----	-----	49
303	Beverages	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
304	Cleaners-Dyers-Laundries	105	153	-----	-----	8, 068	2, 612	1, 127	340	90	120	7, 075	2, 550	-----	-----	-----	-----	16, 465	5, 775
305	Farm and Orchards (Produce)	-----	25	-----	-----	-----	209	260	11	120	-----	455	527	-----	-----	-----	-----	835	772
306	Florists-Nurseries	165	48	-----	27	1, 293	736	295	154	-----	71	696	1, 207	-----	-----	-----	-----	2, 449	2, 243
307	General Stores	45	43	-----	-----	1, 444	473	3, 045	3	-----	-----	1, 010	242	-----	-----	-----	-----	5, 544	761
308	Confectionery (Ice Cream, etc.)	75	100	-----	1	442	293	-----	206	-----	31	562	284	-----	-----	-----	48	1, 079	963
311	Shoe Repairing	-----	8	-----	-----	486	116	12	29	-----	6	195	144	-----	-----	-----	4	693	307
312	Specialty Shops	75	223	65	52	3, 102	2, 034	505	194	-----	27	1, 940	2, 456	-----	-----	-----	-----	5, 687	4, 986
315	Undertakers	-----	18	-----	-----	2, 940	168	-----	29	-----	-----	2, 105	295	-----	-----	-----	-----	5, 045	510
349	Miscellaneous	1, 245	51	-----	-----	5, 560	662	230	201	960	80	9, 255	1, 482	-----	-----	-----	-----	17, 250	2, 476
	Musical Instruments	**1, 290**	**100**	**60**	**3**	**3, 119**	**674**	**1, 530**	**176**	-----	**142**	**2, 155**	**748**	-----	-----	-----	-----	**8, 154**	**1, 843**
359	Miscellaneous	1, 290	100	60	3	3, 119	674	1, 530	176	-----	142	2, 155	748	-----	-----	-----	-----	8, 154	1, 843
	Office Equipment	**95**	**55**	-----	-----	**180**	**725**	-----	**18**	-----	**13**	**595**	**993**	-----	-----	-----	-----	**870**	**1, 804**
369	Miscellaneous	95	55	-----	-----	180	725	-----	18	-----	13	595	993	-----	-----	-----	-----	870	1, 804
	Radio	-----	**43**	-----	-----	**1, 352**	**822**	**352**	**327**	-----	**6**	**830**	**1, 047**	-----	-----	-----	-----	**2, 534**	**2, 245**
409	Miscellaneous	-----	43	-----	-----	1, 352	822	352	327	-----	6	830	1, 047	-----	-----	-----	-----	2, 534	2, 245
	Real Estate	**20**	**33**	-----	-----	**1, 135**	**399**	**435**	**77**	-----	**34**	**930**	**104**	-----	-----	-----	**6**	**2, 520**	**653**
419	Miscellaneous	20	33	-----	-----	1, 135	399	435	77	-----	34	930	104	-----	-----	-----	6	2, 520	653
	Sporting Goods	**30**	-----	-----	-----	**440**	**720**	**60**	**43**	-----	**7**	**444**	**385**	-----	-----	-----	-----	**974**	**1, 155**
439	Miscellaneous	30	-----	-----	-----	440	720	60	43	-----	7	444	385	-----	-----	-----	-----	974	1, 155
	Stationers	-----	**74**	-----	-----	**360**	**261**	**120**	**74**	-----	**10**	**335**	**247**	-----	-----	-----	-----	**815**	**666**
449	Miscellaneous	-----	74	-----	-----	360	261	120	74	-----	10	335	247	-----	-----	-----	-----	815	666
	Toilet Goods and Beauty Shops	**75**	**12**	-----	-----	**746**	**295**	**120**	**89**	-----	-----	**306**	**564**	-----	-----	-----	-----	**1, 247**	**960**
459	Miscellaneous	75	12	-----	-----	746	295	120	89	-----	-----	306	564	-----	-----	-----	-----	1, 247	960
	Totals	**35, 699**	**7, 051**	**2, 355**	**1, 583**	**230, 496**	**80, 576**	**50, 205**	**18, 015**	**3, 415**	**2, 617**	**196, 928**	**92, 757**	-----	-----	**510**	**393**	**519, 608**	**202, 992**

TABLE III—Continued

GENERAL ADVERTISING UNITS

December 1940

		Clear Channel Stations				Regional Stations						Local Stations						Totals	
		Unlimited		Part-Time		Unlimited		Limited & Day		Part-Time		Unlimited		Day		Part-Time			
	Total Commercial Operating Stations	45		8		240		68		31		360		10		26		788	
	Total Stations Reporting	33		6		90		17		2		71		0		1		220	
	Type of Sponsoring Business	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
	Agriculture	**4,225**	**382**	**945**	**276**	**9,375**	**912**	**1,004**	**439**	**45**	-----	**1,745**	**325**	-----	-----	-----	-----	**17,339**	**2,334**
501	Cattle Foods	1,475	218	765	140	3,660	424	700	254	45	-----	345	133	-----	-----	-----	-----	6,990	1,169
502	Seeds	610	132	-----	31	2,315	118	-----	48	-----	-----	65	-----	-----	-----	-----	-----	2,990	329
503	Farm Machinery	180	-----	-----	-----	525	3	-----	-----	-----	-----	-----	3	-----	-----	-----	-----	705	6
504	Nurseries	-----	-----	-----	-----	130	26	75	-----	-----	-----	-----	-----	-----	-----	-----	-----	205	26
505	Live Stock	670	7	60	97	2,235	223	214	7	-----	-----	715	137	-----	-----	-----	-----	3,894	471
509	Miscellaneous	1,290	25	120	8	510	118	15	130	-----	-----	620	52	-----	-----	-----	-----	2,555	333
	Alcoholic Beverages	**5,935**	**161**	**1,470**	**138**	**11,820**	**3,879**	**4,600**	**492**	**130**	**93**	**8,805**	**3,049**	-----	-----	-----	-----	**32,760**	**7,812**
511	Beers	5,610	133	1,470	138	10,340	3,246	4,540	232	-----	59	8,555	2,646	-----	-----	-----	-----	30,515	6,454
512	Wines	325	26	-----	-----	1,480	620	60	260	130	34	250	403	-----	-----	-----	-----	2,245	1,343
513	Liquors	-----	2	-----	-----	-----	13	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	15
519	Miscellaneous	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
	Amusements	-----	**9**	-----	-----	-----	**65**	**300**	-----	-----	-----	**15**	**22**	-----	-----	-----	-----	**315**	**96**
529	Miscellaneous	-----	9	-----	-----	-----	65	300	-----	-----	-----	15	22	-----	-----	-----	-----	315	96
	Automotive	**10,040**	**702**	**636**	**82**	**23,390**	**2,584**	**2,235**	**141**	**180**	**8**	**19,050**	**831**	-----	-----	-----	-----	**55,531**	**4,348**
531	Aviation	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
533	Gas and Oil	9,095	383	456	15	21,428	1,339	2,235	39	180	-----	18,670	557	-----	-----	-----	-----	52,064	2,333
534	Parts and Accessories	60	-----	-----	12	60	45	-----	39	-----	-----	120	73	-----	-----	-----	-----	240	169
535	Passenger Cars	735	312	-----	46	685	1,097	-----	62	-----	8	230	113	-----	-----	-----	-----	1,650	1,638
536	Tires and Tubes	-----	-----	-----	-----	27	62	-----	-----	-----	-----	-----	56	-----	-----	-----	-----	27	118
537	Trucks	-----	-----	-----	-----	390	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	390	-----
538	Tractors	-----	-----	180	-----	800	-----	-----	-----	-----	-----	30	31	-----	-----	-----	-----	1,010	31
539	Miscellaneous	150	7	-----	9	-----	41	-----	1	-----	-----	-----	1	-----	-----	-----	-----	150	59
	Building Materials	**780**	**21**	**45**	**13**	**990**	**431**	**30**	**13**	-----	-----	**695**	**261**	-----	-----	-----	-----	**2,540**	**739**
549	Miscellaneous	780	21	45	13	990	431	30	13	-----	-----	695	261	-----	-----	-----	-----	2,540	739
	Confections	**6,380**	**1,524**	**130**	**201**	**4,045**	**1,971**	**180**	**164**	-----	**113**	**1,305**	**366**	-----	-----	-----	-----	**12,040**	**4,339**
559	Miscellaneous	6,380	1,524	130	201	4,045	1,971	180	164	-----	113	1,305	366	-----	-----	-----	-----	12,040	4,339
	Educational	**50**	-----	-----	-----	**290**	**73**	**65**	-----	-----	-----	-----	**3**	-----	-----	-----	-----	**405**	**76**
569	Miscellaneous	50	-----	-----	-----	290	73	65	-----	-----	-----	-----	3	-----	-----	-----	-----	405	76
	Financial	**3,950**	**466**	**25**	**76**	**11,805**	**3,733**	**3,920**	**675**	**140**	**153**	**6,250**	**2,994**	-----	-----	-----	-----	**26,090**	**8,097**
571	Banks and Trust Companies	1,110	246	-----	14	5,618	1,334	945	209	-----	18	3,760	1,151	-----	-----	-----	-----	11,433	2,972
572	Real Estate and Home Financing	730	131	-----	13	950	311	240	-----	-----	-----	1,175	170	-----	-----	-----	-----	3,095	625
573	Stock and Bond Houses	120	27	-----	-----	260	27	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	380	54
579	Miscellaneous	1,990	62	25	49	4,977	2,061	2,735	466	140	135	1,315	1,673	-----	-----	-----	-----	11,182	4,446
	Groceries	**57,538**	**6,346**	**9,265**	**538**	**100,641**	**15,595**	**8,054**	**1,745**	**2,310**	**273**	**33,232**	**10,123**	-----	-----	-----	-----	**211,010**	**34,620**
581	Baking Products	4,105	540	510	50	12,349	3,639	1,425	474	-----	13	7,355	1,960	-----	-----	-----	-----	25,744	6,676
582	Beverages	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
583	Coffee and Tea	4,345	621	1,030	12	8,270	1,148	1,740	9	-----	5	640	194	-----	-----	-----	-----	16,025	1,989
584	Soft Drinks	1,260	456	300	26	10,761	1,643	15	675	-----	25	11,460	3,446	-----	-----	-----	-----	23,856	6,271
589	Miscellaneous	150	42	90	12	1,155	133	285	242	-----	-----	2,237	728	-----	-----	-----	-----	3,917	1,157
585	Shortening	2,775	852	660	18	2,595	789	-----	-----	330	-----	450	254	-----	-----	-----	-----	6,810	1,913
586	Cereals and Breakfast Foods	6,643	411	780	29	6,900	435	1,020	38	660	-----	930	55	-----	-----	-----	-----	16,933	968
587	Condiments	1,420	158	195	52	1,835	449	50	84	135	53	300	168	-----	-----	-----	-----	3,935	964
588	Dairy Products	1,740	663	330	109	5,878	1,217	300	4	-----	62	2,470	877	-----	-----	-----	-----	10,718	2,932
591	Meats-Fish-Poultry	2,725	269	195	21	7,055	462	-----	71	-----	2	1,110	321	-----	-----	-----	-----	11,085	1,146
592	Laundry Soaps and Cleansers	17,140	568	1,890	41	20,175	1,378	1,515	60	660	80	3,685	293	-----	-----	-----	-----	45,065	2,420
593	Flour	7,065	216	2,620	42	9,822	628	855	25	525	7	915	583	-----	-----	-----	-----	21,802	1,501
594	Sugar	360	66	195	-----	105	285	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	660	351
595	Disinfectants and Exterminators	805	6	-----	-----	700	21	-----	-----	-----	-----	-----	25	-----	-----	-----	-----	1,505	52
599	Miscellaneous	7,005	1,478	410	126	13,041	3,368	849	63	-----	26	1,680	1,219	-----	-----	-----	-----	22,985	6,280
	Hotels and Resorts	-----	-----	-----	-----	-----	**12**	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	**12**
609	Miscellaneous	-----	-----	-----	-----	-----	12	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	12
	Housing Equipment and Supplies	**5,235**	**239**	**315**	**6**	**7,817**	**896**	**195**	**125**	-----	-----	**3,490**	**319**	-----	-----	-----	-----	**17,052**	**1,585**
611	Air Conditioning	-----	-----	-----	-----	1,670	-----	-----	-----	-----	-----	200	2	-----	-----	-----	-----	1,870	2
612	Automatic Heating	-----	-----	-----	-----	285	-----	25	60	-----	-----	-----	-----	-----	-----	-----	-----	310	60
613	Automatic Refrigeration	105	-----	-----	-----	75	-----	-----	-----	-----	-----	615	18	-----	-----	-----	-----	795	18
614	Fixtures	-----	-----	-----	-----	195	1	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	195	1
615	Fuel	1,335	101	-----	-----	2,400	438	-----	26	-----	-----	690	108	-----	-----	-----	-----	4,425	673
616	Furniture and Furnishings	2,565	7	315	6	2,247	302	170	25	-----	-----	780	133	-----	-----	-----	-----	6,077	473
617	Heaters and Stoves	1,035	107	-----	-----	900	72	-----	14	-----	-----	780	24	-----	-----	-----	-----	2,715	217
629	Miscellaneous	195	24	-----	-----	45	83	-----	-----	-----	-----	425	34	-----	-----	-----	-----	665	141

	Industrial	**135**	**18**	**150**	-----	**270**	**9**	-----	**60**	-----	-----	**455**	**49**	-----	-----	-----	-----	**1,010**	**136**
639	Miscellaneous	135	18	150	-----	270	9	-----	60	-----	-----	455	49	-----	-----	-----	-----	1,010	136
	Insurance	**1,620**	**58**	**75**	**24**	**4,685**	**464**	**950**	**61**	**45**	-----	**979**	**510**	-----	-----	-----	-----	**8,354**	**1,117**
649	Miscellaneous	1,620	58	75	24	4,685	464	950	61	45	-----	979	510	-----	-----	-----	-----	8,354	1,117
	Jewelry and Silverware	**150**	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	**150**	-----
659	Miscellaneous	150	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	150	-----
	Medical	**25,801**	**6,296**	**4,224**	**1,149**	**25,059**	**11,871**	**2,525**	**816**	**300**	**192**	**8,350**	**3,256**	-----	-----	-----	**44**	**66,259**	**23,624**
669	Miscellaneous	25,801	6,296	4,224	1,149	25,059	11,871	2,525	816	300	192	8,350	3,256	-----	-----	-----	44	66,259	23,624
	Miscellaneous	**6,710**	**590**	**200**	**67**	**9,725**	**1,025**	**267**	**159**	-----	**3**	**4,230**	**840**	-----	-----	-----	-----	**21,132**	**2,684**
671	Cards and Stationery	-----	27	-----	-----	650	155	-----	26	-----	-----	-----	-----	-----	-----	-----	-----	650	208
672	Chamber of Commerce and Merchants Associations	150	79	-----	5	1,675	74	-----	112	-----	-----	420	550	-----	-----	-----	-----	2,245	820
673	Pet Foods	1,545	92	135	-----	1,055	104	-----	-----	-----	-----	915	96	-----	-----	-----	-----	3,650	292
674	Phonograph Records	4,290	137	-----	-----	2,985	77	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	7,275	214
675	Veterinary and Animal Medicine	350	39	65	26	120	140	215	-----	-----	-----	-----	-----	-----	-----	-----	-----	750	205
699	Miscellaneous	375	216	-----	36	3,240	475	52	21	-----	3	2,895	194	-----	-----	-----	-----	6,562	945
	Political	**375**	**8**	-----	-----	**60**	**6**	-----	-----	-----	-----	**140**	**9**	-----	-----	-----	-----	**575**	**23**
701	Local	105	4	-----	-----	30	-----	-----	-----	-----	-----	-----	5	-----	-----	-----	-----	135	9
702	State	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
703	National	-----	-----	-----	-----	15	1	-----	-----	-----	-----	30	-----	-----	-----	-----	-----	45	1
709	Miscellaneous	270	4	-----	-----	15	5	-----	-----	-----	-----	110	4	-----	-----	-----	-----	395	13
	Professional and Service	**355**	**374**	**75**	-----	**9,576**	**2,879**	**360**	**377**	**110**	**93**	**2,620**	**1,796**	-----	-----	-----	**21**	**13,096**	**5,540**
711	Opticians-Optometrists	355	374	-----	-----	3,531	2,307	120	162	110	82	1,340	1,356	-----	-----	-----	21	5,456	4,302
712	Chiropractors	-----	-----	75	-----	720	113	-----	-----	-----	1	595	121	-----	-----	-----	-----	1,390	233
713	Dentists	-----	-----	-----	-----	5,190	353	45	192	-----	10	285	184	-----	-----	-----	-----	5,520	739
714	Physicians (Medical)	-----	-----	-----	-----	-----	61	-----	13	-----	-----	-----	1	-----	-----	-----	-----	-----	75
715	Hospitals	-----	-----	-----	-----	75	1	195	-----	-----	-----	-----	10	-----	-----	-----	-----	270	11
719	Miscellaneous	-----	-----	-----	-----	60	44	-----	10	-----	-----	400	124	-----	-----	-----	-----	460	178
	Public Utilities	**1,655**	**362**	**105**	-----	**14,650**	**1,418**	**390**	**202**	-----	-----	**7,139**	**1,689**	-----	-----	**270**	**41**	**24,209**	**3,712**
721	Electric Companies	1,050	31	-----	-----	5,325	697	-----	100	-----	-----	5,329	1,145	-----	-----	270	41	11,974	2,014
722	Gas Companies	220	135	105	-----	4,050	264	-----	24	-----	-----	535	215	-----	-----	-----	-----	4,910	638
723	Electric and Gas Companies	385	132	-----	-----	4,200	130	390	-----	-----	-----	1,155	61	-----	-----	-----	-----	6,130	323
724	Telegraph Companies	-----	55	-----	-----	-----	287	-----	78	-----	-----	30	225	-----	-----	-----	-----	30	645
725	Telephone Companies	-----	9	-----	-----	720	36	-----	-----	-----	-----	90	43	-----	-----	-----	-----	810	88
729	Miscellaneous	-----	-----	-----	-----	355	4	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	353	4
	Publications	**1,935**	**155**	**75**	-----	**7,582**	**1,014**	**880**	**330**	-----	-----	**4,805**	**933**	-----	-----	-----	-----	**15,277**	**2,432**
731	Books	145	-----	20	-----	2,210	77	360	32	-----	-----	-----	90	-----	-----	-----	-----	2,735	199
732	Magazines	255	11	25	-----	1,185	78	-----	71	-----	-----	75	29	-----	-----	-----	-----	1,540	189
733	Newspapers	1,520	144	30	-----	3,652	833	-----	212	-----	-----	4,460	774	-----	-----	-----	-----	9,662	1,963
739	Miscellaneous	15	-----	-----	-----	535	26	520	15	-----	-----	270	40	-----	-----	-----	-----	1,340	81
	Religion	**5,370**	**4**	**1,620**	-----	**28,770**	**78**	**4,795**	**9**	**2,340**	-----	**29,995**	**48**	-----	-----	**360**	-----	**73,250**	**139**
749	Miscellaneous	5,370	4	1,620	-----	28,770	78	4,795	9	2,340	-----	29,995	48	-----	-----	360	-----	73,250	139
	Radio	**1,195**	**124**	-----	-----	**4,287**	**283**	**15**	**208**	-----	-----	-----	**92**	-----	-----	-----	-----	**5,497**	**707**
751	Sets	1,195	124	-----	-----	2,712	160	15	208	-----	-----	-----	92	-----	-----	-----	-----	3,922	584
752	Stations	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
753	Tubes	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
759	Miscellaneous	-----	-----	-----	-----	1,575	123	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	1,575	123
	Sporting Goods	-----	**12**	-----	**14**	-----	**1**	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	**27**
769	Miscellaneous	-----	12	-----	14	-----	1	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	27
	Tobacco	**8,785**	**219**	**600**	**60**	**6,970**	**1,606**	-----	-----	-----	**18**	**3,620**	**742**	-----	-----	-----	-----	**19,975**	**2,645**
771	Cigars	1,350	81	-----	26	1,730	349	-----	-----	-----	-----	405	133	-----	-----	-----	-----	3,485	589
772	Cigarettes	4,240	60	270	26	3,030	841	-----	-----	-----	18	1,595	22	-----	-----	-----	-----	9,135	967
773	Tobacco	1,035	26	330	-----	1,315	318	-----	-----	-----	-----	645	42	-----	-----	-----	-----	3,325	386
774	Miscellaneous Tobacco	990	30	-----	-----	895	32	-----	-----	-----	-----	975	527	-----	-----	-----	-----	2,860	589
779	Miscellaneous	1,170	22	-----	8	-----	66	-----	-----	-----	-----	-----	18	-----	-----	-----	-----	1,170	114
	Toilet Requisites	**6,621**	**1,236**	**206**	**145**	**10,348**	**1,868**	**150**	**138**	-----	**14**	**2,500**	**996**	-----	-----	-----	**13**	**19,825**	**4,410**
781	Antiseptics	15	-----	-----	-----	120	78	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	135	78
782	Dentifrices	695	50	-----	22	570	145	-----	-----	-----	-----	-----	350	-----	-----	-----	-----	1,265	567
783	Perfumes-Cosmetics-Lotions	1,375	551	206	18	870	445	60	97	-----	-----	630	-----	-----	-----	-----	-----	3,141	1,111
784	Toilet Soaps	3,740	188	-----	26	5,925	226	-----	-----	-----	-----	430	-----	-----	-----	-----	-----	10,095	440
789	Miscellaneous	796	447	-----	79	2,863	974	90	41	-----	14	1,440	646	-----	-----	-----	13	5,189	2,214
	Transportation	**2,085**	**566**	-----	**19**	**1,815**	**1,975**	**75**	**208**	-----	**14**	**944**	**1,013**	-----	-----	-----	-----	**4,919**	**3,795**
791	Airways	-----	-----	-----	-----	15	-----	-----	-----	-----	9	-----	1	-----	-----	-----	-----	15	10
792	Bus Lines	-----	22	-----	4	756	306	-----	31	-----	-----	100	231	-----	-----	-----	-----	856	594
793	Railroads	1,650	128	-----	-----	135	383	-----	9	-----	-----	50	40	-----	-----	-----	-----	1,835	560
794	Steamships	360	-----	-----	-----	-----	25	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	360	25
795	Tours	-----	-----	-----	-----	150	6	-----	-----	-----	-----	-----	10	-----	-----	-----	-----	150	16
799	Miscellaneous	75	416	-----	15	759	1,255	75	168	-----	5	794	731	-----	-----	-----	-----	1,703	2,590
	Wearing Apparel	**2,160**	**248**	**390**	**64**	**2,905**	**355**	**30**	**6**	-----	**3**	**385**	**48**	-----	-----	-----	-----	**5,870**	**724**
801	Men's Wear	960	91	-----	-----	90	19	-----	-----	-----	-----	40	-----	-----	-----	-----	-----	1,090	110
802	Women's Wear	-----	5	-----	-----	-----	9	-----	-----	-----	-----	-----	10	-----	-----	-----	-----	-----	24
809	Miscellaneous	1,200	152	390	64	2,815	327	30	6	-----	3	345	38	-----	-----	-----	-----	4,780	590
	Watches	-----	**4,490**	-----	**321**	**240**	**4,153**	-----	-----	-----	**22**	**930**	**724**	-----	-----	-----	-----	**1,170**	**9,710**
819	Miscellaneous	-----	4,490	-----	321	240	4,153	-----	-----	-----	22	930	724	-----	-----	-----	-----	1,170	9,710
	Totals	**159,085**	**24,610**	**20,551**	**3,193**	**297,115**	**59,156**	**31,020**	**6,368**	**5,600**	**999**	**141,679**	**31,038**	-----	-----	**630**	**119**	**655,680**	**125,483**

TABLE IV

STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK) BY TYPE OF SPONSORING BUSINESS AND BY STATION METROPOLITAN DISTRICT OR CITY POPULATION

RETAIL ADVERTISING UNITS

December 1940

	2,500,000 and over		1,000,000 to 2,500,000		500,000 to 1,000,000		250,000 to 500,000		100,000 to 250,000		50,000 to 100,000		25,000 to 50,000		10,000 to 25,000		Less than 10,000		Totals	
Total Commercial Operating Stations	52		60		44		93		106		58		104		160		111		788	
Total Stations Reporting	13		21		23		44		32		16		27		23		21		220	
Type of Sponsoring Business	Pgm.	Ann.	=Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Agm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Amusements	**60**	**29**	**600**	**719**	**3,025**	**1,051**	**1,318**	**985**	**3,207**	**1,252**	**1,010**	**541**	**2,230**	**948**	**1,368**	**1,823**	**2,247**	**1,008**	**15,065**	**8,356**
011 Theaters	60	14	30	265	880	347	538	546	1,832	777	740	357	1,085	589	809	1,165	1,105	701	7,079	4,761
019 Miscellaneous	-----	15	570	454	2,145	704	780	439	1,375	475	270	184	1,145	359	559	658	1,142	307	7,986	3,595
Automotive	**810**	**239**	**3,197**	**680**	**11,410**	**1,903**	**8,490**	**3,285**	**3,667**	**2,272**	**2,079**	**1,725**	**10,615**	**3,311**	**6,300**	**3,575**	**4,211**	**3,650**	**50,779**	**20,64**
021 Aviation	-----	-----	-----	-----	-----	-----	60	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	60	-----
022 Garages and Service Stations	-----	36	75	-----	570	216	520	509	685	921	449	241	4,365	951	1,680	1,184	680	1,298	9,024	5,356
024 Parts and Accessories	360	107	-----	56	8,970	248	1,290	223	837	154	25	136	805	389	130	432	294	374	12,711	2,119
025 Passenger Cars	450	96	3,062	560	1,870	1,293	6,263	2,043	2,135	904	1,080	1,304	4,740	1,448	2,870	1,688	2,900	1,486	25,370	10,822
026 Tires and Tubes	-----	-----	60	54	-----	138	330	361	10	262	525	29	615	445	390	197	337	269	2,267	1,755
027 Trucks	-----	-----	-----	-----	-----	-----	-----	-----	-----	3	-----	-----	30	1	60	32	-----	16	90	52
028 Tractors	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	43	1,170	-----	-----	164	1,170	207
029 Miscellaneous	-----	-----	-----	10	-----	8	27	149	-----	28	-----	15	60	34	-----	42	-----	43	87	329
Bakeries	**60**	**55**	**360**	**348**	**870**	**167**	**1,125**	**601**	**5,320**	**1,035**	**150**	**289**	**3,213**	**812**	**480**	**1,069**	**137**	**699**	**11,715**	**5,075**
039 Miscellaneous	60	55	360	348	870	167	1,125	601	5,320	1,035	150	289	3,213	812	480	1,069	137	699	11,715	5,075
Book Stores	-----	**2**	-----	-----	-----	-----	-----	**44**	-----	**121**	**30**	**31**	**120**	**28**	**785**	**103**	-----	**66**	**935**	**395**
049 Miscellaneous	-----	2	-----	-----	-----	-----	-----	44	-----	121	30	31	120	28	785	103	-----	66	935	395
Boots and Shoes	**645**	**229**	**1,095**	**148**	**550**	**438**	**1,715**	**981**	**482**	**1,167**	**250**	**348**	**1,310**	**577**	**1,810**	**714**	**199**	**499**	**8,056**	**5,101**
051 Men's	-----	-----	-----	-----	-----	-----	190	54	-----	32	-----	-----	-----	-----	-----	18	-----	23	190	127
052 Men's and Women's	-----	-----	-----	-----	-----	30	-----	27	30	55	-----	-----	-----	35	-----	56	-----	74	30	277
053 Women's	-----	-----	-----	4	-----	-----	-----	51	-----	118	-----	28	-----	46	-----	49	-----	46	0	342
059 Miscellaneous	645	229	1,095	144	550	408	1,525	849	452	962	250	320	1,310	496	1,810	591	199	356	7,836	4,355
Building Supplies and Contractors	-----	**20**	**405**	**140**	**190**	**193**	**4,771**	**666**	**1,019**	**539**	**320**	**648**	**5,213**	**1,295**	**4,115**	**918**	**2,381**	**1,511**	**18,414**	**5,930**
069 Miscellaneous	-----	20	405	140	190	193	4,771	666	1,019	539	320	648	5,213	1,295	4,115	918	2,381	1,511	18,414	5,930
Clothing Stores	**2,190**	**1,312**	**7,290**	**1,145**	**6,145**	**4,711**	**18,356**	**7,082**	**8,529**	**5,207**	**2,185**	**3,483**	**4,976**	**5,822**	**11,720**	**3,826**	**3,869**	**3,073**	**65,260**	**35,661**
071 Men's	715	584	3,395	386	3,515	2,795	9,200	2,467	3,682	1,640	1,050	1,274	1,380	3,092	1,184	1,374	507	1,148	24,628	14,760
072 Men's and Women's	-----	-----	195	-----	150	67	710	88	355	451	60	199	930	120	-----	105	-----	153	2,400	1,183
073 Women's	470	717	1,445	479	980	940	3,246	1,892	2,512	1,658	775	737	1,736	1,158	1,832	1,950	397	1,136	13,393	10,667
074 Credit Clothing	765	-----	390	36	360	225	1,975	854	135	673	60	644	315	659	2,400	-----	-----	-----	6,400	3,091
079 Miscellaneous	240	11	1,865	244	1,140	684	3,225	1,781	1,845	785	240	629	615	793	6,304	397	2,965	636	18,439	5,960
Dairies	-----	**4**	-----	**26**	**60**	**261**	**307**	**530**	**1,145**	**296**	**155**	**7**	**1,585**	**185**	**365**	**139**	**714**	**133**	**4,331**	**1,581**
099 Miscellaneous	-----	4	-----	26	60	261	307	530	1,145	296	155	7	1,585	185	365	139	714	133	4,331	1,581
Department and Dry Goods Stores	**810**	-----	**10,195**	**1,106**	**9,485**	**2,375**	**21,467**	**2,200**	**9,304**	**3,509**	**5,980**	**1,299**	**9,335**	**3,276**	**15,510**	**3,319**	**7,339**	**1,272**	**89,425**	**18,356**
159 Miscellaneous	810	-----	10,195	1,106	9,485	2,375	21,467	2,200	9,304	3,509	5,980	1,299	9,335	3,276	15,510	3,319	7,339	1,272	89,425	18,356
Drug Stores	-----	**44**	**1,950**	**274**	**2,490**	**176**	**1,115**	**366**	**735**	**845**	**125**	**51**	**775**	**900**	**4,857**	**1,090**	**1,907**	**1,351**	**13,954**	**5,097**
169 Miscellaneous	-----	44	1,950	274	2,490	176	1,115	366	735	845	125	51	775	900	4,857	1,090	1,907	1,351	13,954	5,097
Educational	**2,205**	**17**	**640**	**15**	**30**	**74**	**869**	**132**	**940**	**1,115**	**145**	**163**	**685**	**276**	**300**	**115**	**135**	**173**	**5,949**	**2,080**
179 Miscellaneous	2,205	17	640	15	30	74	869	132	940	1,115	145	163	685	276	300	115	135	173	5,949	2,080
Electric & Gas Appliances & Supply	-----	**31**	**270**	**255**	**1,065**	**265**	**1,480**	**927**	**1,929**	**875**	**360**	**444**	**2,175**	**862**	**2,173**	**549**	**825**	**648**	**10,277**	**4,856**
189 Miscellaneous	-----	31	270	255	1,065	265	1,480	927	1,929	875	360	444	2,175	862	2,173	549	825	648	10,277	4,856
Furniture and Home Furnishings	**1,530**	**285**	**6,555**	**935**	**7,900**	**1,695**	**13,870**	**3,644**	**11,140**	**2,545**	**2,940**	**1,189**	**8,190**	**2,821**	**8,904**	**2,037**	**3,847**	**1,471**	**64,876**	**16,622**
219 Miscellaneous	1,530	285	6,555	935	7,900	1,695	13,870	3,644	11,140	2,545	2,940	1,189	8,190	2,821	8,904	2,037	3,847	1,471	64,876	16,622
Grocers and Food Stores	**435**	**93**	**2,085**	**188**	**7,670**	**428**	**7,597**	**628**	**3,605**	**1,251**	**2,000**	**132**	**3,235**	**861**	**1,963**	**1,386**	**4,939**	**1,840**	**33,529**	**6,807**
221 Chain	195	-----	2,055	-----	2,790	132	2,505	40	2,010	96	785	-----	390	68	645	184	-----	181	11,375	701
222 Independent	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
239 Miscellaneous	240	93	30	188	4,880	296	5,092	588	1,595	1,155	1,215	132	2,845	793	1,318	1,202	4,939	1,659	22,154	6,106
Heating and Plumbing	-----	**47**	**225**	**202**	**200**	**508**	**1,760**	**829**	**320**	**752**	**185**	**600**	**1,485**	**776**	**805**	**319**	**602**	**363**	**5,582**	**4,396**
249 Miscellaneous	-----	47	225	202	200	508	1,760	829	320	752	185	600	1,485	776	805	319	602	363	5,582	4,396
Hotels and Restaurants	**2,205**	**190**	**2,145**	**502**	**330**	**460**	**2,618**	**1,400**	**180**	**895**	**1,005**	**233**	**2,730**	**1,048**	**325**	**976**	**526**	**1,272**	**12,064**	**6,976**
259 Miscellaneous	2,205	190	2,145	502	330	460	2,618	1,400	180	895	1,005	233	2,730	1,048	325	976	526	1,272	12,064	6,976
Jewelers	**60**	**118**	**3,430**	**1,489**	**1,400**	**2,357**	**8,411**	**4,302**	**4,445**	**3,714**	**965**	**2,705**	**4,885**	**4,166**	**4,980**	**3,088**	**1,090**	**2,497**	**29,666**	**24,436**
279 Miscellaneous	60	118	3,430	1,489	1,400	2,357	8,411	4,302	4,445	3,714	965	2,705	4,885	4,166	4,980	3,088	1,090	2,497	29,666	24,436
Merchandized Chains	**30**	**36**	**345**	**166**	**330**	**109**	**1,684**	**447**	**1,290**	**237**	**20**	**25**	**175**	**362**	-----	**106**	**5**	**52**	**3,879**	**1,540**
299 Miscellaneous	30	36	345	166	330	109	1,684	447	1,290	237	20	25	175	362	-----	106	5	52	3,879	1,540

Miscellaneous	**120**	**222**	**2, 680**	**488**	**8, 640**	**1, 978**	**13, 998**	**3, 056**	**7, 973**	**2, 731**	**2, 825**	**1, 246**	**7, 612**	**3, 634**	**6, 454**	**3, 187**	**8, 436**	**3, 219**	**58, 738**	**19, 761**
301 Agriculture	-----	-----	-----	-----	-----	-----	45	16	840	87	40	94	1, 110	142	306	194	1, 350	386	3, 691	919
302 Auctions	-----	-----	-----	-----	-----	-----	-----	-----	-----	9	-----	10	-----	9	-----	-----	-----	21	-----	49
303 Beverages	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
304 Cleaners-Dyers-Laundries	-----	2	1, 490	194	2, 035	896	5, 569	1, 148	2, 103	704	1, 385	462	1, 650	908	1, 664	903	569	558	16, 465	5, 775
305 Farms and Orchards (Produce)	-----	-----	150	14	120	41	100	121	-----	113	60	25	405	186	-----	49	-----	223	835	772
306 Florists-Nurseries	-----	25	240	87	75	144	565	312	222	277	100	115	405	288	589	463	253	532	2, 449	2, 243
307 General Stores	-----	-----	-----	-----	60	60	513	75	495	233	-----	27	415	68	526	217	3, 525	81	5, 544	761
308 Confectionery (Ice Cream, etc.)	60	62	15	-----	390	194	35	99	140	124	30	22	322	112	-----	88	87	262	1, 079	963
311 Shoe Repairing	-----	4	195	2	360	14	1	55	60	47	-----	60	-----	43	65	29	12	53	693	307
312 Specialty Shops	-----	41	150	132	150	324	1, 875	897	543	779	60	412	1, 610	1, 094	904	679	395	628	5, 687	4, 986
315 Undertakers	-----	-----	75	45	495	56	1, 260	44	1, 470	48	145	5	495	197	555	59	550	56	5, 045	510
349 Miscellaneous	60	88	365	14	4, 955	249	4, 035	289	2, 100	310	1, 005	14	1, 200	587	1, 845	506	1, 685	419	17, 250	2, 476
Musical Instruments	**750**	**52**	**2, 145**	**50**	**480**	**298**	**1, 495**	**273**	**1, 144**	**344**	-----	**78**	**1, 015**	**290**	**990**	**167**	**135**	**291**	**8, 154**	**1, 843**
359 Miscellaneous	750	52	2, 145	50	480	298	1, 495	273	1, 144	344	-----	78	1, 015	290	990	167	135	291	8, 154	1, 843
Office Equipment	-----	**13**	**45**	**21**	**45**	**76**	**75**	**244**	**25**	**284**	**10**	**194**	**500**	**239**	**115**	**619**	**55**	**114**	**870**	**1, 804**
369 Miscellaneous	-----	13	45	21	45	76	75	244	25	284	10	194	500	239	115	619	55	114	870	1, 804
Radio	-----	**6**	**120**	**25**	**600**	**104**	**600**	**502**	**807**	**768**	**35**	**66**	-----	**467**	**90**	**134**	**282**	**173**	**2, 534**	**2, 245**
409 Miscellaneous	-----	6	120	25	600	104	600	502	807	768	35	66	-----	467	90	134	282	173	2, 534	2, 245
Real Estate	-----	**40**	**680**	**100**	**75**	**23**	**540**	**170**	**45**	**184**	-----	**16**	**330**	**9**	-----	**10**	**850**	**101**	**2, 520**	**653**
419 Miscellaneous	-----	40	680	100	75	23	540	170	45	184	-----	16	330	9	-----	10	850	101	2, 520	653
Sporting Goods	-----	-----	-----	-----	-----	**34**	**520**	**170**	**112**	**291**	-----	**336**	**332**	**122**	-----	**119**	**10**	**83**	**974**	**1, 155**
439 Miscellaneous	-----	-----	-----	-----	-----	34	520	170	112	291	-----	336	332	122	-----	119	10	83	974	1, 155
Stationers	-----	**1**	-----	**41**	-----	**91**	**205**	**178**	**285**	**154**	-----	**2**	**25**	**72**	-----	**82**	**300**	**45**	**815**	**666**
449 Miscellaneous	-----	1	-----	41	-----	91	205	178	285	154	-----	2	25	72	-----	82	300	45	815	666
Toilet Goods and Beauty Shops	-----	-----	**120**	**26**	**215**	**61**	**122**	**164**	**227**	**91**	**55**	**72**	**105**	**106**	**269**	**217**	**134**	**223**	**1, 247**	**960**
459 Miscellaneous	-----	-----	120	26	215	61	122	164	227	91	55	72	105	106	269	217	134	223	1, 247	960
Totals	**11, 910**	**3, 085**	**46, 557**	**9, 089**	**63, 205**	**19, 836**	**14, 508**	**33, 806**	**67, 778**	**32, 474**	**22, 829**	**15, 923**	**72, 851**	**33, 265**	**74, 678**	**29, 687**	**45, 175**	**25, 827**	**519, 608**	**202, 992**

TABLE IV—Continued

GENERAL ADVERTISING UNITS

December 1940

	2,500,000 and over		1,000,000 to 2,500,000		500,000 to 1,000,000		250,000 to 500,000		100,000 to 250,000		50,000 to 100,000		25,000 to 50,000		10,000 to 25,000		Less than 10,000		Totals	
Total Commercial Operating Stations	52		60		44		93		106		58		104		160		111		788	
Total Stations Reporting	13		21		23		44		32		16		27		23		21		220	
Type of Sponsoring Business	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Agriculture	**780**	**113**	**325**	**67**	**1, 240**	**80**	**960**	**279**	**3, 270**	**383**	**1, 730**	**244**	**1, 520**	**354**	**1, 909**	**211**	**5, 605**	**603**	**17, 339**	**2, 334**
501 Cattle Foods	660	74	180	30	440	73	615	160	1, 580	136	1, 060	170	135	62	835	112	1, 485	352	6, 990	1, 169
502 Seeds	-----	31	-----	-----	440	7	-----	37	145	132	90	48	-----	18	65	-----	2, 250	56	2, 990	329
503 Farm Machinery	-----	-----	-----	-----	180	-----	-----	-----	-----	1	-----	-----	330	-----	-----	2	195	3	705	6
504 Nurseries	-----	-----	-----	-----	-----	-----	75	-----	-----	-----	-----	-----	-----	-----	130	26	-----	-----	205	26
505 Live Stock	-----	-----	145	-----	30	-----	60	32	1, 395	114	85	14	365	104	879	71	935	136	3, 894	471
509 Miscellaneous	120	8	-----	37	150	-----	210	50	150	-----	495	12	690	170	-----	-----	740	56	2, 555	333
Alcoholic Beverages	**1, 550**	**301**	**5, 345**	**207**	**6, 460**	**829**	**3, 680**	**1, 745**	**5, 425**	**1, 145**	**1, 470**	**872**	**4, 635**	**1, 909**	**2, 295**	**258**	**1, 900**	**546**	**32, 760**	**7, 812**
511 Beers	575	28	5, 325	135	6, 015	530	3, 550	1, 440	5, 035	944	1, 440	852	4, 440	1, 757	2, 295	258	1, 840	510	30, 515	6, 454
512 Wines	975	273	20	72	445	299	130	303	390	201	30	20	195	139	-----	-----	60	36	2, 245	1, 343
513 Liquors	-----	-----	-----	-----	-----	-----	-----	2	-----	-----	-----	-----	-----	13	-----	-----	-----	-----	-----	15
519 Miscellaneous	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Amusements	-----	**27**	-----	-----	-----	**16**	**315**	**11**	-----	**30**	-----	-----	-----	**12**	-----	-----	-----	-----	**315**	**96**
529 Miscellaneous	-----	27	-----	-----	-----	16	315	11	-----	30	-----	-----	-----	12	-----	-----	-----	-----	315	96
Automotive	**1, 890**	**87**	**5, 155**	**461**	**7, 332**	**564**	**18, 186**	**1, 058**	**5, 998**	**920**	**3, 792**	**374**	**7, 523**	**331**	**2, 150**	**374**	**3, 505**	**179**	**55, 531**	**4, 348**
531 Aviation	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
533 Gas and Oil	1, 560	54	4, 960	242	6, 537	278	17, 696	453	5, 168	504	3, 705	190	7, 293	182	1, 640	300	3, 505	130	52, 064	2, 333
534 Parts and Accessories	-----	-----	-----	39	60	23	-----	12	-----	15	60	-----	-----	52	120	-----	-----	28	240	169
535 Passenger Cars	-----	33	195	175	735	259	490	574	-----	373	-----	155	230	31	-----	17	-----	21	1, 650	1, 638
536 Tires and Tubes	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	27	27	-----	35	-----	56	-----	-----	27	118
537 Trucks	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	390	-----	-----	-----	390	0
538 Tractors	180	-----	-----	-----	-----	-----	-----	-----	830	-----	-----	-----	-----	31	-----	-----	-----	-----	1, 010	31
539 Miscellaneous	150	-----	-----	5	-----	4	-----	19	-----	28	-----	2	-----	-----	-----	1	-----	-----	150	59
Building Materials	**210**	**2**	-----	**16**	**450**	**71**	**90**	**354**	**60**	**6**	**360**	**118**	**195**	**50**	**1, 175**	**96**	-----	**26**	**2, 540**	**739**
549 Miscellaneous	210	2	-----	16	450	71	90	354	60	6	360	118	195	50	1, 175	96	-----	26	2, 540	739
Confections	**730**	**492**	**1, 680**	**395**	**3, 220**	**668**	**2, 545**	**1, 066**	**1, 010**	**731**	**1, 910**	**483**	**345**	**343**	**390**	**35**	**210**	**126**	**12, 040**	**4, 339**
559 Miscellaneous	730	492	1, 680	395	3, 220	668	2, 545	1, 066	1, 010	731	1, 910	483	345	343	390	35	210	126	12, 040	4, 339
Educational	-----	-----	**80**	-----	**50**	-----	-----	-----	-----	-----	-----	-----	-----	**3**	-----	**1**	**275**	**72**	**405**	**76**
569 Miscellaneous	-----	-----	80	-----	50	-----	-----	-----	-----	-----	-----	-----	-----	3	-----	1	275	72	405	76
Financial	**1, 250**	**173**	**1, 895**	**516**	**3, 095**	**1, 113**	**9, 188**	**1, 765**	**3, 515**	**1, 110**	**1, 790**	**726**	**3, 485**	**1, 262**	**1, 387**	**1, 079**	**485**	**353**	**26, 090**	**8, 097**
571 Banks and Trust Companies	310	79	630	112	980	432	4, 553	772	1, 665	328	1, 300	434	1, 450	395	205	342	340	78	11, 433	2, 972
572 Real Estate and Home Financing	-----	-----	310	90	465	72	645	186	360	145	130	38	795	71	245	18	145	5	3, 095	625
573 Stock and Bond Houses	-----	-----	120	27	-----	-----	-----	27	-----	-----	-----	-----	260	-----	-----	-----	-----	-----	380	54
579 Miscellaneous	940	94	835	287	1, 650	609	3, 990	780	1, 490	637	360	254	980	796	937	719	-----	270	11, 182	4, 446
Groceries	**9, 035**	**2, 167**	**19, 900**	**3, 160**	**37, 985**	**5, 023**	**43, 697**	**7, 234**	**33, 427**	**3, 956**	**17, 684**	**3, 463**	**25, 382**	**3, 334**	**10, 787**	**2, 582**	**13, 143**	**3, 701**	**211, 040**	**34, 620**
581 Baking Products	455	309	1, 440	102	3, 935	1, 808	6, 354	758	2, 765	1, 163	3, 040	425	3, 000	558	2, 090	614	2, 665	939	25, 744	6, 676
582 Beverages	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	0	0
583 Coffee and Tea	1, 295	69	1, 495	478	3, 655	81	3, 040	496	2, 390	104	1, 440	357	510	174	160	106	2, 040	124	16, 025	1, 989
584 Soft Drinks	-----	502	1, 020	537	2, 825	243	5, 745	1, 668	3, 587	729	1, 246	710	4, 130	625	3, 845	372	1, 458	885	23, 856	6, 271
589 Miscellaneous	-----	18	480	268	375	76	630	546	120	92	390	9	1, 787	133	-----	2	135	13	3, 917	1, 157
585 Shortening	15	55	330	109	1, 815	160	1, 965	553	765	337	810	414	780	148	-----	104	330	33	6, 810	1, 913
586 Cereals and Breakfast Foods	1, 710	23	2, 550	53	3, 725	126	1, 835	326	2, 445	122	663	50	2, 175	66	780	17	1, 050	185	16, 933	968
587 Condiments	1, 555	155	180	41	335	182	940	219	600	13	130	39	65	85	65	-----	65	230	3, 935	964
588 Dairy Products	510	501	1, 530	198	1, 895	706	560	333	2, 020	136	390	136	1, 860	407	1, 308	445	645	70	10, 718	2, 932
591 Meats-Fish-Poultry	450	94	2, 815	177	1, 355	257	3, 340	240	720	148	1, 375	38	835	83	-----	107	195	2	11, 085	1, 146
592 Laundry Soaps and Cleansers	1, 105	84	3, 725	258	9, 830	300	7, 650	541	8, 840	276	4, 095	246	5, 790	277	1, 530	128	2, 500	310	45, 065	2, 420
593 Flour	525	-----	450	104	1, 620	37	7, 517	198	4, 200	7	2, 605	278	2, 665	303	700	168	1, 520	406	21, 802	1, 501
594 Sugar	-----	-----	165	39	-----	-----	390	146	60	124	45	27	-----	-----	-----	15	-----	-----	660	351
595 Disinfectants and Exterminators	-----	-----	805	6	300	-----	-----	41	390	-----	-----	-----	-----	-----	10	5	-----	-----	1, 505	52
599 Miscellaneous	1, 415	357	2, 915	790	6, 320	1, 047	3, 731	1, 169	4, 525	705	1, 455	734	1, 785	475	299	499	540	504	22, 985	6, 280
Hotels and Resorts	-----	-----	-----	-----	-----	-----	-----	**6**	-----	-----	-----	-----	-----	**6**	-----	-----	-----	-----	-----	**12**
609 Miscellaneous	-----	-----	-----	-----	-----	-----	-----	6	-----	-----	-----	-----	-----	6	-----	-----	-----	-----	0	12
Housing Equipment and Supplies	**660**	**59**	**2, 295**	**135**	**3, 365**	**87**	**2, 385**	**392**	**1, 390**	**160**	**987**	**79**	**2, 485**	**187**	**3, 255**	**251**	**230**	**235**	**17, 052**	**1, 585**
611 Air Conditioning	-----	-----	-----	-----	200	-----	-----	-----	110	-----	-----	-----	-----	2	1, 560	-----	-----	-----	1, 870	2
612 Automatic Heating	-----	-----	-----	-----	-----	-----	285	60	-----	-----	-----	-----	25	-----	-----	-----	-----	-----	310	60
613 Automatic Refrigeration	-----	-----	180	-----	-----	-----	225	18	-----	-----	-----	-----	390	-----	-----	-----	-----	-----	795	18
614 Fixtures	-----	-----	-----	-----	195	-----	-----	-----	-----	-----	-----	-----	-----	1	-----	-----	-----	-----	195	1
615 Fuel	210	40	540	64	675	83	630	167	870	83	375	-----	240	22	885	214	-----	-----	4, 425	673
616 Furniture and Furnishings	450	-----	1, 020	12	1, 545	-----	1, 185	75	410	44	417	7	900	114	30	13	120	208	6, 077	473
617 Heaters and Stoves	-----	6	555	55	390	4	60	42	-----	6	195	65	930	15	780	24	110	----	2, 715	217
629 Miscellaneous	-----	13	-----	4	360	-----	-----	30	-----	27	-----	7	-----	33	-----	-----	-----	27	665	141

	Industrial	-----	-----	**120**	**12**	**270**	**2**	**195**	**62**	**150**	**11**	-----	**7**	**155**	**7**	**90**	**3**	**30**	**32**	**1, 010**	**136**
639	Miscellaneous	-----	-----	120	12	270	2	195	62	150	11	-----	7	155	7	90	3	30	32	1, 010	136
	Insurance	**390**	**24**	**505**	**13**	**775**	**83**	**975**	**119**	**1, 300**	**96**	**245**	**119**	**174**	**185**	**3, 120**	**136**	**870**	**342**	**8, 351**	**1, 117**
649	Miscellaneous	390	24	505	13	775	83	975	119	1, 300	96	245	119	174	185	3, 120	136	870	342	8, 354	1, 117
	Jewelry and Silverware	-----	-----	-----	-----	**150**	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	**150**	-----
659	Miscellaneous	-----	-----	-----	-----	150	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	150	-----
	Medical	**6, 994**	**1, 515**	**6, 555**	**2, 698**	**9, 450**	**4, 348**	**13, 745**	**5, 040**	**7, 805**	**3, 342**	**5, 155**	**2, 284**	**8, 140**	**1, 816**	**4, 325**	**1, 101**	**4, 090**	**1, 480**	**66, 259**	**23, 624**
669	Miscellaneous	6, 994	1, 515	6, 555	2, 698	9, 450	4, 348	13, 745	5, 040	7, 805	3, 342	5, 155	2, 284	8, 140	1, 816	4, 325	1, 101	4, 090	1, 480	66, 259	23, 624
	Miscellaneous	**1, 925**	**219**	**4, 010**	**97**	**5, 135**	**111**	**3, 632**	**297**	**1, 905**	**161**	**1, 175**	**35**	**1, 395**	**245**	**760**	**284**	**1, 195**	**290**	**21, 132**	**2, 684**
671	Cards and Stationery	-----	8	-----	21	-----	-----	-----	79	-----	22	-----	-----	-----	-----	650	-----	-----	78	650	208
672	Cham. of Com. & Merch. Asso.	-----	-----	315	9	425	-----	1, 170	106	135	39	140	22	60	245	-----	265	-----	134	2, 245	820
673	Pet Foods	525	48	640	58	1, 405	78	450	64	460	26	65	-----	-----	-----	30	18	75	-----	3, 650	292
674	Phonograph Records	1, 035	137	2, 295	9	1, 695	20	1, 470	48	-----	-----	780	-----	-----	-----	-----	-----	-----	-----	7, 275	214
675	Veterinary and Animal Medicine	65	26	85	-----	155	13	-----	-----	140	74	65	13	-----	-----	-----	1	240	78	750	205
699	Miscellaneous	300	-----	675	-----	1, 455	-----	542	-----	1, 170	-----	125	-----	1, 335	-----	80	-----	880	-----	6, 562	945
	Political	-----	-----	**165**	**1**	-----	**3**	**215**	**9**	**30**	**5**	**60**	**5**	**105**	-----	-----	-----	-----	-----	**575**	**23**
701	Local	-----	-----	-----	-----	-----	-----	105	4	30	5	-----	-----	-----	-----	-----	-----	-----	-----	135	9
702	State	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	0	-----
703	National	-----	-----	-----	-----	-----	-----	30	1	-----	-----	-----	-----	15	-----	-----	-----	-----	-----	45	1
709	Miscellaneous	-----	-----	165	1	-----	3	80	4	-----	-----	60	5	90	-----	-----	-----	-----	-----	395	13
	Professional and Service	**110**	**51**	**330**	**119**	**965**	**692**	**4, 220**	**1, 523**	**3, 466**	**953**	**180**	**987**	**1, 230**	**711**	**2, 160**	**218**	**435**	**286**	**13, 096**	**5, 540**
711	Opticians-Optometrists	110	51	330	93	240	513	2, 605	1, 035	1, 001	739	120	931	795	578	135	173	120	189	5, 453	4, 302
712	Chiropractors	-----	-----	-----	-----	175	103	250	-----	395	32	-----	26	240	-----	330	25	-----	49	1, 390	235
713	Dentists	-----	-----	-----	26	420	10	1, 095	477	2, 070	81	60	30	195	105	1, 635	-----	45	10	5, 520	739
714	Physicians (Medical)	-----	-----	-----	-----	-----	-----	-----	-----	-----	57	-----	-----	-----	-----	-----	15	-----	3	0	75
715	Hospitals	-----	-----	-----	-----	-----	-----	-----	1	-----	-----	-----	-----	-----	10	-----	-----	270	-----	270	11
719	Miscellaneous	-----	-----	-----	-----	130	66	270	10	-----	44	-----	-----	-----	18	60	5	-----	35	460	178
	Public Utilities	**390**	**41**	**3, 870**	**137**	**2, 430**	**843**	**4, 665**	**408**	**2, 985**	**696**	**2, 805**	**287**	**2, 400**	**536**	**2, 429**	**350**	**2, 235**	**414**	**24, 209**	**3, 712**
721	Electric Companies	270	41	150	48	2, 430	475	1, 785	118	1, 045	363	1, 495	124	495	370	2, 259	165	2, 045	310	11, 974	2, 014
722	Gas Companies	-----	-----	-----	34	-----	43	2, 565	62	475	250	1, 120	-----	420	92	140	81	190	76	4, 910	638
723	Electric and Gas Companies	120	-----	3, 720	-----	-----	275	165	4	690	26	190	18	1, 245	-----	-----	-----	-----	-----	6, 130	323
724	Telegraph Companies	-----	-----	-----	55	-----	50	-----	199	-----	24	-----	136	-----	74	30	80	-----	27	30	645
725	Telephone Companies	-----	-----	-----	-----	-----	-----	150	25	630	33	-----	9	30	-----	-----	20	-----	1	810	88
729	Miscellaneous	-----	-----	-----	-----	-----	-----	-----	-----	145	-----	-----	-----	210	-----	-----	4	-----	-----	355	4
	Publications	**865**	**471**	**1, 360**	**79**	**2, 600**	**674**	**4, 012**	**475**	**2, 270**	**170**	**15**	**6**	**315**	**64**	**3, 315**	**143**	**525**	**350**	**15, 277**	**2, 432**
731	Books	195	1	265	-----	-----	90	240	-----	345	-----	-----	-----	-----	-----	1, 690	-----	-----	108	2, 735	199
732	Magazines	-----	11	330	28	645	5	105	76	25	10	-----	-----	-----	-----	-----	3	435	56	1, 540	189
733	Newspapers	150	456	555	51	1, 565	553	3, 667	395	1, 885	160	-----	6	315	42	1, 435	140	90	160	9, 662	1, 963
739	Miscellaneous	520	3	210	-----	390	26	-----	4	15	-----	15	-----	-----	22	190	-----	-----	26	1, 340	81
	Religion	**2, 880**	-----	**6, 220**	**7**	**6, 015**	**21**	**17, 665**	**21**	**6, 165**	**35**	**5, 460**	**10**	**12, 275**	**22**	**10, 510**	**8**	**6, 060**	**15**	**73, 250**	**139**
749	Miscellaneous	2, 880	-----	6, 220	7	6, 015	21	17, 665	21	6, 165	35	5, 460	10	12, 275	22	10, 510	8	6, 060	15	73, 250	139
	Radio	**930**	**72**	**1, 335**	**8**	**165**	**46**	**60**	**191**	**1, 875**	**230**	**682**	**30**	-----	**104**	**450**	**26**	-----	-----	**5, 497**	**707**
751	Sets	930	72	210	8	165	46	60	68	1, 875	230	682	30	-----	104	-----	26	-----	-----	3, 922	584
752	Stations	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
753	Tubes	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
759	Miscellaneous	-----	-----	1, 125	-----	-----	-----	-----	123	-----	-----	-----	-----	-----	-----	450	-----	-----	-----	1, 575	123
	Sporting Goods	-----	**26**	-----	-----	-----	-----	-----	-----	-----	**1**	-----	-----	-----	-----	-----	-----	-----	-----	-----	**27**
769	Miscellaneous	-----	26	-----	-----	-----	-----	-----	-----	-----	1	-----	-----	-----	-----	-----	-----	-----	-----	-----	27
	Tobacco	**440**	**414**	**3, 260**	**657**	**4, 235**	**244**	**3, 420**	**217**	**2, 300**	**148**	**2, 295**	**140**	**2, 345**	**96**	**1, 680**	**523**	-----	**206**	**19, 975**	**2, 645**
771	Cigars	180	46	920	167	1, 035	117	540	117	675	59	-----	39	135	44	-----	-----	-----	-----	3, 485	589
772	Cigarettes	215	278	1, 980	476	2, 240	73	1, 395	3	1, 035	50	660	65	1, 610	22	-----	-----	-----	-----	9, 135	967
773	Tobacco	-----	26	360	-----	830	44	1, 155	97	260	13	135	-----	270	-----	315	-----	-----	206	3, 325	386
774	Miscellaneous Tobacco	-----	-----	-----	-----	55	-----	330	-----	330	-----	450	36	330	30	1, 365	523	-----	-----	2, 860	589
779	Miscellaneous	45	64	-----	14	75	10	-----	-----	-----	26	1, 050	-----	-----	-----	-----	-----	-----	-----	1, 170	114
	Toilet Requisites	**1, 924**	**343**	**2, 775**	**615**	**4, 625**	**1, 301**	**4, 561**	**837**	**2, 165**	**491**	**1, 150**	**329**	**1, 455**	**67**	**465**	**83**	**705**	**344**	**19, 825**	**4, 410**
781	Antiseptics	-----	-----	-----	-----	-----	-----	15	-----	120	-----	-----	78	-----	-----	-----	-----	-----	-----	135	78
782	Dentifrices	-----	36	-----	5	695	359	-----	22	240	145	330	-----	-----	-----	-----	-----	-----	-----	1, 265	567
783	Perfumes-Cosmetics-Lotions	451	120	405	284	440	216	900	286	235	36	60	72	185	4	465	-----	-----	93	3, 141	1, 111
784	Toilet Soaps	550	48	1, 390	25	2, 855	140	2, 930	118	925	5	460	73	655	-----	-----	31	330	-----	10, 095	440
789	Miscellaneous	923	139	980	301	635	586	716	411	645	305	300	106	615	63	-----	52	375	251	5, 189	2, 214
	Transportation	**1, 695**	**58**	**390**	**259**	**450**	**594**	**676**	**1, 005**	**690**	**657**	**155**	**151**	**235**	**275**	**279**	**450**	**349**	**346**	**4, 919**	**3, 795**
791	Airways	-----	9	-----	-----	-----	-----	-----	-----	15	-----	-----	-----	-----	1	-----	-----	-----	-----	15	10
792	Bus Lines	-----	-----	-----	-----	-----	135	6	84	540	153	60	27	175	59	75	110	-----	26	856	594
793	Railroads	1, 620	-----	-----	59	75	10	15	211	-----	107	75	40	-----	31	-----	72	50	30	1, 835	560
794	Steamships	-----	-----	360	-----	-----	-----	-----	12	-----	13	-----	-----	-----	-----	-----	-----	-----	-----	360	25
795	Tours	-----	-----	30	-----	-----	10	-----	-----	120	-----	-----	-----	-----	6	-----	-----	-----	-----	150	16
799	Miscellaneous	75	49	-----	200	375	439	655	698	15	384	20	84	60	178	204	268	299	290	1, 703	2, 590
	Wearing Apparel	**1, 275**	**63**	**1, 665**	**85**	**795**	**58**	**495**	**239**	**345**	**43**	**840**	**22**	**100**	**24**	**70**	**137**	**285**	**53**	**5, 870**	**724**
801	Men's Wear	-----	-----	-----	32	-----	-----	105	78	240	-----	705	-----	40	-----	-----	-----	-----	-----	1, 090	110
802	Women's Wear	-----	-----	-----	-----	-----	-----	-----	15	-----	-----	-----	-----	-----	9	-----	-----	-----	-----	-----	24
809	Miscellaneous	1, 275	63	1, 665	53	795	58	390	146	105	43	135	22	60	15	70	137	285	53	4, 780	590
	Watches	-----	**1, 752**	**240**	**1, 626**	-----	**1, 766**	-----	**2, 451**	-----	**1, 181**	-----	**595**	**930**	**217**	-----	**62**	-----	**60**	**1, 170**	**9, 710**
819	Miscellaneous	-----	1, 752	240	1, 626	-----	1, 766	-----	2, 451	-----	1, 181	-----	595	930	217	-----	62	-----	60	1, 170	9, 710
	Totals	**35, 923**	**8, 536**	**69, 470**	**11, 436**	**101, 257**	**19, 351**	**139, 582**	**27, 027**	**87, 546**	**16, 897**	**49, 940**	**11, 414**	**76, 824**	**12, 191**	**53, 001**	**8, 473**	**42, 132**	**10, 158**	**655, 680**	**125, 483**

STATIONS COOPERATING
in the
BROADCAST ADVERTISING UNIT VOLUME REPORT—DECEMBER 1940

DISTRICT 1

Connecticut
WICC—Bridgeport
WDRC—Hartford
WTHT— "
WTIC— "
WELI—New Haven
Maine
WCOU—Lewiston
WCSH—Portland
Massachusetts
WAAB—Boston
WBZ— "
WEEI— "
WNAC— "
WSAR—Fall River
WOCB—near Hyannis
WLAW—Lawrence
WLLH—Lowell
WBZA—Springfield
WORC—Worcester
New Hampshire
Rhode Island
WEAN—Providence
Vermont
WCAX—Burlington

DISTRICT 2

New York
WABY—Albany
WOKO— "
WENY—Elmira
WHCU—Ithaca
WJTN—Jamestown
WGNY—Newburgh
WABC—New York City
WEAF— "
WINS— "
WJZ— "
WQXR— "
WHDL—Olean
WHAM—Rochester
WHEC— "
WHAZ—Troy
WTRY— "
WIBX—Utica
WFAS—White Plains

DISTRICT 3

Delaware
New Jersey
WSNJ—Bridgeton
WCAM—Camden
Pennsylvania
WHJB—Greensburg
WHP—Harrisburg
WJAC—Johnstown
KYW—Philadelphia
WCAU— "
KDKA—Pittsburgh
KQV— "
WARM—Scranton
WGBI— "
WBAX—Wilkes-Barre

DISTRICT 4

District of Columbia
WJSV—Washington
WMAL— "
WOL— "
WRC— "
Maryland
WBAL—Baltimore
WCBM— "
WFBR— "
WTBO—Cumberland
WBOC—Salisbury
North Carolina
WWNC—Asheville
WBT—Charlotte
WBIG—Greensboro
WGTC—Greenville
WPTF—Raleigh
WSTP—Salisbury
WSJS—Winston-Salem
South Carolina
WIS—Columbia
Virginia
WGH—Newport News
WTAR—Norfolk
WPID—Petersburg
WRNL—Richmond
West Virginia
WJLS—Beckley
WMMN—Fairmont
WSAZ—Huntington
WPAR—Parkersburg
WWVA—Wheeling

DISTRICT 5

Alabama
WSGN—Birmingham
Florida
WDBO—Orlando
Georgia
WGPC—Albany
WAGA—Atlanta
WSB— "
WRBL—Columbus
WBML—Mason
WMGA—Moultrie
WSAV—Savannah
WTOC— "
Puerto Rico

DISTRICT 6

Arkansas
KFPW—Fort Smith
KARK—Little Rock
KUOA—Siloam
Louisiana
KTBS—Shreveport
KWKH— "
Mississippi
Tennessee
WOPI—Bristol

DISTRICT 7

Kentucky
WLBJ—Bowling Green
WAVE—Louisville
WHAS— "
Ohio
WAKR—Akron
WJW— "
WCKY—Cincinnati
WLW— "
WSAI— "
WCLE—Cleveland
WGAR— "
WTAM— "
WBNS—Columbus
WCOL— "
WHIO—Dayton
WLOK—Lima
WPAY—Portsmouth
WSPD—Toledo
WTOL— "
WFMJ—Youngstown
WHIZ—Zanesville

DISTRICT 8

Indiana
WGL—Fort Wayne
WOWO— "
WFBM—Indianapolis
WIBC— "
WIRE— "
Michigan
WELL—Battle Creek
WJR—Detroit
WWJ— "
WKZO—Kalamazoo
WKBZ—Muskegon

DISTRICT 9

Illinois
WBBM—Chicago
WENR— "
WLS— "
WMAQ— "
WCLS—Joliet
WMBD—Peoria
WTAD—Quincy
WROK—Rockford
WHBF—Rock Island
WDZ—Tuscola
Wisconsin
WCLO—Janesville
WMAM—Marinette
WEMP—Milwaukee
WTMJ— "
WRJN—Racine
WHBL—Sheboygan
WSAU—Wausau

DISTRICT 10

Iowa
WMT—Cedar Rapids
KRNT—Des Moines
KSO— "
WHO— "
WKBB—Dubuque
KMA—Shenandoah
Missouri
KFRU—Columbia
KMBC—Kansas City
WDAF— "
KMOX—St. Louis
WIL— "
Nebraska
KGFW—Kearney
KFAB—Lincoln
KFOR— "
KOIL—Omaha
WOW— "

DISTRICT 11

Minnesota
WCCO—Minneapolis
WTCN— "
KFAM—St. Cloud
KSTP—St. Paul
North Dakota
South Dakota
KABR—Aberdeen
WNAX—Yankton

DISTRICT 12

Kansas
KGNO—Dodge City
KCKN—Kansas City
KSAL—Salina
KFBI—Wichita

OKLAHOMA
KOCY—Oklahoma City
KTOK— "
KOME—Tulsa

DISTRICT 13

TEXAS
KGNC—Amarillo
KFDM—Beaumont
KRIC— "
KRIS—Corpus Christi
KAND—Corsicanna
WFAA—Dallas
KFPL—Dublin
KGKO—Fort Worth
WBAP— "
KPRC—Houston
KPDN—Pampa
KPAC—Port Arthur
WOAI—San Antonio
KRGV—Weslaco

DISTRICT 14

COLORADO
KFEL—Denver
KOA— "
KIUP—Durango
IDAHO
KIDO—Boise
KRLC—Lewiston
MONTANA
KFBB—Great Falls
KGVO—Missoula
UTAH
KVNU—Logan
KDYL—Salt Lake City
KSL— "
WYOMING
KWYO—Sheridan

DISTRICT 15

CALIFORNIA
KHSL—Chico
KMJ—Fresno
KYOS—Merced
KROW—Oakland
KFBK—Sacramento
KROY— "
KGO—San Francisco
KJBS— "
KPO— "
KYA— "
KQW—San Jose
KWG—Stockton
KHUB—near Watsonville
HAWAII
KGMB—Honolulu
NEVADA
KOH—Reno

DISTRICT 16

ARIZONA
KOY—Phoenix
KYUM—Yuma
NEW MEXICO
KICA—Clovis
CALIFORNIA
KFOX—Long Beach
KECA—Los Angeles
KFI— "
KNX— "

DISTRICT 17

ALASKA
OREGON
KALE—Portland
KOIN— "
KWJJ— "
KRNR—Roseburg
WASHINGTON
KVOS—Bellingham
KIRO—Seattle
KJR— "
KOMO— "
KFPW—Spokane
KGA— "
KHQ— "
KVI—Tacoma
KUJ—Walla Walla
KIT—Yakima

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 13, March 28, 1941

THE WEEK IN WASHINGTON

The NAB Board of Directors adopted a ringing resolution against any legislative or administrative act impairing the right of broadcasters to have complete control of programs, business management, and operating policies. (p. 293).

BMI announced that its music will be made available without charge for use in National Defense programs. (p. 293).

Advance reservations for the NAB's St. Louis Convention, May 12-15, are the heaviest in history. (p. 295).

Broadcasters are urged to maintain their "Movin' Day" promotion well into April. (p. 296).

A federal judge in Minnesota upheld the Wage and Hour Divisions' method of computing overtime. *Editor and Publisher* condemned the attack on radio by the printing trade unions. (pp. 296-297).

The FCC held a three-day hearing on the status of television. (p. 298).

The FCC renewed a great majority of the domestic standard broadcast station licenses which automatically expired March 29. The Mexican Government approved with no charge, a list of frequency reallocations to Mexican stations, drafted at the international meeting here last January. Ray C. Wakefield, of California, was sworn in as a member of the FCC. (p. 300).

Broadcasters Insist Radio Must be Free

Neville Miller, president of the National Association of Broadcasters, this week made public the following resolution adopted last week by the association's board of directors:

"Whereas the philosophy of American broadcasting as expressed in decisions of the Supreme Court of the United States and the applicable statutes, envisages control of programs, of business management and of policy in the broadcaster and not subject to the supervisory control of the government:

"Now therefore BE IT RESOLVED: That in order to preserve the freedom of radio in accordance with the pattern of democracy, the Board of Directors go on record as opposing any legislative or administrative action which directly or indirectly impairs the rights (which it believes to be guaranteed by statute) of broadcasters to have complete control of programs and program material, business management and operating policies, and further goes on record as being in favor of any legislative or administrative action which strengthens such rights.

"And be it further RESOLVED: That the President and Executive Committee be directed to take appropriate action to the end that such rights may be adequately protected."

BMI

BMI MUSIC AVAILABLE FOR NATIONAL DEFENSE

BMI has announced that its music will be made available without charge for use by public or private

(Continued on page 294)

You Can't Afford to Miss the NAB Convention

May 12, 13, 14, 15

New Jefferson Hotel **St. Louis**

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

BMI

(Continued from page 293)

authorities sponsoring national defense drives over the air.

Use of the music, either by transcriptions or orchestra, is thus made available to all departments of the Government, to states and municipalities, and to sponsors who are contributing commercial time on the air to the cause of national defense.

Among the many patriotic songs, new and old, which are thus made available are: *American Festival March, American Guard March, Bugle Call Rag,* and *Marines' Hymn.*

The grant of free license also includes new arrangements of *Yankee Doodle, Columbia, the Gem of the Ocean, Battle Hymn of the Republic,* and many others.

NEW MOVIE TAKES BMI SONG AS FEATURE

Madame Will Drop Her Shawl has been adopted as the feature song in the new film called *South of Panama* in which Roger Pryor and Virginia Vale have the leads. The picture is the work of J. H. Richmond Productions, Inc., and is scheduled for release on April 15. BMI is putting a new edition of the song out with a title page identifying it with the motion picture. The music of the song was written by Herb Pine, trombonist in the *Hellzapoppin'* orchestra, and the words by Sam Brown, announcer for WMCA.

BMI GIVES TAVERNS A THEME SONG

Friendly Tavern Polka, just released by BMI puts every tavern man's ideal into song. It was written by two members of Horace Heidt's band, which introduced it and is featuring it with great success. The number has already been recorded by Horace Heidt (Columbia No. 36006). There are other recordings scheduled for future release by Frankie Masters, Teddie Powell, and Sammy Kaye.

"The taverns have certainly been friendly to BMI," says M. E. Tompkins, BMI Vice-President. "We are returning the compliment by promoting a song that ought to be worth a million dollars in good will to them. We believe it is destined to be one of the top hits of 1941 and we hope the taverns will make it their theme song from coast to coast."

The words of the song are:

Music is playing, dancers are swaying; laughing away each care.
Down at the FRIENDLY TAVERN, ev'ry one's happy there.
Lights are all twinkling, glasses atinkling; romance is in the air.
Down at the FRIENDLY TAVERN, nothing else can compare.
There's where we'll find good cheer; meet the friends we hold so dear;
Round up the old quartet, and sing a song together.
Time to get started, gay and light hearted. No need to ask us where!
Down at the FRIENDLY TAVERN: ev'ry one's happy there!
So
Fill up your steins, boys.
We'll give a toast and then we'll drink 'em down.
At the FRIENDLY TAVERN they'll always buy a round,—
So come on:
Music is playing, dancers are swaying, laughing away each care.
Down at the FRIENDLY TAVERN, ev'ry one's happy there.
Time to get started, gay and light hearted. No need to ask us where.
Down at the FRIENDLY TAVERN, ev'ry one's happy there!

Frank De Vol, the composer, and Jerry Bowne, the author, are both members of Horace Heidt's Musical Knights and the *Friendly Tavern Polka* is their first song. Mr. De Vol, born in West Virginia and raised in Ohio, is an arranger who has prepared orchestrations for the Lucky Strike programs, Ben Bernie, Standard Transcriptions, King Sisters, Alvino Rey, and for various bands he had played with. He can play nearly every instrument in the orchestra. Once while he was on the stage with Horace Heidt his music fell down and in trying to recover it he knocked instruments over until everything was in such a mess that he clowned the number through. He did this so successfully that he brought down the house and thus accidentally created a comedy number which he had to repeat at every show.

Jerry Bowne is Heidt's trumpeter and vocalist and sings his own song on the Heidt record. He was graduated from the University of California in 1929, has been featured soloist on numerous radio programs and in the movie, *Pot O' Gold,* and has toured both this country and Europe with the Heidt band.

Once in a Monte Carlo restaurant he aimed a hard French roll at Horace Heidt and hit the King of Denmark instead. Since His Majesty seems to have taken the bun in the spirit in which it was sent, the episode may help to explain how these songwriters have been so successful in putting the contagious good humor of a "friendly tavern" into music.

BMI MUSIC HOLDS POPULARITY LEAD

The *Billboard* music popularity chart for the week ending March 21st shows fourteen out of fifteen sheet music best sellers, eight out of eleven coin machine leaders, and eight out of the ten best sellers in records are in the BMI catalogue. *Variety* shows thirteen out of fifteen sheet music best sellers and six out of ten on the coin machines,

BMI FEATURE TUNES
March 31-April 7

1. WALKIN' BY THE RIVER
2. WISE OLD OWL
3. HIGH ON A WINDY HILL
4. YOU WALK BY
5. HERE'S MY HEART
6. FRIENDLY TAVERN POLKA
7. IT ALL COMES BACK TO ME NOW
8. MAY I NEVER LOVE AGAIN
9. I CAN'T REMEMBER TO FORGET
10. G'BYE NOW
11. LOAFING ON A LAZY DAY
12. WHAT D' YA HEAR FROM YOUR HEART
13. LET'S DREAM THIS ONE OUT
14. TALKING TO THE WIND
15. BREAKFAST FOR TWO
16. STONE'S THROW FROM HEAVEN, A
17. WITH A TWIST OF THE WRIST
18. WHERE'S THE CAPTAIN'S HAT

Now Ready—what promises to be 1941's biggest song hit—*My Sister and I*

and of the twenty leaders on the radio *Billboard* shows nine of BMI's own publications and eleven from affiliated catalogues.

PHONOGRAPH OPERATORS PLUG BMI TUNES

The operators of coin phonographs in Cleveland, Ohio, through their organization, The Phonograph Merchants Association of Cleveland, give special promotion to one song every month. The tune selected is put in the number one spot on their machines and is also featured in display advertising and in the newspapers. Their first choice was *I Hear a Rhapsody*. As the hit tune for April they have chosen *Yours*, a Marks publication, which has been recorded by Jimmy Dorsey (Decca No. 3656).

KAY GETS CAPTAIN'S HAT

A visit to Fort Devens inspired the current song hit *Where's the Captain's Hat?*, according to Kay Twomey, whose latest song is fast becoming the singing tune of the Army camps of the country and is being featured by Horace Heidt, Ben Bernie, Art Kassel, and other outstanding band leaders. Lee Wainer and Bob Sour collaborated with Miss Twomey in writing this song.

Miss Twomey is accustomed to prizes and public honors. Before she began writing songs she won a beauty prize as Miss Palm Beach and posed as model for several well known illustrators. On April 3, over NBC, Horace Heidt will honor her during the broadcast. A delegation of the military from Governors Island is expected to be present in the studio when she is presented with a Captain's hat.

NAB Convention

Promotion Exhibit Question Box No. 2

Question: Will NAB offer awards in the promotion exhibit at the St. Louis Convention, May 12 through 15?

Answer: Yes. A board of judges will make honorary awards for the best entry in each of the seven classifications.

Question: Will the exhibits be returned?

Answer: Yes, under certain restrictions. Please see formal bulletin sent out by NAB February 17.

Question: Will many stations bring motion pictures?

Answer: Yes. At least three stations have indicated that they will bring sixteen millimeter film to St. Louis.

Question: Is it necessary that they bring their own projection equipment?

Answer: No. Arrangements have been made to have a projector and a special room for showing these films. Stations will be charged a pro-rata charge for each showing.

The closing date for entries is May 3. Shipment is to be made to the New Jefferson Hotel, St. Louis, c/o NAB Promotion Exhibit Committee.

EARLY ARRANGEMENTS ADVISED

From the way transportation companies, railroads and airlines have displayed interest and from the advance request for reservations at St. Louis hotels, cleared through the Housing Committee, it is quite evident that attendance at the Nineteenth Annual Convention, Hotel Jefferson, St. Louis, May 12 to 15, is going to be "tops." Those who are planning to go and who have not yet made their transportation and hotel arrangements should give these matters the earliest attention. There are certain to be some disappointments in any event, but early attention will cut these to a minimum.

The program plans are developing and a really worthwhile business, as well as entertainment, session is promised. No broadcaster can afford to miss the St. Louis convention.

Keep Promoting!

1. Maintain promotion well into April.

Preliminary check indicates that listeners are responding to the explanation that stations are changing wave lengths in order to improve program reception throughout the United States, generally.

2. Don't be unduly alarmed by any complaints you may receive the first week, even the second or third week.

But keep a log of complaints in order to determine whether they are justified. After analyses, such information will reveal any situation that does need correction. FCC Chief Engineer Jett has stated publicly that listeners should give reallocation a fair trial and not write Washington.

Two hundred ninety individual stations provided data for inclusion in "56 Days". This brochure was mailed to agencies and all stations Thursday, March 27.

Stations not listed on the inside of the back cover were omitted for one of two reasons—their data was not mailed or it did not make the deadline. That fact is explained in the copy.

The center spread lists the Governors of 47 states and Puerto Rico, who issued Movin' Day proclamations. The page following lists 124 cities whose Mayors issued proclamations. This list is naturally not complete.

A total of 10,042,500 Movin' Day stuffers, leaflets and post cards were delivered into homes by first class mail through arrangements with electric, gas, telephone and water companies.

Reallocation messages were delivered into 29,300,000 homes by air. Twenty-four thousand seven hundred five spots, 23,036 station breaks, 1,863 local programs, 4,138 news items were broadcast by the reporting 290 stations. These stations played the Movin' Day Theme 1,524 times.

A minimum of 500 additional station programs were added through broadcast of special CBS, MBS and NBC programs.

Reporting stations indicating that 361,326 lines of advertising were scheduled. The event was backed additionally by 1,960,762 logs, 14,136 letters, 2,070 trailer showings, 8,176 car and bus cards and 11,081,950 leaflets and printed pieces of all kinds. A color page in March 29 Saturday Evening Post, sponsored by RCA, told listeners to "Call a Serviceman NOW to reset your radio push-buttons!"

Prairie Farmer carried 3 color pages, the Farmer Stockman carried copy as did California Rural Press, California Grange publication and California State Employee's magazine. Newsweek of March 31 had a reallocation story on pages 60 and 61.

Radio Guide, appearing on the news stands March 26, had a three-inch strip diagonally across the front cover. Inside was a full page story and a complete log of every station in the United States by call letters. Next week Radio Guide will publish a log of all broadcasting stations by kilocycles.

The President's address over four combined networks and a large number of individual stations Saturday night will prove especially valuable in educating listeners to new dial locations.

Since this is the first day of reallocation everybody will be listening to the President at new dial positions for the first time.

Arriving too late for inclusion in "56 DAYS" was the information that Mayors of the following cities have issued proclamations:

Albuquerque, N. M.
Evansville, Ind.
Houston, Tex.
Sherman, Tex.
Walla Walla, Wash.
Wausaw, Wis.
West Point, Ga.

The past week brought five out of six of the non-proclaimed states in into the proclamated column. All districts but one closed the campaign season with 1.000% and the exception was almost perfect with a standing of .800. Newly reported Governors, their states and the industry contact are:

DELAWARE—Gov. Walter W. Bacon
Arranged by J. Gorman Walsh, WDEL, Wilmington
NEW JERSEY—Gov. Charles Edison
Arranged by Alfred J. McCosker, WOR, New York
PENNSYLVANIA—Gov. Arthur H. James
Arranged by Dr. Leon Levy, WCAU, Philadelphia
RHODE ISLAND—Gov. J. Howard McGrath
Arranged by John J. Boyle, WJAR, Providence
WISCONSIN—Gov. Julius P. Heil
Arranged by H. H. Born, WHBL, Sheboygan, and James F. Kyler, WCLO, Janesville

Labor

COURT UPHOLDS WAGE AND HOUR DIVISION ON OVERTIME

Judge Matthew A. Joyce in the United States District Court for Minnesota has upheld the Wage and Hour Division in its contention that overtime must be based on the regular rate of pay determined as described in the NAB's pamphlet, "The Wage and Hour Act."

In commenting on the decision, General Philip B. Fleming, Wage and Hour administrator, said:

"This opinion is at direct variance with the opinion of Judge Roy Atwell in the Dallas News case, which the Division is appealing before the United States Court of Appeals for the Fifth Circuit at New Orleans. In the Dallas News case, the judge relieved the newspaper of the necessity of computing overtime on the employees' 'regular rate.' (NAB REPORTS, p. 127.)

"The Minnesota decision definitely sustains our position with respect to the payment of overtime compensation, and effectively checks the many fictitious devices designed to defeat the purposes of the Act. If employers are permitted to resort to such methods to escape the payment of overtime compensation, the great benefits intended by Congress when the Fair Labor Standards Act was passed would be denied to the workers of the nation."

In his opinion enjoining the Carleton Screw Products Company, Judge Joyce stated:

"It is clear that the purpose of the plan, which was put into effect on September 1, 1938, was to keep within the provisions of the new wage and hour law and at the same time to maintain the employees' wages at the same level as theretofore existed. In general the plan works out in this way: If an employee had been receiving sixty cents an hour previous to September 1, 1938, a rate of fifty cents was set up on defendant's books and on that rate overtime compensation is computed. To this amount is added a 'bonus' in an amount sufficient to bring the employee's total wage for the pay period to an amount equalling the total hours worked during such pay period multiplied by sixty cents—the hourly rate he received prior to September 1, 1938. Thus (using a forty-four hour basic week), if this man works fifty hours a week his pay is computed by multiplying 44 (hours) by 50 cents (the rate set up on the books), which equals $22.00; multiplying 6 (overtime hours) by 75 cents (time and one-half) equals $4.50, which added to the $22.00 makes a total of $26.50. At straight time of sixty cents per hour he would have received for fifty hours $30.00. And so in order to bring his pay up to this figure an amount of $3.50, called a bonus, is added to the $26.50 and the man receives a check for $30.00. In cases where this same employee works only forty-four hours a week there is of course no overtime to compute but the bonus is added in the same manner as in the other case. So that so far as the employee was concerned there was no difference in the way he computed his earnings before and after September 1, 1938. To quote the testimony of one of the men, 'I always computed weekly earnings on basis of total number of hours times the old rate.' There was nothing on the check or otherwise showing how much the bonus was. The Witness Kretlow testified: "We really did not get a cut; it was only on the books that we got the cut.'

"A somewhat different situation exists with respect to employees who entered defendant's employ after September 1, 1938, but in principle the procedure is the same, the employee signing an agreement based on an 'agreed' hourly rate and receiving a 'guaranteed' earning based on a different rate. . . .

"It seems to me that the construction contended for by defendant to the effect that employer and employee may agree on a regular rate of pay regardless of what compensation the employee actually receives, will permit employers to avoid the obligations imposed by Section 7 and will completely nullify the overtime provisions therein contained. If an employer is permitted to establish an 'agreed' rate of pay ten cents below that which it in fact is, as plaintiff points out in his brief, there is no reason why the regular rate could not be 'stipulated' for purposes of overtime compensation at twenty or thirty cents below what it actually is and remove the penalty of Section 7 entirely. The fact that employer and employee 'agree' to a rate of pay which does not represent that at which the employee is really employed cannot preclude the operation of Section 7, for private agreements which are inconsistent with wage and hour statutes must yield to the broader public policy declared in those acts. . . .

"Moreover, the evidence in this case clearly indicates that the employees signed the agreements only after it was made clear that they would receive the same earnings as theretofore and because they felt there was no other recourse as they had been told that otherwise the plan would be dropped and they would remain on the old scale for a forty-four week and no overtime. Such assurance as to their earnings being given, I am of the view they received a continuing guarantee of their previous earnings and therefore that their actual and real rate of pay remained unchanged, and that this 'agreed rate' of pay of defendant was devised, as was said by the court in Gregory v. Helvering, 293 U. S. 465, to 'exalt artifice above reality,' as these rates had no other function in defendant's business."

"EDITOR AND PUBLISHER" CONDEMNS ATTACK ON RADIO

Editor and Publisher carried the following editorial in its March 22 issue, condemning the printing trades unions attack on the broadcasting industry. Members should call it to the attention of editors of their local papers.

Another Fallacy

John B. Haggerty, president of the International Allied Printing Trades Council, still thinks there is merit in his idea of taxing and otherwise limiting the revenue of radio broadcasting so that buyers of advertising would have to use printed media. In the three weeks that have passed since his proposal was announced at Miami, we have not been able to find anyone who agrees with him, even among the intended beneficiaries of his revolutionary scheme. He now challenges the makers of printed media to propose a better method of halting radio invasion of the advertising field than the taxation of radio revenues.

His comparisons of 1939 with 1929 to show the losses of revenue suffered by newspapers and magazines, the loss of employment and wages to printing craftsmen, the necessary increase in subscription rates to offset lost advertising revenue—all of these are twice-told tales to the publishing fraternity. As comparisons, we believe them to be unsound, because the tops in advertising revenue reached in 1929 are recognized by many economists today as representing a considerable volume of advertising money that was squandered rather than usefully employed.

Mr. Haggerty introduces a new element into his latest blast. He says that "the real freedom of the press is jeopardized when we find publishers, in many cases, forced through unfair competitive conditions in their trade areas to purchase, at heavy costs, radio stations, thus becoming dependent upon the goodwill of a government agency to protect these investments and in order to insure the continued value of these radio investments, possibly subservient, even in their newspaper columns, to the wishes of a controlling and dominating government agency."

That's a ghost story. We doubt that Mr. Haggerty can name one newspaper which was *forced,* by any measures, to purchase a radio station.

Newspapers which own stations and know how to use them have found radio a sound investment and a useful adjunct to their printed pages. Many other newspapers which desire to add radio to their service are unable to do so because all available facilities have been licensed for their trade areas. Show the average publisher an opportunity to get a radio license and no one will have to force him to take advantage of it. When FM becomes commercially practical on a broad scale, we are certain that many more newspapers will seek radio licenses. No compulsion will be needed.

The potential peril to newspaper freedom through ownership of a broadcasting license by a publisher has often been discussed. There has been no reported instance of attempted government coercion or influence on either radio or newspaper editorial policies, despite the fact that some of the most desirable broadcasting privileges are held by newspapers bitterly opposed to the Roosevelt Administration. The danger exists in theory; in practice, any effort to make renewal of a radio license contingent upon a charge of newspaper editorial policy is open to so many counter-attacks that it is not likely to be attempted.

The answer to Mr. Haggerty's challenge remains unchanged. Newspapers and magazines have to compete against each other and against all other media on their own merits. They have those merits. They have advantages over radio that the latter can never overcome, from the standpoint of producing results for the advertiser. Mr. Haggerty's letter, reproduced on another page, suggests that the radio has been preferred by advertising agencies over printed media because of the rebate and discount policies of the broadcasters, which permit the agencies to retain a larger part of the advertising dollar for themselves.

If that is true, and if the printers' organization believes it is unfair competition, the remedy is with the Federal Trade Commission, not through the devious and dangerous method of confiscatory taxation. In an hour when unscrupulous men all over the world are seeking to regulate and to gag free speech, it will not do for Americans to create a technique which, applied successfully to broadcasting, could easily be extended to the fields of printed media.

We suggested a month ago, and we believe constructively, that newspapers and magazines must do a better job of informing the public and as bearers of commercial announcements than the broadcasters do. They must also do a far better job of promotion and selling than they have done for most of the past 10 years. We suggested also that the printers can help by the elimination of union practices which increase publishing costs without adding an iota to either the information or the advertising value of a publication. If these conditions are met, the publishing and printing industries and their workers' organization will end the era of declining figures that the printers now cite.

It will take thought, work, sacrifice, and will probably cause some casualties, but it will not imperil the whole structure of free press as the printers' tax proposal threatens to do.

Additional copies of the NAB Research Department's brochure on the relation of the broadcasting and printing industries are available at the NAB.

Television Hearing

The FCC public hearing to consider suggested rules and regulations for commercial television broadcast stations was held on March 20, 21 and 24.

Chairman Fly presided during the entire hearing with the exception of a short time Friday morning. Commissioner Craven temporarily took the chair during Mr. Fly's absence. Commissioners Wakefield, Thompson, Case, Craven and Payne were in attendance on the first two days and they were joined by Commissioner Walker on Monday. Approximately 100 persons were present to hear the proceedings.

W. R. G. Baker, Chairman of the National Television Systems Committee, was the first witness. He stated that the NTSC recommends that the FCC authorize full commercialization on all television channels. Baker offered in evidence, a document showing changes to be made in the standards recommended by the NTSC (See Appendix 1). Baker discussed these changes, pointing out that it was recommended that the number of lines be changed from 441 to 525. He also pointed out that instead of specifying the synchronization wave form that should be transmitted, the specifications were changed to read that the television transmitter should radiate a synchronized wave form which would adequately operate a receiver of certain specifications. It was pointed out that this would allow different types of transmission to be employed. Baker also pointed out that the NTSC was recommending a full test of color television.

Donald Fink, Managing Editor of Electronics, took the stand to discuss number of lines. He said that we are definitely looking forward to bigger pictures and that in going from 441 to 525 lines the vertical resolution would be increased. He pointed out that FM transmission of the picture would improve the horizontal resolution and that these two improvements would probably bring about a balance between the vertical and horizontal resolution.

Paul Porter, attorney on behalf of the Columbia Broadcasting System, pointed out that limits on man power and material at this time may be serious in regard to the advance of television. He pointed out that once a broadcaster has started transmitting programs, that he is obligated to continue with the service and that if there was only a limited number of receivers reaching the hands of the public, that the broadcaster would be forced to assume a large operating expense with little chance of obtaining revenue to offset it. Mr. Porter continued that Columbia is ready to participate in television as fully as circumstances permit. In recommending that the FCC set standards, he urged that it be made clear to the public that service on a large scale will not be immediately available. Porter gave his opinion that television could make an important contribution to the national economy after the present emergency is over.

Adrian Murphy, CBS Television Director, recommended that standards for both monochrome and color be established by the Commission. According to Murphy, CBS has planned a comprehensive field test of color. They have asked for bids on 25 color receivers and he said that they hope that the industry would provide an additional 75 receivers. To date, Murphy continued, they have received no assurance that receivers can be forthcoming. According to Murphy, defense requirements may interfere with the progress of television. Murphy said that broadcasters can expect no substantial income for some time and he therefore recommended that there be no requirement as to minimum hours that a television station must operate. The cost of a good television program, according to Murphy, is about $2,000 per hour and he pointed out that if the FCC requirement that the minimum hours per day be 5, that it would cost about three and one-half million dollars per year for programs. He said that if the 5 hour requirement was promulgated that it would probably be necessary as an economic factor to cut the expenditure for programs down to $100 per hour. This would cost approximately $185,000 per year for programs. Murphy expressed the opinion that television programs would be poor if only an average of $100 per hour was spent.

Peter Goldmark, Technical Director of Television for CBS, discussed the latest developments in CBS's system of color television. He reported that the sensitivity of the pick-up system had been improved. He also said that the field tests mentioned by Murphy were planned to start about June 1.

The first witness for the Allen B. DuMont Laboratories was Allen B. DuMont. Mr. DuMont said that some of the standards had been proved out since last year. It is DuMont's belief that immediate commercialization of television is vitally necessary. He said that companies cannot continue to spend money without the hope of some return in the immediate future. This is an excellent time to start television, according to DuMont, because more people are at work producing a better market. In spite of the fact that factories are busy with defense orders, it was his opinion that they still have enough time and facilities to devote to television production. DuMont was of the same opinion that television could be a factor in taking up unemployment at the end of the present difficulties. DuMont continued that developments since a year ago have reduced the cost of installing a television station. It was his belief that the minimum cost per hour for television programs is below $150 per hour. DuMont advocated allowing the use of the aural channel of a television station without transmitting a picture. He also advocated changing the proposed rules so that flexible standards can be used.

Dr. Goldsmith, Television Engineer for DuMont, said that electronic color television showed great promise. He said that television should be commercialized at this time. Goldsmith advocated the substitution of the DuMont signal in the proposed NTSC standards.

Appearing for Balaban and Katz, William C. Eddy, in charge of television, stated that they were ready and willing to go ahead with television according to FCC dictates. Eddy said that they favored vertical polarization because it was their belief vertically polarized receiving antennas were more satisfactory. He continued that they have been working on low-cost pick-up technique.

The Don Lee Broadcasting System was represented by Harry

Lubcke, Director of Television. He advocated the commercialization of television and said that the proposed minimum requirement of 5 hours of program per day was too high. He suggested that the requirement be put on a weekly basis of 10 hours. He said that in view of present budgets, it would be difficult to produce 30 hours of acceptable programs per week and he said it was desirable to have less hours and better programs. Lubcke stated that he concurred in the NTSC recommendations.

E. M. Martin, appearing for the Farnsworth-Television and Radio Corporation, stated that they had had minority opinions during the deliberation of the NTSC, however, Farnsworth has the greatest of respect for the majority of opinions and therefore, Farnsworth wholeheartedly adopts and recommends the NTSC standards. He continued that there is no question but that television is technically ready for full commercialization and that television can be a factor in recovery after the present emergency is over.

Appearing for the Hughes Tool Company, was Alfred Murray. He advocated that the daily minimum program time be set at 3 hours per day. He said that it would be better if the requirement was stated at 15 hours per week. Murray advocated the use of the sound transmitter alone without a picture being transmitted. He said that Hughes wished to go on record as approving the NTSC report. In regard to flexible standards, Murray thought that it would make it more difficult for the viewer and that a fixed set of standards should be adopted.

The first witness for the National Broadcasting Company was A. M. Morton, Vice President in charge of television. He stated that 30 hours per week would impose a great burden upon television operators. He said that the average program cost per hour is approximately $1,000. Morton said that the factors to be considered in connection with the required number of program hours were: test pattern time, preparation time for programs, program availability, limited trained personnel and economics.

Talent is limited in most cities according to Morton and therefore relays from talent centers are necessary and it will take time to develop these. He said that it takes from 40 to 80 hours of rehearsal time for a one-hour dramatic show and he said that the last two or three days of the rehearsal should be in the studio where the transmission is to take place. He said that it cost about $120,000 to properly equip a studio for this purpose.

In recommending that the starting minimum program time be set at 10 hours per week, Morton pointed out that it would be more desirable to have quality of programs rather than quantity.

C. B. Jolliffe, chief engineer of the RCA laboratories, was the next witness for NBC. He said that without standards the industry cannot prepare itself to go forward and that he recommended that the Commission adopt the proposed NTSC standards. He continued that RCA is ready to go ahead when the FCC gives the word. Jolliffe suggested that the Commission carefully investigate whether or not all parties are ready to go ahead before setting the date for commercialization. He pointed out that conditions are different now than they were a year ago. At that time several manufacturers were in a position to produce receivers and transmitters immediately, however, it was his opinion that these facilities do not exist today and it would be necessary to start new. It was Jolliffe's opinion that both ends of the television system, namely transmitting and receiving, should go ahead simultaneously, in order that broadcasters would not have to spend too much money before the public has obtained receivers. Joliffe stated that NBC wholeheartedly adopts the recommendations of the NTSC.

The next company to make an appearance was Scophony Limited, represented by S. H. Dodington, head of the electrical department. He said that they were in favor of immediate commercialization of television and adoption of the NTSC standards with one exception. He said that the Scophony system is mechanical and therefore, requires more stringent requirements for the synchronizing signal and they therefore recommended that the requirement be narrowed. Dodington said that in England two simultaneous systems had been introduced and the results were so unsatisfactory that they soon dropped one of them.

On behalf of Zenith Radio Corporation, John Howland, Secretary, advocated the immediate authorization of commercial television and advocated the adoption of the NTSC standards. It was his opinion that good television programs would cost about $1,000 per hour and that therefore the minimum required hours should be set at not over 10 hours per week and preferably 5. He also pointed out that there is a scarcity of trained television technicians.

Mr. Sanabria, of American Television Laboratories, advocated immediate commercialization. He suggested that the standards be adhered to for eight years with the provision that at the end of four years, new standards could be considered and if they were adopted, the stations could then transmit on both standards. As was done by other witnesses Sanabria gave his opinion that television may be a factor in taking up unemployment after the rearmament program is finished.

APPENDIX I

REPORT
of the
NATIONAL TELEVISION SYSTEM COMMITTEE
to the
FEDERAL COMMUNICATIONS COMMISSION

The National Television System Committee herewith submits transmission standards for commercial television broadcasting. The NTSC recognizes the coordinate importance of standardization and the commercial application of technical developments now in the research laboratories. These standards will make possible the creation, in the public interest, of a nationally coordinated television service and at the same time will insure continued development of the art.

The NTSC recommends that monochromatic transmission systems other than those embodied in these standards be permitted to operate commercially, when a substantial improvement would result, provided that the transmission system has been adequately field tested and that the system is adequately receivable on receivers responsive to the then existing standards.

The NTSC has broadened its standards on synchronization to permit field tests of several interchangeable systems. It is anticipated that some one of these systems will be found to be superior to the others and it is, therefore, recommended that at that time the Commission's standards be narrowed to require the commercial use of that particular and superior system. (See Note A)

The NTSC believes that, although color television is not at this time ready for commercial standardization, the potential importance of color to the television art requires that—

a) A full test of color be permitted and encouraged, and that
b) After successful field test, the early admission of color transmissions on a commercial basis coexistent with monochromatic television be permitted employing the same standards as are herewith submitted except as to lines and frame and field frequencies. The presently favored values for lines, and for frame and field frequencies for such a color system are, respectively, 375, 60, and 120.

The proposed standards are as follows:

I. The Television Channel

1. The width of the standard television broadcast channel shall be six megacycles per second.
2. It shall be standard to locate the picture carrier 4.5 megacycles per second lower in frequency than the unmodulated sound carrier.
3. It shall be standard to locate the unmodulated sound carrier 0.25 megacycles per second lower than the upper frequency limit of the channel.

4. The standard picture transmission amplitude characteristic shall be that shown in Drawing I.

II. Scanning Specifications

5. The standard number of scanning lines per frame period in monochrome shall be 525, interlaced two to one.
6. The standard frame frequency shall be 30 per second and the standard field frequency shall be 60 per second in monochrome.
7. The standard aspect ratio of the transmitted television picture shall be 4 units horizontally to 3 units vertically.
8. It shall be standard, during the active scanning intervals, to scan the scene from left to right horizontally and from top to bottom vertically, at uniform velocities.

III. Picture Signal Modulation

9. It shall be standard in television transmission to modulate a carrier within a single television channel for both picture and synchronizing signals, the two signals comprising different modulation ranges in frequency or amplitude or both. (See Note A, 1.)
10. It shall be standard that a decrease in initial light intensity cause an increase in radiated power.
11. It shall be standard that the black level be represented by a definite carrier level, independent of light and shade in the picture.
12. It shall be standard to transmit the black level at 75 per cent (with a tolerance of plus or minus 2.5 per cent) of the peak carrier amplitude.

IV. Sound Signal Modulation

13. It shall be standard to use frequency modulation for the television sound transmission.
14. It shall be standard to pre-emphasize the sound transmission in accordance with the impedance-frequency characteristic of a series inductance-resistance network having a time constant of 100 microseconds.

V. Synchronizing Signals

15. It shall be standard in television transmission to radiate a synchronizing waveform which will adequately operate a receiver which is responsive to the synchronizing waveform shown in appended Drawing II.
16. It shall be standard that the time interval between the leading edges of successive horizontal pulses shall vary less than one half of one per cent of the average interval.
17. It shall be standard in television studio transmission that the rate of change of the frequency of recurrence of the leading edges of the horizontal synchronizing signals be not greater than 0.15 per cent per second, the frequency to be determined by an averaging process carried out over a period of not less than 20, nor more than 100, lines, such lines not to include any portion of the vertical blanking signal. (See Note B.)

VI. Transmitter Ratings

18. It shall be standard to rate the picture transmitter in terms of its peak power when transmitting a standard television signal.
19. It shall be standard in the modulation of the picture transmitter that the radio frequency signal amplitude be 15 per cent or less of the peak amplitude, for maximum white. (See Note C.)
20. It shall be standard to employ an unmodulated radiated carrier power of the sound transmission not less than 50% nor more than 100% of the peak radiated power of the picture transmission.
21. It shall be standard in the modulation of the sound transmitter that the maximum deviation shall be plus or minus 75 kilocycles per second.

VII. Polarization

22. It shall be standard in television broadcasting to radiate horizontally polarized waves.

Note A: 1. Practical Receivers of the "RA" type (those which attenuate the carrier 50% before detection) designed for the synchronizing signals shown in Drawing II of this report will also receive interchangeably any of the following:

  a. Amplitude Modulated synchronizing and picture signals of the 500 kc vertical synchronizing pulse type—Drawing IV (fig. 1), Doc. 321R.
  b. Sychronizing signals of the alternate carrier type with amplitude modulated picture signals.
  c. Frequency modulated picture and synchronizing signals.

2. It is proposed that during the commercialization period there be carried out systematic, comparative tests, of all of the above mentioned signals including transmissions from a single location to a number of representative receiving locations and over a reasonable test period. It is further proposed that these tests be directed and coordinated by an accredited committee of the R. M. A. or some other committee suitable to the F. C. C. and that on the completion of these tests there be submitted to the F. C. C. any modifications or additions to the N.T.S.C. standards which may be found desirable.

Note B: It is recommended that as progress in the art makes it desirable, the maximum rate of change of frequency of the transmitted horizontal synchronizing signals for studio programs be reduced and that limits be set for transmissions originating elsewhere than in the studio.

Note C: It is the opinion of the N. T. S. C. that a picture transmitter not capable of a drop in radio frequency signal amplitude to 15 per cent or less of the peak amplitude would not be completely satisfactory since it would not utilize the available radio frequency power to the best advantage. At the same time the N. T. S. C. is aware of the practical fact that it may not be possible for all of the first picture transmitters to satisfy this requirement. It should be possible to satisfy this requirement in picture transmitters for the lower frequency channels of Group A, although, at first, this may not be possible in picture transmitters for the higher frequency channels. After the first operation on the higher frequency channels and as designs progress it should be possible to satisfy it. It is requested that the Federal Communications Commission take cognizance of this situation.

Respectfully submitted,
W. R. G. Baker, *Chairman.*

DISTRICT 5 MEETING

In the NAB Reports, p. 245 it was stated that the District 5 meeting would be held on April 11 at Ponte Vedre Beach, Florida. NAB Director W. Walter Tison advises that the meeting has been changed to the George Washington Hotel in Jacksonville, on the same date, Friday, April 11. All Fifth District broadcasters are cordially invited and urged to attend.

COST-PER-INQUIRY

On the cost-per-inquiry front, more and more concerns are trying to get stations to accept contingent deals and guarantee a fixed return. This week we have only one to report:

Duensing & Company, Chicago, Illinois, on behalf of the Waterbury Pen Company (Fountain Pens).

This offer, in the opinion of the Bureau of Radio Advertising, is opposed to the best interests of radio stations, and the Bureau has written them accordingly. At the same time, it has invited the above-named company to give serious consideration to a paid radio campaign, if they wish to obtain maximum results and maintain the continued goodwill and cooperation of the broadcasting industry.

ARMSTRONG GIVES WAR DEPARTMENT USE OF FM PATENTS

Major Edwin H. Armstrong of New York, noted inventor in the radio field, has offered to the War Department free use, during the emergency, of his seventeen patents on the frequency-modulation system of radio communication which bears his name.

In announcing the offer, Henry L. Stimson, Secretary of War, made acknowledgment with these words: "On behalf of the War Department, as well as for myself, I wish to thank you for this very generous action; and I am sure that the patriotic example afforded by such a distinguished inventor as yourself will be warmly appreciated by the country."

The War Department will take full advantage of the offer, which is particularly timely. The Army is now procuring a large number of frequency-modulated sets similar to the commercial police radio type for the Armored Force, and other units. Furthermore, the Army is now developing three new radio sets for use of the Armored Force in which it is proposed to incorporate frequency-modulation.

STATE LEGISLATION

California:

S. R. 58 (Fletcher) RADIO PROGRAMS—CRIME—Memorial to Congress to regulate radio programs dealing with crime. Referred to Committee on Rules.

Colorado:

S. 576 (Hart) SMALL LOANS—An act regulating the business of making loans of $500.00 or less. Referred to Committee on Insurance.

Iowa:

H. 519 (Public Health Comm.) DRUGS AND COSMETICS—Prohibiting the adulteration and false advertising of drugs and cosmetics. Referred to Sifting Committee.

Minnesota:

H. 191 (Memmer) (Same as S. 78) SMALL LOAN ADVERTISING—Restricts small loan companies from advertising anything but name and address, rate of interest and the total amount that can be lent to any individual. Referred to Committee on Public Welfare.

H. 1271 (E. Peterson) (Same as S. 262) AGENCIES—THEATRICAL—Regulations for licensing, bonding and code for theatrical or booking agencies. Referred to Committee on Labor.

S. 78 (Neumier et al.) (Same as H. 191) SMALL LOAN ADVERTISING—Restricts small loan companies from advertising anything but name and address, rate of interest and the total amount that can be lent to any individual. Referred to Committee on Banks and Banking.

Missouri:

S. 140 (Donnelly) FOODS, DRUGS AND COSMETICS—Repealing Article I and II of Chapter 58, Revised Statutes, 1939; enacting a new article in lieu thereof relating to the duties of the State Board of Health in the regulating and inspection of foods, drugs and cosmetics as to misbranding and false advertising.

New York:

S. 1354 (Williamson) PERSONAL LOANS—ADVERTISING—Prohibits advertising by printing, broadcasting, publishing or otherwise, by bank or trust company in connection with personal loan dept. of statements relative to rates, terms or conditions for loaning money unless stated in terms of simple interest on unpaid principal balance. Referred to Committee on Banks.

South Carolina:

H. 401 (Medical Affairs) PURE FOOD AND DRUG ACT—To regulate the labeling, branding, advertising, manufacturing, sale, etc., of foods, drugs, and cosmetics in the State of South Carolina, and to provide a penalty for the violation thereof.

FEDERAL COMMUNICATIONS COMMISSION

NEW LICENSES

In conjunction with the North American Regional Broadcasting Agreement, which is to become effective at 3 a.m. on March 29, the FCC has renewed the great majority of the domestic standard broadcast station licenses which automatically expire at that time, thereby enabling these stations to begin regular operation on the new frequencies Saturday.

In the cases of some 50 other standard broadcast stations, which failed to submit required performance data, the Commission is granting temporary authority for them to operate on the new frequencies, but with reduced power, pending submission of the necessary data.

All standard broadcast stations above 730 kilocycles, which change frequencies on March 29 and which employ directive antennas, were notified previously to furnish certain performance data in order to be permitted to use the new frequencies on a regular basis. The half a hundred stations in question failed to do so. Therefore, to guard the new allocation system against any possibility of serious interference, it will be necessary for these stations to operate with reduced power, specified by the Commission's Engineering Department, until they have likewise complied.

The stations for which licenses have been renewed on the new frequency basis furnished information necessary to meet Commission requirements. As is Commission practice, license renewals are continued on the staggered system. Thus, licenses of stations regularly operating under the North American Regional Broadcasting Agreement will expire in the following order:

For stations operating on the frequencies 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940, 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570, and 1580 kilocycles, February 1, 1942.

For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 690, 910, 920, 930, and 950 kilocycles, April 1, 1942.

For stations operating on the frequencies 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, and 1320 kilocycles, June 1, 1942.

For stations operating on the frequencies 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles, August 1, 1941.

For stations operating on the frequencies 1230, 1240, and 1340 kilocycles, October 1, 1941.

For stations operating on the frequencies 1400, 1450, and 1490 kilocycles, December 1, 1941.

At the same time, the Commission has granted temporary extensions or authorized temporary operation for more than 50 standard broadcast stations involved in renewal or revocation proceedings, or which have been designated for hearing, or stations subject to further consideration of their renewal applications; and has extended special experimental or program test authorizations in the cases of about a dozen other stations. All these stations are identified on lists made public today.

MEXICO APPROVES AGREEMENT

Through the agency of the Inter-American Radio Office (O.I.R.) at Habana, the Department of State has been informed of the approval by the Government of Mexico with no change of the list of frequency allocations to Mexican broadcasting stations which was drafted at the North American Regional Radio Engineering Meeting held in Washington from January 14 to 30, 1941. Thus the lists of broadcasting stations resulting from that meeting for Canada, Cuba, Mexico, and the United States have received the official approval of the respective governments.

The "deepest gratification" is felt by the FCC at this further evidence of the complete understanding and cooperation which has prevailed in the North American region in matters pertaining to broadcasting and at this added assurance of the success of the North American Regional Broadcasting Agreement, Habana, 1937, which is to come into force in all of the countries concerned on March 29, 1941.

FCC NOTICE TO LICENSEES

The FCC has announced that it will be unnecessary for applicants for standard broadcast facilities to amend such pending applications where the sole purpose of the amendment is to request a different frequency from that specified in the application in order to conform to the shift of frequencies made necessary by the North American Regional Broadcasting Agreement. To eliminate unnecessary paper work, the Commission will accordingly treat all pending applications as requesting the appropriate frequency under that Agreement instead of the frequency specified in the application unless the applicant, by appropriate notice to the Commission, indicates a desire that his application be considered as requesting the particular frequency named therein.

Amendment of applications is necessary, however, where any change of directive antenna design on the new frequency is required.

Ray C. Wakefield of California last Saturday was sworn in as a member of the FCC, thereby completing the complement of that body. The oath was administered by Associate Justice Justin Miller of the United States Court of Appeals for the District of Columbia, a lifelong friend. On March 5 Mr. Wakefield was nominated by the President for a seven-year term, succeeding the late Thad H. Brown. He was confirmed by the Senate on March 17.

Commissioner Wakefield comes to the Federal Communications Commission from the California Railroad Commission, on which he had served since January, 1937, and of which he was president from August, 1938, to January, 1940. During this period he maintained offices in San Francisco and home at Palo Alto. His permanent residence is Fresno.

At the present time Commissioner Wakefield is vice president and chairman of the executive committee of the National Association of Railroad and Utilities Commissioners. In 1937-1938 he sat with the Interstate Commerce Commission in the general freight rate increase case and, more recently, with Federal Communications Commissioner Paul A. Walker in inquiry into the Pacific Telephone and Telegraph Company "interstate Pacific" telephone rates. In his career in the public utility field Commissioner Wakefield has won a reputation for achieving success in regulation by negotiation rather than by litigation where such results are compatible with the public interest.

Born at Fresno on August 12, 1895, Commissioner Wakefield received his Bachelor of Arts and Doctor of Jurisprudence degrees from Stanford University in 1916 and 1918 respectively. Admitted to the California bar in 1918, he engaged in general practice as a member of the firm of Wakefield & Hansen (1928-1932), and Wakefield & Staniford (1935-1937).

From 1920 to 1923 Commissioner Wakefield served as Deputy District Attorney for Fresno County. He was State inheritance tax appraiser for that county from 1923 to 1937, and also served as president of that State group.

A Republican, Commissioner Wakefield was secretary (1920-1921), then chairman (1922-1923), of the Republican Central Committee of his home county. For a number of years he was a member of the State Republican Central Committee, and was a delegate to the Republican National Convention at Chicago in 1932.

Commissioner Wakefield is a member of the California State Bar Association, the Order of Coif (honorary legal society), Delta Chi, and the Masonic and Kiwanis organizations. He is also a member of the American Society for Public Administration and was recently elected vice-chairman of its San Francisco Bay area chapter.

Commissioner Wakefield has been active in civic affairs and is a member of the Christian Church. He is also a member of the Commonwealth Club of San Francisco.

Commissioner Wakefield is married, and has two children—a son and a daughter.

FCC "PRIMER"

The FCC has issued "A Public Primer" on radio. It is intended to explain to the layman what radio is and how it works.

PROPOSED JACKSONVILLE DECISION

As the result of a hearing and other consideration of two applications for identical radio facilities in Jacksonville, Ill., the FCC proposed grant of a construction permit to one—Stephenson, Edge and Korsmeyer—on the ground that this applicant "will better serve public interest, convenience and necessity in that there will be added to the Jacksonville area a medium for the dissemination of news and information to the public which will be independent of and afford a degree of competition to other such media in that area" (Proposed Findings of Fact and Conclusions, No. B-130).

There is at present no broadcast station in Jacksonville, Ill., and no outside station delivers to that city a satisfactory signal for primary service. The Commission had to choose between two applicants—Hobart Stephenson, Milton Edge and Edgar J. Korsmeyer, a partnership doing business as Stephenson, Edge and Korsmeyer, or Helen L. Walton and Walter Bellati, another partnership. Both wanted to operate on the 1150 kilocycle frequency, with power of 250 watts, daytime only. Each is legally, technically and financially qualified to operate a station as proposed. However, a grant to one precludes granting the other. Consequently, the two applications were set for hearing, which took place September 4th last.

It is on the basis of this testimony and other considerations that the Commission concludes Stephenson, Edge and Korsmeyer will do a better technical job in serving the Jacksonville area.

PROPOSED WHDH DECISION

The FCC has adopted its Proposed Findings of Fact and Conclusions (B-121), made public December 9, 1940, to grant the application of Matheson Radio Co., Inc., to increase the power of its station WHDH, at Boston, from 1 to 5 kilowatts, with unlimited time operation on the 830 kilocycle frequency, using directional antenna at night.

Amending the rules to thus permit more efficient use of this frequency, according to the Commission reaffirmation, will be in the public interest, convenience and necessity. The proposed operation of WHDH, further concludes the Commission, "will not cause interference to the primary service of any station, and any interference which such operation may reasonably be expected to cause to Station KOA, Denver, will be limited to interference with intermittent reception upon receivers located in the eastern part of the United States, remote from the station."

Commissioners Case and Craven dissented, with Chairman Fly and Commissioner Wakefield not participating.

APRIL FCC WORK

The FCC has announced that the work, business and functions of the Commission for the month of April have been assigned as follows:

Commissioner Thompson:	Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.
Commissioner Payne:	Designated to hear and determine, order, certify, report or otherwise act upon: (2) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearings, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; provided, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings and oral arguments are scheduled to be heard before the Commission in broadcast cases during the week beginning Monday, March 31. They are subject to change.

Monday, March 31

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—C. P., **1410 kc.**, 1 KW, unlimited, DA night.

Wednesday, April 2

NEW—Symons Broadcasting Co., Ellensburg, Wash.—C. P., **1110 kc.**, 1 KW, unlimited.

Thursday, April 3

Oral Argument Before the Commission

Report No. B-131:

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, **1500 kc.**, 100 watts, 100 watts LS, specified hours.

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—C. P., **1500 kc.**, 100 watts, 100 watts LS, specified hours.

NEW—Lillian E. Kiefer, Brooklyn, N. Y.—C. P., **1500 kc.**, 100 watts, 100 watts LS, specified hours (requests facilities of WMBQ).

NEW—Paul J. Gollhofer, Brooklyn, N. Y.—C. P., **1500 kc.**, 100 watts, 100 watts LS, specified hours (hours of WMBQ).

WCNW—Arthur Faske, Brooklyn, N. Y.—Renewal of license, **1500 kc.**, 100 watts, 250 watts LS, specified hours (WWRL).

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of license, **1500 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.**, 100 watts, 250 watts LS, specified hours (WWRL).

WCNW—Arthur Faske, Brooklyn, N. Y.—C. P., **1500 kc.**, 100 watts, 250 watts LS, specified hours (WWRL) (to make changes in transmitting equipment, install automatic frequency control apparatus, vertical antenna, and move transmitter locally).

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of C. P., **1500 kc.**, 100 watts, 250 watts LS, specified hours (WWRL).

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Renewal of license, **1500 kc.**, 100 watts, 250 watts LS, specified hours.

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Modification of license, **1500 kc.**, 100 watts, 250 watts LS, specified hours (requests facilities of WCNW).

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Modification of license, **1500 kc.**, 100 watts, 250 watts LS, specified hours (requests facilities of WMBQ).

Thursday, April 3

Consolidated Hearing

NEW—Western Gateway Broadcasting Corp., Schenectady, N. Y.—C. P., **1210 kc.**, 250 watts, unlimited.

NEW—Van Curler Broadcasting Corp., Schenectady, N. Y.—C. P., **1210 kc.**, 250 watts, unlimited.

May 8

KWTO—Ozarks Broadcasting Company, Springfield, Mo.—C. P., **560 kc.**, 1 KW night, 5 KW day, unlimited, DA night.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

April 11

KGNO—The Dodge City Broadcasting Company, Inc., Dodge City, Kans.—Modification of license, **1340 kc.**, 500 watts night, 1 KW day, unlimited. Present assignment: **1340 kc.**, 250 watts night, 1 KW day, unlimited.

May 6

NEW—Wayne M. Nelson, Concord, N. C.—C. P., **1380 kc.**, 1 KW, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted modification of construction permit (B4-MP-1100) to make changes in directional antenna for night use; station operates on **1050 kc.** (**1070 kc.** under NARBA); 1 KW night, 5 KW day, unlimited time, directional antenna night (B4-MP-1186).

WISE—Radio Station WISE, Inc., Asheville, N. C.—Granted modification of license to change frequency to **1230 kc.** (under NARBA); station now operates on **1370 kc.**, 250 watts, unlimited time (B3-ML-1049).

WHBQ—Broadcasting Station WHBQ, Inc., Memphis, Tenn.—Granted construction permit to install new transmitter and increase day and night power from 100 watts to 250 watts; station operates on **1370 kc.** (**1400 kc.** under NARBA), unlimited time (B3-P-3075).

WNYE—Board of Education, City of New York, Brooklyn, N. Y.—Granted construction permit to change frequency from **41100 kc.** to **42100 kc.**, increase power from 500 watts to 1000 watts, and change type of emission from A3 to special emission for frequency modulation with a maximum frequency swing of **75 kc.**, for non-commercial educational station WNYE (B1-PED-18).

EXPERIMENTAL TELEVISION STATIONS GRANTED

Balaban & Katz Corp., Chicago, Ill.—Granted construction permit for new experimental television station to operate on **384000-396000 kc.**, 10 watts night and day, A5 emission, time of operation in accordance with Section 4.4(a) (B4-PVB-79).

Balaban & Katz Corp., Portable-Mobile (area of Chicago, Ill.).—Granted construction permit for new experimental relay television broadcast station to be used for relay purposes in connection with applicant's Television Broadcast Station W9XBK; frequencies, **384000-396000 kc.**, on an experimental basis only, and upon the express condition that this authorization is subject to change or cancellation by the Commission at any time, without advance notice or hearing; power 10 watts, A5 emission only, time of operation in accordance with Section 4.4(a) (B4-PVB-78).

DESIGNATED FOR HEARING

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Application for construction permit to change frequency from **1370 kc.** to **1040 kc.** (**1080 kc.** under NARBA), increase power to 5 KW, move studio to Louisville, Ky., move transmitter from McCullough Pike, near Silver Creek, New Albany, Ind., to 10 miles northwest of Louisville in Floyd County, install directional antenna using different patterns day and night; hearing to be consolidated with hearing on application of Mid-America Broadcasting Corp., Louisville, Ky., for construction permit for new station to operate on **1040 kc.** (**1080 kc.** under NARBA). 1 KW night. 5 KW LS, directional antenna, unlimited time (B4-P-2782).

MISCELLANEOUS

WNBZ—Upstate Broadcasting Corp., Saranac Lake, N. Y.—Granted authority to install automatic frequency control equipment on **1320 kc.** under NARBA (B1-F-189).

WGL—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted authority to install automatic frequency control equipment on **1460 kc.** under NARBA (B4-F-180).

WALB—Herald Publishing Co., Albany, Ga.—Granted modification of construction permit (B3-P-2774, as modified, which authorized a new broadcast station), for **1590 kc.** under NARBA; 1 KW, unlimited time. No authority to operate hereunder will be granted prior to March 29 (B3-MP-1201).

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted modification of construction permit (B4-P-2608, authorizing new transmitter, installation of directional antenna, increase in power to 5 KW, and move of transmitter), for authority to install new transmitter and extend commencement date to 30 days after grant and completion date to 160 days thereafter, **1120 kc.** (B4-MP-1191).

WBIR—J. W. Birdwell, Knoxville, Tenn.—Granted modification of construction permit (B3-P-2840, authorizing new station), for authority to make changes in transmitting equipment and change frequency to **1240 kc.** under NARBA. No authority to operate hereunder will be granted prior to March 29 (B3-MP-1185).

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Granted modification of construction permit (B4-P-2906, authorizing new station), for frequency of **1310 kc.** under NARBA, make changes in DA for night use and extend commencement and completion dates to 60 and 180 days after grant respectively. The permit is granted subject to condition that, should installation of a radio marker be considered necessary at a later date, the applicant will be requested to install same of the approved type if and when the Commission requires it. No authority to operate hereunder will be granted prior to March 29 (B4-MP-1198).

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted construction permit to install new auxiliary transmitter for emergency use only, on **1120 kc.** under NARBA. No authority to operate hereunder will be granted prior to March 29 (B2-P-3106).

KRKO—The Everett Broadcasting Co., Inc., Everett, Wash.—Granted special temporary authority to operate simultaneously with radio station KEVR between 8 p. m. and 11 p. m. PST, on March 21, 1941, in order to broadcast test blackout only.

W39B—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to operate frequency modulation station commercially on **43900 kc.**, 1000 watts power, special emission for frequency modulation, using the transmitter of high frequency experimental station W1XER at Summit of Mount Washington, Sargents Purchase, N. H., for a period not to exceed 60 days, pending completion of construction permit B1-PH-13.

W51G—Zenith Radio Corp., Chicago, Ill.—Granted special temporary authority to operate frequency modulation station commercially on **45.1 mc.**, with 5000 watts power. special emission for frequency modulation, with transmitter located at 135 S. LaSalle St., Chicago, Ill., for a period not to exceed 60 days, pending completion of construction permit B4-PH-16.

WRCA-WNBI—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate in accordance with modification of licenses (B1-MLIB-44 and B1-MLIB-45) except authority is granted to operate WNBI on **17780 kc.** for period ending not later than April 15, 1941.

The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to originate the broadcast of a Stanley Cup Hockey play-off on March 20, 1941, in Boston, to be carried over the wires of American Telephone and Telegraph Company or a subsidiary to Toronto, there to be broadcast by Station CKCL, from 9 p. m., PST, to the conclusion of game.

The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to originate the broadcast of a Stanley Cup Hockey play-off scheduled for Saturday, March 22, in Boston, to be carried over the wires of A. T. & T. Co., or a subsidiary, to Toronto, and to be fed to stations of CBC from 9 p. m., EST, to conclusion of game.

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted authority to install automatic frequency control equipment on **1520 kc.** under NARBA (B4-F-193).

WMC—Memphis Publishing Co., Inc., Memphis, Tenn.—Granted authority to install automatic frequency control equipment on **790 kc.** under NARBA (B3-F-191).

KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted authority to install automatic frequency control equipment on **1400 kc.** under NARBA (B4-F-192).

KFH—Radio Station KFH Co., Wichita, Kans.—Granted modification of construction permit (B4-P-2462, which authorized installation of new transmitter and directional antenna for night use, increase in power, and move of transmitter), for frequency **1330 kc.** under NARBA and extension of commencement and completion dates to 60 and 180 days after grant, respectively. No authority to operate hereunder will be granted prior to March 29 (B4-MP-1193).

KPOW—Albert Joseph Meyer, Powell, Wyo.—Granted modification of construction permit (B5-P-2593, for a new broadcast station) for approval of studio and transmitter site at corner East 7th and Hamilton Sts., Block No. 2, original townsite, Powell, Wyo.; changes in equipment and antenna system; and change frequency to **1250 kc.** under NARBA. Tower to be marked in accordance with Specifications "B". No authority to operate hereunder will be granted prior to March 20 (B5-MP-1162).

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted modification of construction permit (B3-P-2901, to install new transmitter, directional antenna for night use; increase power to 1 KW, 5 KW LS, hours of operation from daytime to unlimited; and move of transmitter), for **950 kc.** under NARBA, changes in directional antenna system, and extension of completion date to 180 days after grant. No authority to operate hereunder will be granted prior to March 29 (B3-MP-1214).

WKAQ—Radio Corp. of Puerto Rico, San Juan, P. R.—Granted modification of construction permit (B-P-2385, which authorized installation of a new transmitter and antenna, change frequency, increase power, move of transmitter), for approval of transmitter site at San Juan, Dist. (present licensed site), antenna changes and change in type of transmitter (B-MP-1114).

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted license to cover construction permit (B3-P-3000, which authorized change in equipment), **1360 kc.**, 1 KW, daytime (B3-L-1345).

W71NY—Bamberger Broadcasting Service, Inc., New York, N. Y. —Granted special temporary authority to operate frequency modulation station commercially on **47100 kc.**, with 1000 watts power, special emission for frequency modulation, with transmitter located at 444 Madison Ave., New York City, for a period not to exceed 60 days, pending completion of construction permit B1-PH-46.

WATN—Watertown Broadcasting Corp., Watertown, N. Y.—Granted license to cover construction permit as modified for new station, for period beginning March 29, 1941; **1240 kc.** (NARBA), 250 watts, unlimited (B1-L-1333). Also granted authority to determine operating power by direct measurement of antenna input on **1240 kc.** under NARBA (B1-Z-679).

WNEW—Wodaam Corp., New York, N. Y.—Granted modification of construction permit (B1-P-2687, for installation of directional antenna for day and night use increase in power from 1 KW night, 5 KW LS to 5 KW day and night), for change in frequency to **1280 kc.** under NARBA, and changes in directional antenna system and extension of completion date from June 1, 1941, to 180 days after grant; no authority to operate hereunder will be granted prior to March 29, 1941 (B1-MP-1203).

WHO—Central Broadcasting Co., Des Moines, Iowa—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-676).

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Granted authority to determine operating power by direct measurement of antenna input on **1230 kc.** under NARBA (B3-Z-715).

KFSG—Echo Park Evangelistic Assn., Los Angeles, Cal.—Granted authority to determine operating power by direct measurement of antenna input on **1150 kc.** under NARBA (B5-Z-717).

KFH—Radio Station KFH Co., Wichita, Kans.—Granted authority to determine operating power by direct measurement of antenna input on **1330 kc.** under NARBA (B4-Z-694).

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Granted authority to determine operating power by direct measurement of antenna input on **1410 kc.** under NARBA (B5-Z-718).

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted authority to determine operating power by direct measurement of antenna input on **930 kc.** under NARBA (B3-Z-698).

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Same, for auxiliary transmitter, on **950 kc.** under NARBA (B5-Z-710); same for main transmitter, on **950 kc.** under NARBA (B5-Z-711).

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Same, for auxiliary transmitter, on **1000 kc.** under NARBA (B5-Z-712); same for main transmitter, on **1000 kc.** under NARBA (B5-Z-713).

WCOP—Mass. Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from 6:30 to 7 p. m., EST, on March 23, in order to broadcast program commemorating the founding of the Knights of Columbus only (B1-S-861).

WABC—Columbia Broadcasting System, Inc., New York City.—Granted modification of construction permit which authorized installation of new transmitter and new vertical antenna and move of transmitter, for change of frequency from **860** to **880 kc.**, in accordance with NARBA; no authority to operate hereunder will be granted prior to March 29, 1941.

KBIZ—J. D. Falvey, Ottumwa, Iowa.—Granted modification of construction permit which authorized a new standard broadcast station to be operated on **1210 kc.**, 100 watts power, unlimited time, for change in frequency to **1240 kc.** in accordance with NARBA; no authority to operate hereunder will be granted prior to March 29, 1941.

WXYZ—King-Trendle Broadcasting Corp, Detroit, Mich.—Granted license to cover construction permit (BZ-P-2559, which authorized increase in power to 5 KW, and installation of directional antenna) for night use; **1240 kc.**, unlimited time (B2-L-1344). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-705).

WITH—The Maryland Broadcasting Co., Baltimore, Md.—Granted license to cover construction permit (B1-P-2792, which authorized a new station, change location of studio locally) for period beginning 3 a. m. EST, March 29, **1230 kc.** (NARBA), 250 watts, unlimited time (B1-L-1350). Also granted authority to determine operating power by direct measurement of antenna power on **1230 kc.** under NARBA (B1-Z-716).

KDTH—Telegraph Herald, Dubuque, Iowa.—Granted modification of construction permit which authorized construction of new station, for changes in directional antenna, extension of commencement and completion dates from March 7, 1941, and September 7, 1941, to one day after grant and 180 days thereafter respectively, and for change in frequency to **1370 kc.** under NARBA; no authority to operate hereunder will be granted prior to March 29, 1941 (B4-MP-1204).

WCED—The Tri-County Broadcasting Co., Du Boise, Pa.—Granted license to cover construction permit for a new station for period beginning March 29, 1941; **1230 kc.**, 250 watts, unlimited time (B2-L-1336). Also granted authority to determine operating power by direct measurement of antenna power on **1230 kc.** under NARBA (B2-Z-692).

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted license to cover construction permit B2-P-2997, for authority to use old RCA 1-D transmitter as auxiliary transmitter, for emergency use only (B2-L-1347). Also granted authority to determine operating power by direct measurement of antenna input, for auxiliary transmitter; **610 kc.**, **1 KW,** emergency use only (B2-Z-714).

W47P—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted modification of construction permit B2-PH-24, which authorized new high frequency broadcast station, for changes in antenna (B2-MPH-11).

KAQW—Central States Broadcasting Co., area of Omaha, Nebr., Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station; **1606 kc.**, conditionally **2974, 2102, 2758 kc.**, power 10 watts (B4-LRY-221).

KAQX—Central States Broadcasting Co., area of Omaha, Nebr., Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station; **1606 kc.**, conditionally **2974, 2102, 2758 kc.**, power 100 watts (B4-LRY-222).

W6XHH—Hughes Production Division of Hughes Tool Co., Los Angeles, Cal.—Granted modification of construction permit (B5-PVB-62) for new television broadcast station in part, for extension of commencement date to April 15 and completion date to October 15, 1941 (B5-MPVB-34).

W6XHT—Hughes Production Division of Hughes Tool Co., San Francisco—Granted modification of construction permit (B5-PVB-63) for new television broadcast station in part, for extension of commencement date to April 15 and completion date to October 15, 1941 (B5-MPVB-35).

W9XG—Purdue University, W. La Fayette, Ind.—Granted modification of construction permit (B4-PVB-52, which authorized changes in equipment, frequency, power and emission of television station) for extension of completion date to Sept. 24, 1941 (B4-MPVB-36).

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Oral argument on Report No. B-131, in re WNBQ, WCNW, WWRL and other Brooklyn cases, scheduled for April 3, 1941.

WNYC—Municipal Broadcasting System of the City of New York, New York City—Petition to intervene in hearing on application of Camden Broadcasting Co. for new station, passed.

Butler Radio, Inc., Tyler, Texas.—Motion for leave to amend application for construction permit to specify frequency **1400 kc.** under NARBA, passed.

Ralph L. Lewis, Greensboro, N. C.—Motion for leave to amend application for construction permit to request frequency **1400 kc.** under NARBA, passed.

KNOE—KNOE, Inc., Monroe, La.—Granted petition to intervene in the hearing on the application of KMLB, Monroe, La., to change frequency, increase power, etc.

KFRO—Voice of Longview, Longview, Tex.—Granted petition to intervene in the hearing on application of KGNO, Dodge City, Kans., for modification of license to increase night power on **1340 kc.** to 500 watts.

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans. —Granted motion to continue hearing now scheduled for March 28, for a period of 2 weeks, in re application for modification of license.

Worcester Broadcasting, Inc., Worcester, Mass.—Granted motion to dismiss without prejudice application for construction permit to operate on **1200 kc.,** 250 watts, unlimited time, using two 100-watt amplifier stations.

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Adopted order denying petition for rehearing filed by Sanders Brothers Radio Station directed against the action of the Commission on January 7, 1941, granting without hearing the application of Telegraph Herald (KDTH), Dubuque, Iowa, for modification of construction permit for new station (B4-P-960) for approval of transmitter site and directional antenna for night use; **1340 kc.,** 1 KW day and night, using directional antenna at night.

W3XAD—RCA Manufacturing Co., Inc., Portable (area of Camden, N. J.).—Granted renewal of television broadcast station license for the period ending February 1, 1941. (B1-RVB-17)

W3XE—Philco Radio & Television Corp., Philadelphia, Pa.—Granted further extension upon a temporary basis only, of television station license, pending determination upon application for renewal of license, to not longer than May 1, 1941 (B2-SVB-8).

W3XP—Philco Radio & Television Corp., Portable (area of Philadelphia, Pa.).—Granted further extension upon a temporary basis only, of television station license, pending determination upon application for renewal of license, to not longer than May 1, 1941 (B2-SVB-19).

W9XZY—The Pulitzer Publishing Co., St. Louis, Mo.—Granted further extension of facsimile station license, upon a temporary basis only, pending determination upon application for renewal of license, to not longer than May 1, 1941.

W2XVP—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted extension of high frequency broadcast station, upon a temporary basis only, pending determination upon application for renewal of license to not later than May 1, 1941 (B1-SHB-71).

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Granted extension of high frequency broadcast station, upon a temporary basis only, pending determination upon application for renewal of license to not later than May 1, 1941 (B3-SHB-21).

WAWT—Birney Imes, Columbus, Miss.—Granted special temporary authority to operate relay station WAWT, licensed to the Voice of Alabama, Inc., on April 5, 1941, in order to conduct tests, and on April 6, 1941, in order to relay broadcast program in connection with second annual pilgrimage to the old antebellum homes and points of historic interest, to radio station WCBI; frequencies **1622, 2058, 2150, 2790 kc.,** 25 watts, A3 emission.

WQDM—Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate on frequency **1420 kc.** for the period March 29, 1941, until station WWSR is authorized to conduct program tests but ending not later than April 27, 1941.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to remain silent for the period beginning March 21, 1941, and ending not later than April 19, 1941, pending completion of adjustments made necessary by fire.

The Tribune Company, Tampa, Fla.—Granted authority to conduct program tests for a period not exceeding 30 days beyond March 22, but beginning March 29 it shall use frequency **970 kc.** instead of **940 kc.**

APPLICATIONS FILED AT FCC

560 Kilocycles

WQAM—Miami Broadcasting Co., Miami, Fla.—Construction permit to install new transmitter and increase power from 1 KW to 5 KW day and night. Amended to request 5 KW daytime, 1 KW nighttime.

570 Kilocycles

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Construction permit to install new transmitter, make changes in directional antenna (use day and night) and increase power from 1 to 5 KW. Amended to make changes in directional antenna.

620 Kilocycles

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wisc.—Modification of construction permit (B4-P-2696) for installation of directional antenna and increase in power, requesting extension of completion date.

KWFT—Wichita Broadcasting Co., Wichita Falls, Texas.—Modification of license to increase power from 5 KW daytime, 1 KW nighttime, to 5 KW day and night.

780 Kilocycles

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Authority to install automatic frequency control equipment for auxiliary transmitter on **790 kc.** under NARBA.

850 Kilocycles

WWL—Loyola University, New Orleans, La.—Authority to determine operating power by direct measurement of antenna power on **870 kc.** under NARBA.

860 Kilocycles

WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of construction permit (B1-P-2855) as modified which authorized move of transmitter, new antenna, new transmitter requesting extension of completion date from 4-25-41 to 10-25-41.

WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of construction permit (B1-MP-1221) which authorized construction of new auxiliary transmitter requesting extension of completion date from 5-27-41 to 10-25-41.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Authority to make changes in automatic frequency control equipment on **880 kc.** under NARBA.

880 Kilocycles

WFDF—Flint Broadcasting Co., Flint, Mich.—Modification of construction permit (B2-P-2451) as modified which authorized installation of new transmitter, directional antenna, change in frequency, increase power, and move, of transmitter, requesting changes in directional antenna and **910 kc.** under NARBA.

WRNL—Richmond Radio Corp., Richmond, Va.—License for **910 kc.** under NARBA and changes in directional antenna.

WRNL—Richmond Radio Corp., Richmond, Va.—Authority to determine operating power by direct measurement of antenna on **910 kc.** under NARBA.

890 Kilocycles

WJAR—The Outlet Co., Providence, R. I.—Modification of construction permit (B1-P-2192) for changes in directional antenna, increase in power, and move of transmitter, for **920 kc.** under NARBA, changes in directional antenna and installation of new transmitter, and extension of completion date from 6-22-41 to 180 days after grant.

900 Kilocycles

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (B5-P-2843) as modified which authorized changes in equipment, increase in power, directional antenna, move transmitter, requesting changes in directional antenna, **930 kc.** under NARBA, and extension of commencement and completion dates.

920 Kilocycles

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-P-2658) as modified for new transmitter and increase in power, requesting **950 kc.** under NARBA, changes in directional antenna and extension of completion date.

930 Kilocycles

WSBT—The South Bend Tribune, South Bend, Ind.—Modification of construction permit (B4-P-900) as modified which authorized new transmitter, move of transmitter, change in frequency, hours of operation and directional antenna, requesting changes in directional antenna, **960 kc.** under NARBA, and extension of completion date.

940 Kilocycles

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Modification of construction permit (B1-P-2704) as modified for new transmitter, directional antenna for night use, change in hours of operation, increase in power, move of transmitter, for **970 kc.** under NARBA, and changes in directional antenna.

WCSH—Congress Square Hotel Co., Portland, Maine.—Modification of construction permit (B1-P-2535) as modified for installation of directional antenna and increase in power, requesting changes in directional antenna and **970 kc.** under NARBA.

KOIN—KOIN, Inc., Portland, Ore.—Authority to install automatic frequency control equipment on **970 kc.** under NARBA.

990 Kilocycles

WBZA—Westinghouse Radio Stations, Inc., Springfield, Mass.—Construction permit to change frequency from **990 kc.** to **940 kc.** (**970 kc.** NARBA), increase in power from 1 to 5 KW, hours from unlimited when synchronized with WBZ to unlimited, install new transmitter, directional antenna for day and night use, move transmitter from East Springfield to West Springfield, Mass., and studio from Boston to Springfield, Mass.

1010 Kilocycles

WHN—Marcus Loew Booking Agency, New York, N. Y.—Authority to install automatic frequency control equipment on **1050 kc.** under NARBA.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Authority to determine operating power by direct measurement of antenna power on **1050 kc.** under NARBA.

1030 Kilocycles

WBZ—Westinghouse Radio Stations, Inc., Boston, Mass.—Modification of license to change hours of operation from unlimited when synchronized with WBZA to unlimited on **990 kc.** (**1030 kc.** under NARBA). Contingent on grant of WBZA application B1-P-3128).

1040 Kilocycles

WTIC—Westinghouse Radio Stations, Inc., Boston, Mass.—Authority to determine operating power by direct measurement of antenna power on **1080 kc.** under NARBA.

1120 Kilocycles

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Modification of construction permit (B3-P-2766) as modified which authorized installation of new transmitter, increase in power. directional antenna, requesting changes in directional antenna, **1150 kc.** under NARBA, and extension of completion date.

1140 Kilocycles

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Construction permit to change frequency from **1140 kc.** to **1070 kc.** (under NARBA), install a new transmitter, increase power from 5 to 50 KW, change hours of operation from simultaneous day, share night KVOO, to unlimited time, install directional antenna for night use, and move transmitter. Amended re directional antenna.

1200 Kilocycles

WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Authority to determine operating power by direct method on **1230 kc.** under NARBA.

KVCV—Golden Empire Broadcasting Co., Redding, Calif.—Authority to determine operating power by direct measurement of antenna power on **1230 kc.** under NARBA.

1210 Kilocycles

KSON—Monterey Peninsula Broadcasting Co., Monterey Calif.—Construction permit to install new transmitter, move transmitter, increase power from 100 watts to 500 watts night, 1 KW daytime, change frequency from **1210 kc.** to **1440 kc.** Amended to specify transmitter site as near Moss Landing, Calif., install new transmitter, directional antenna for day and night use, increase power to 5 KW day and night, and request **1470 kc.** under NARBA.

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—Modification of license to change name of corporation to Southeastern Ohio Broadcasters, Inc.

1220 Kilocycles

WDAE—Tampa Times Co., Tampa, Fla.—License for **1250 kc.** under NARBA and changes in directional antenna.

WDAE—Tampa Times Co., Tampa, Fla.—Authority to determine operating power by direct measurement of antenna power on **1250 kc.** under NARBA.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Authority to determine operating power by direct measurement of antenna power on **1250 kc.** under NARBA.

1230 Kilocycles

WOL—American Broadcasting Co., Washington, D. C.—License for **1260 kc.** under NARBA and changes in directional antenna.

WOL—American Broadcasting Co., Washington, D. C.—Authority to determine operating power by direct measurement of antenna power on **1260 kc.** under NARBA.

NEW—Central New York Broadcasting Corp., Elmira, N. Y.—Construction permit for a new standard broadcast station to be operated on **1230 kc.,** 250 watts, unlimited time; contingent on WENY going to new frequency of **590 kc.**

1250 Kilocycles

NEW—Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Construction permit for new broadcast station to be operated on **1250 kc.,** 250 watts, daytime hours of operation. Amended to request **980 kc.** under NARBA, 1 KW power, changes in antenna, type of transmitter, transmitter site as E. site of Ashe St., S. site of Buffalo Creek, S. edge of Greensboro, N. C., and studio site to be determined, Thomasville, N. C.

KIT—Carl E. Haymond, Yakima, Wash.—Authority to install automatic frequency control equipment on **1280 kc.** under NARBA.

1260 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Authority to determine operating power by direct measurement of antenna power on **1290 kc.** under NARBA.

1270 Kilocycles

KOL—Seattle Broadcasting Co., Seattle, Wash.—Authority to determine operating power by direct measurement of antenna power on **1300 kc.** under NARBA.

1280 Kilocycles

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Authority to install automatic frequency control equipment on **1310 kc.** under NARBA.

WCAM—City of Camden, Camden, N. J.—Authority to install automatic frequency control equipment on **1310 kc.** under NARBA.

1290 Kilocycles

KTRH—KTRH Broadcasting Co., Houston, Tex.—Modification of construction permit (B3-P-2788) to install directional antenna for night use and increase power, for change in frequency to **1320 kc.** under NARBA, changes in directional antenna, extension of completion date from 9-14-41 to 180 days after grant.

WATR—The WATR Co., Inc., Waterbury, Conn.—License for **1320 kc.** under NARBA and changes in directional antenna.

WATR—The WATR Co., Inc., Waterbury, Conn.—Authority to determine operating power by direct measurement of antenna power on **1320 kc.** under NARBA.

1300 Kilocycles

KALE—KALE, Inc., Portland, Ore.—Authority to determine operating power by direct measurement of antenna power.

KALE—KALE, Inc., Portland, Ore.—Authority to install automatic frequency control equipment on **1330 kc.** under NARBA.

KALE—KALE, Inc., Portland, Ore.—License to cover construction permit (B5-P-2729) to install directional antenna for night use and increase in power.

1310 Kilocycles

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Penna.—Construction permit to make changes in equipment, requesting **1340 kc.** under NARBA and increase in power from 100 watts to 250 watts.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Construction permit to install new transmitter, directional antenna for day and night use, change in frequency from **1310** to **1130 kc.**, increase in power from 100 watts to 5 KW, change hours of operation from sharing time with WTEL to unlimited time, and move transmitter.

KGEZ—Donald C. Treloar, Kalispell, Mont.—Modification of construction permit (B3-P-2573) for new transmitter, increase in power and change in frequency, requesting authority to install directional antenna for night use. Amended: To request **1460 kc.** under NARBA, and changes in directional antenna.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Modification of construction permit (B3-P-2525) for new transmitter, installation of directional antenna for night use, increase in power, change in frequency, requesting **1390 kc.** under NARBA, changes in directional antenna and extension of completion date from 6-22-41 to 180 days after grant.

WFDF—Flint Broadcasting Co., Flint, Mich.—Modification of construction permit (B2-P-2451) as modified for installation of new transmitter and directional antenna for day and night use, increase in power, change in frequency and move of transmitter, requesting extension of completion date from 4-14-41 to 6-14-41.

KWOC—A. L. McCarthy, O. A. Tedrick and J. H. Wolpers, d/b as Radio Station KWOC, Poplar Bluff, Mo.—Construction permit to change frequency from **1310** to **1290 kc.** (**1320 kc.** under NARBA), increase power from 250 watts to 1 KW and make changes in equipment and antenna. Facilities of KLCN.

1320 Kilocycles

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—License for **1350 kc.** under NARBA and changes in directional antenna.

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—Authority to determine operating power by direct measurement of antenna power on **1350 kc.** under NARBA.

1330 Kilocycles

KMO—Carl E. Haymond, Tacoma, Wash.—Authority to install automatic frequency control on **1360 kc.** under NARBA.

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa.—Modification of construction permit (B4-P-2290) as modified for increase in power and installation of directional antenna for night use requesting changes in directional antenna, **1360 kc.** under NARBA and extension of completion date.

1350 Kilocycles

KTSM—Tri State Broadcasting Co., Inc., El Paso, Texas.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW daytime. Amended: To request **1380 kc.** under NARBA.

1360 Kilocycles

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Authority to determine operating power by direct measurement of antenna power on **1390 kc.** under NARBA.

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—License for **1390 kc.** under NARBA and change in directional antenna.

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Authority to determine operating power by direct measurement of antenna power on **1390 kc.** under NARBA.

1370 Kilocycles

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Penna.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1370** to **1260 kc.** under NARBA, increase power from 250 watts to 1 KW night, 5 KW daytime and move transmitter. Amended: To omit request for directional antenna during daytime.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Modification of construction permit (B2-P-2685) which authorized changes in antenna system, changes in transmitter, increase in power, and move of transmitter requesting extension of completion date.

NEW—Lexington Broadcasting Co., Lexington, N. Car.—Construction permit for new standard broadcast station to be operated on **1370 kc.**, 250 watts, unlimited time. Class IV.

KENO—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nevada.—Voluntary assignment of license to Nevada Broadcasting Company.

KENO—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nevada.—Authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA.

NEW—Dorman Schaeffer, Klamath Falls, Ore.—Construction permit for a new standard broadcast station to be operated on **1370 kc.**, 250 watts, unlimited hours, Class IV station. Amended to specify studio site.

WKWK—Community Broadcasting, Inc., Wheeling, W. Va.—Modification of construction permit (B2-P-2967) for a new station, requesting approval of antenna system, approval of studio and transmitter sites, and requesting **1400 kc.** under NARBA.

KYAN—J. Cecil Bott, Matilda Lannen, and Nellie Bott, d/b as The Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—Authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA.

WSVS—Board of Education, City of Buffalo, Buffalo, N. Y.—Authority to install automatic frequency control equipment on **1400 kc.** under NARBA.

1380 Kilocycles

WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of construction permit (B1-P-2723) as modified which authorized new transmitter and increase in daytime power, requesting changes in directional antenna, **1410 kc.** under NARBA, and extension of commencement and completion dates.

WKBH—WKBH, Inc., LaCrosse, Wis.—Authority to determine operating power by direct measurement of antenna power on **1410 kc.** under NARBA.

1390 Kilocycles

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—License to cover construction permit (B4-P-2625) as modified for new equipment, increase in power and changes in directional antenna.

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Authority to determine operating power by direct measurement of antenna power.

WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Modification of construction permit (B1-P-1877) as modified which authorized construction of new broadcast station, requesting **1420 kc.** under NARBA and changes in directional antenna system.

1420 Kilocycles

WWDC—Capital Broadcasting Co., Washington, D. C.—Modification of construction permit (B1-P-2679) for a new broadcast station, requesting changes in synchronous amplifier equipment and antenna and extend commencement and completion dates from 12-29-40 and 6-29-41 to 30 days after grant and 180 days thereafter, respectively. Amended to request **1450 kc.** under NARBA.

1430 Kilocycles

WHP—WHP, Inc., Harrisburg, Pa.—License for **1460 kc.** under NARBA and changes in directional antenna.

WHP—WHP, Inc., Harrisburg, Pa.—Authority to determine operating power by direct measurement of antenna power on **1460 kc.** under NARBA.

1440 Kilocycles

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Modification of construction permit (B3-MP-833) for increase in power, installation of directional antenna for night use, requesting **1470 kc.** under NARBA and changes in directional antenna.

1470 Kilocycles

WLAC—J. T. Ward, trading as WLAC Broadcasting Service, Nashville, Tenn.—Authority to determine operating power by direct measurement of antenna power on **1510 kc.** under NARBA.

1480 Kilocycles

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Authority to determine operating power by direct measurement of antenna power on **1520 kc.** under NARBA.

1490 Kilocycles

KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Authority to determine operating power by direct measurement of antenna power on **1530 kc.** under NARBA.

NEW—San Jose Broadcasting Co., San Jose, Calif.—Construction permit for new broadcast station to be operated on **1490 kc.** under NARBA, 250 watts, unlimited time.

1500 Kilocycles

WKRO—Oscar C. Hirsch, Cairo, Ill.—Modification of construction permit (B4-P-3022) which authorized construction of new broadcast station, requesting approval of transmitter and studio sites at On U. S. Highway 51, 1.1 miles north of Cairo, Ill., vertical antenna, and **1490 kc.** under NARBA.

WWSW—Walker and Downing Radio Corp., Pittsburgh, Pa.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1500 kc.** to **940 kc.**, increase power from 250 watts to 1 KW night, 5 KW day, move transmitter from Pittsburgh to Stowe Twp., Pa. Amended to request **970 kc.** under NARBA and changes in directional antenna.

KEYS—Earl C. Dunn and Chas. W. Rossi, d/b as Nueces Broadcasting Co., Corpus Christi, Tex.—License to cover construction permit (B3-P-2931) as modified for a new standard broadcast station.

KEYS—Earl C. Dunn and Chas. W. Rossi, d/b as Nueces Broadcasting Co., Corpus Christi, Tex.—Authority to determine operating power by direct measurement of antenna power.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Authority to install automatic frequency control equipment on **1490 kc.** under NARBA.

FM APPLICATIONS

NEW—E. Anthony & Sons, Inc., New Bedford, Mass.—Construction permit for new high frequency broadcast station for **45700 kc.**, population 203,000, coverage 1,037 square miles, transmitter to be located at Fairhaven, Mass. Amended to specify population 350,250, coverage 1,787 square miles, and change type of transmitter.

W47NV—The National Life and Accident Insurance Co., Nashville, Tenn.—License to cover construction permit (B3-PH-44) for a new high frequency broadcast station.

W75P—Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—Modification of construction permit (B2-PH-66) for a new high frequency broadcast station, requesting approval of transmitter and to state population as 2,940,000.

TELEVISION APPLICATIONS

W6XYZ—Television Productions, Inc., Los Angeles, Calif.—Modification of construction permit (B5-PVB-33, which authorized a new television station) for extension of commencement and completion dates from 10-5-40 and 4-5-41 to 4-15-41 and 10-15-41, respectively.

MISCELLANEOUS APPLICATIONS

W3XPY—Bell Telephone Laboratories, Inc., Whippany, N. J.—Modification of license to change frequencies from **43100, 43700, 44300** to **43500, 49100 kc.**

NEW—The Tribune Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, power 40 watts, emission A3.

NEW—The Tribune Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, power 40 watts, emission A3.

W3XPY—Bell Telephone Laboratories, Inc., Whippany, N. J.—Modification of license to change frequencies from **43100, 43700** and **44300 kc.** to **43500** and **49100 kc.**

WGEO—General Electric Co., Schenectady, New York.—Construction permit to install new transmitter.

WGEA—General Electric Co., Schenectady, New York.—Modification of construction permit (B1-PIB-25) requesting extension of completion date.

WELT—Racine Broadcasting Corp., Racine, Wisconsin.—License to cover construction permit (B4-PRE-355) for new relay broadcast station.

KGEI—General Electric Co., San Francisco, Calif.—Modification of construction permit (B5-PIB-24) requesting extension of completion date from 4-6-41 to 7-1-41.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Control Products Company—An amended complaint has been issued charging Callie E. Morris, trading as Control Products Co., 927 Putnam Ave., Brooklyn, with disseminating false advertisements in violation of the Federal Trade Commission Act in the sale of the "Control Flow and Adjuster," a therapeutic device.

According to the amended complaint, the respondent represents in advertising matter distributed in various States that his device, designed for direct attachment to water faucets, may be safely used in colonic and vaginal irrigations. However, the complaint alleges that such use would be dangerous and further charges the respondent with disseminating false advertisements through failure to reveal therein the consequences which may result from use of the device under conditions prescribed in the advertisements or under customary or usual conditions.

The amended complaint charges the respondent with failure to reveal in such advertisements that use of the device may result in serious and irreparable injury to health because of inability to control the amount of intake of water and by reason of the high pressure produced by using the device directly connected to a water faucet.

The amended complaint further charges the respondent with advertising his device as being capable of removing waste and poisons from the body and blood stream, restoring dormant glands and weak vitality, and beneficially affecting the blood circulation, and as constituting a cure or remedy for all intestinal and rectal diseases, for constipation, vaginal disorders, enlarged prostate gland, kidney and bladder trouble, cancer, consumption, appendicitis, rheumatism and other diseases.

The amended complaint alleges that use of the respondent's device will not accomplish the results claimed. It further alleges that the product's therapeutic value is limited to the temporary relief of constipation to the extent afforded by an ordinary enema, but that the device would not provide a proper treatment for constipation because, if used as directed by the respondent, it would tend to cause enema habit, and because of the danger in employing water direct from a faucet. (3340)

Meadors Manufacturing Company—A complaint has been issued charging P. D. Meadors and M. M. Meadors, trading as Meadors Manufacturing Co., Greenville, S. C., with the use of lottery methods in the sale of candy and nut products.

The respondents, according to the complaint, sell to dealers assortments of candy and nuts so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes when the merchandise is sold to the consuming public.

Charging that the respondents' practices have been contrary to Federal Government public policy and the Federal Trade Commission Act, the complaint grants the respondents 20 days for filing answer. (4473)

STIPULATIONS

Following stipulations have been entered into during the past week by the Commission.

Imperial Furniture Company—In a stipulation entered into, Imperial Furniture Co., Grand Rapids, Mich., agrees to cease using the term "All Mahogany" in advertisements, labels, invoices or other media as descriptive of any furniture product not composed of "All Mahogany." The stipulation provides that if the exterior surfaces of such furniture are composed of "All Mahogany" or mahogany veneer, the words "All Mahogany," if used to describe such exterior surfaces, shall be immediately accompanied by other words in equally conspicuous type so as to indicate clearly that the product is not made wholly of mahogany and that the words "All Mahogany" refer only to its exterior surfaces. (3051)

Nation Wide Optical Company—Trading under the name Nation Wide Optical Co., Hershel H. Shugart, 612 Travis St., Houston, Tex., who conducts a mail order optical business, entered into a stipulation in which he agrees to cease employing in advertising matter the phrase "Distributors for Petersburg Lens Co.," alone or in connection with the name "Petersburg, Va." or other words as descriptive of the nature of his business. According to the stipulation, the respondent is neither associated as a distributor with any Petersburg, Va., firm, nor are the optical goods he sells manufactured there. Petersburg, the stipulation continues, is known as a center for quality optical goods. (3050)

Wembley, Inc., New Orleans, manufacturer of men's neckwear, stipulated that it will cease certain representations in the sale of its products.

The respondent corporation agrees to discontinue using the words "Silk and Bemberg" as descriptive of those of its products which are not composed of silk, and of Bemberg rayon (rayon made by the cuprammonium process). The respondent corporation further agrees to discontinue employing the word "Silk" as descriptive of the fiber content of a product and the word "Bemberg" to designate other fibers of which the product is composed in part, when in fact the fiber contents are not, respectively, made wholly from unweighted silk, and from rayon made by the cuprammonium process.

The stipulation provides that if such a product is composed in substantial part of silk which has been weighted, the word "Silk," if used as descriptive of the weighted silk content, shall be immediately accompanied by the word "weighted" in equally conspicuous type with a clear indication of the maximum percentage of weighting.

If the product also contains rayon, this fact, according to the stipulation, shall be clearly disclosed in the invoices, labeling and all printed matter, such disclosure of the fiber contents to be made by properly naming each constituent in the order of its predominance by weight, beginning with the largest single constituent. (3049)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

American Drug and Chemical Co., 420 South 6th St., Minneapolis, has been ordered to discontinue disseminating advertisements which misrepresent its medicinal preparations known as "Ardanol," "Chloro-Zol" and "Germ-I-Tabs."

The order directs the respondent to cease and desist from disseminating advertisements which represent that Ardanol is a cure or remedy for sterility in either sex, or will restore or beneficially affect fertility, or possesses any value as a preventive of abortion; that Chloro-Zol and Germ-I-Tabs have any value in connection with feminine hygiene other than as a douche, or that Chloro-Zol is a competent treatment for bromidrosis, tetter, Cuban itch and other skin diseases or conditions. (4200)

Certane Company—Rosemarie Lewis, trading as Certane Co., 1212 West Washington Blvd., Los Angeles, has been ordered to discontinue certain misleading representations in the sale of feminine hygiene preparations consisting of an ointment, a jelly, an antiseptic powder, a douche powder and cones, all sold under the name "Certane," and appliances known as "Douche Shields," "Applicators," "Dia-Caps" and "Dia-Domes."

Commission findings are that the respondent, in newspaper, periodical and circular advertisements distributed in various States, represented that her products, if used as directed, constitute safe and effective preventives against conception and pregnancy, and that they prevent disease and consist in whole or in part of ingredients which are effective in insuring health and youth to wives and mothers.

According to Commission findings, the respondent's products will not accomplish the results claimed and it is possible for serious injury to result from the use under certain conditions of the product known as "Douche Shields."

The Commission order directs the respondent to cease and desist from the representations made.

The Commission ordered the proceeding closed as to Certane Co., Inc., a defunct corporation named in the complaint. (3486)

Chicago Thermo-Magnetic Cushion Co., and A. Mercer Parker, its president, 36 West Randolph St., Chicago, have been ordered to cease and desist from misrepresentations in the sale of "Thermo-Magnetic Cushion," an electric device intended for treatment of disease.

The Commission order directs the respondents to cease representing that use of their device constitutes a cure or remedy for constipation, colds, rheumatism, lumbago, sciatica, menstrual disorders, neurotic conditions and other ailments, or that it has any therapeutic value in treating such conditions in excess of affording temporary relief from menstrual pain or pain associated with rheumatism, lumbago, sciatica and neurotic conditions, when localized in an area affected by heat from such device. The respondents also are ordered to desist from representing that the use of their device will revitalize the human system. (3523)

Julian S. Cohn, 15 West 37th St., New York, handkerchief distributor, has been ordered to cease and desist from representing that he is the manufacturer of the products sold by him, unless he actually owns and operates a plant wherein he makes such products.

Commission findings are that prior to July 1, 1940, the respondent represented that he manufactured the handkerchiefs he sold, when such was not a fact.

According to findings the respondent, through a contract which became effective July 1, 1940, after the issuance of complaint in the Commission proceeding, exchanged some minority stock which he held in the United Handkerchief Co., Passaic, N. J. for certain handkerchief-making machines operated by that corporation in its factory. Under terms of the contract, the findings continue, the respondent is to pay salaries to a supervisor and to United Handkerchief Co. employees for operating the machines in making handkerchiefs for the respondent, also a rental for space occupied by the machines, and other items. The United Handkerchief Co., according to findings, has continued to control and operate the factory in which the machines are located. (4106)

Crook-Wallace Company—Orders directing the cessation of lottery methods in the sale of merchandise were issued against Harry F. Crook and Gretchen Crook, trading as Crook-Wallace Co., 415 North 2nd St., Vincennes, Ind., and Candymasters, Inc., 3-5 North 15th St., Minneapolis, distributors of candy, and against Louis Greenberg, trading as Reliance Jacket Co., 306 South 7th St., Minneapolis, dealer in sports jackets and other merchandise.

The Commission orders direct the respondents to cease and desist from supplying to others any merchandise, together with punch boards, push or pull cards, or other lottery devices, or from supplying such devices, either with assortments of merchandise or separately, which devices may be used in selling or distributing such merchandise to the public, and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4176, 4243 and 4349)

Diamond Cap Company—Louis Goldenberg, Morris Zipper, and Harry Faerman, trading as Diamond Cap Co., Fourth and Somerset Sts., Philadelphia, have been ordered to cease and desist from misrepresentations in the sale and distribution of caps.

The order directs the respondents to cease representing in any manner that caps made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

The order further prohibits the respondents from representing that caps composed in whole or in part of used or second-hand materials are new or are composed of new materials, by failure to stamp on the sweat bands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. The order provides further that if sweat bands are not affixed to the caps then the stamping must appear on the bodies of the caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (3230)

Eucozone Laboratories, Inc., formerly operating in Detroit, and its successor, Universal Eucozone of America, Inc., Detroit, have been ordered to cease and desist from misrepresentations in the sale of "Eucozone," a medicinal preparation sold in the form of a liquid, an ointment and nose drops.

Commission findings are that Eucozone Laboratories, Inc., in newspaper and periodical advertisements published throughout the country, made various misleading representations concerning its preparation prior to discontinuing business. Following its subsequent dissolution the successor company offered to be bound by the Commission proceedings and by any order the Commission might enter.

The Commission order directs the respondents to cease representing that their preparation is a germicide or has any therapeutic properties in excess of those of a mild antiseptic and counter-irritant; that it is an internal antiseptic or will supply oxygen to the bloodstream, and that it has therapeutic value in treating colds, catarrh, sinus infection, rose fever, hay fever, or in treating localized congestion or discomforts associated with such conditions in excess of that afforded by a mild antiseptic and counter-irritant.

The respondents are also directed to cease representing that their preparation is a cure or remedy for athlete's foot or has therapeutic value in treating such condition in excess of that afforded by a mild antiseptic; that the preparation has therapeutic value in treating itch, carbuncles, skin irritations or piles, and that the product is non-poisonous, non-toxic or non-irritating, or that it is suitable or safe for internal use.

The Commission order also prohibits the respondents from representing that Eucozone is an ozonide of eucalyptol or is capable of releasing active or nascent oxygen in the presence of moisture or under any other conditions, or that it possesses any therapeutic properties or elements other than possessed by ordinary oil of eucalyptus or eucalyptol. (3478)

S. Friedman & Sons—Abraham Friedman and Samuel Friedman, trading as S. Friedman & Sons and as Sunray Yarn House, 349 Grand St., New York, has been ordered to cease and desist from misrepresentations in the sale and distribution of knitting yarns.

Commission findings are that the respondents, in employing the legends "Sunray Cashmere Sport Yarn," "Sunray Cashmere Sport," and "Sunray Cashmere DeLaine" in advertising matter and on labels, represented that certain of their yarns were made entirely from fiber produced from the hair of the cashmere goat when in fact the advertised sport yarns were made entirely of other wool and contained no cashmere fiber and the Sunray Cashmere DeLaine was a blend of cashmere and Australian wools.

The order directs the respondents to cease using the word "Cashmere" to refer to any product not composed entirely of fiber derived from the hair of the cashmere goat: provided, however, that such word may be used as descriptive of the cashmere fiber content of products composed in part of the cashmere fiber and in part of other fibers if there are used in immediate connection with such word in letters of equal conspicuousness, words truthfully designating each constituent fiber or material of such products.

The order further directs that none of its provisions shall be construed as authorizing the labeling of any wool product in any manner other than provided by the Wool Products Labeling Act of 1939, after its effective date, July 14, 1941. (4274)

Marlborough Sales Co., Inc., Madison Sales Corporation, and Windsor Manufacturing Co., Inc., all of 29 West 15th St., New York, and William Zeffert, directing manager of the corporations, have been ordered to cease and desist from making misleading representations in the sale of cosmetics and toilet articles.

Commission findings are that the respondents marketed their "Palm and Olive Shaving Cream" in containers and packages simulating in color and appearance the container and package of the competitive product "Palmolive Shave Cream;" that they engaged in "slack filling" of large cartons with ordinary-sized tubes of shaving creams and tooth pastes so that such ordinary-sized units appeared to be "giant size;" that they represented as the regular retail prices of certain shaving creams, fictitious prices which were in excess of the regular prices, and that they used the words "Doctors, Dentists, Surgeons" and the letters "D.D.S." in describing dentifrices which had not been made under the direction or formulas of dentists or medical doctors.

The Commission order directs the respondents to cease and desist from these practices.

According to Commission findings, the three respondent corporations, while still in existence as corporations, have not engaged actively in business since late in 1938. In that year, the findings continue, Marlborough Sales Co., Inc., was succeeded by Madison Sales Corporation, and subsequently the assets of the Madison corporation were sold to the National Gibson Co.

The complaint in this proceeding was dismissed as to Marlborough Laboratories, Inc.; as to Atlantic Manufacturing Co., Newark, N. J., and Henry Braun, Charles Kleinbeck and Caesar Muzzi, its officers, and as to Harry Silverstein, David Kameran and Frances Chorba, former officers of certain of the corporations. Commission findings are that the evidence showed no such corporation as Marlborough Laboratories, Inc. existed or had any connection with the proceeding, and that the allegations against the Atlantic Manufacturing Co. and the six individuals had not been sustained. (3732)

Schrade Cutlery Co., Walden, N. Y., has been ordered to cease and desist from using the words "Super Scout" or "Scout" or similar words to designate certain knives which it sells, or from otherwise representing that such articles are endorsed by The Boy Scouts of America. The order further directs the respondent to discontinue representing that such knives are a part of the equipment of that organization's members. (4118)

FTC CASES DISMISSED

The Federal Trade Commission closed its case against Casenburg Crowe, who was alleged to have been in business under the names Southern Manufacturing Co. and Factory-To-You Co., at 1806 Broad St., Rome, Ga. The Commission closed its case without prejudice to its right to resume proceedings, should future facts so warrant. The respondent had been charged with violation of the Federal Trade Commission Act in the sale of men's wearing apparel. According to information received by the Commission, Casenburg Crowe was not an independent operator, but was an employee of Harper Manufacturing Co. and Rome Manufacturing Co., who are not correspondents in the Commission proceeding.

The Commission has also closed its case against Movie Cosmetics Corporation and W. K. Max Hassenstein, its president, of Hollywood, Calif., who had been charged in a Commission complaint with violation of the Federal Trade Commission Act in the sale and distribution of hair waving preparations and devices. The case was closed without prejudice to the Commission's right to resume proceedings, should future facts so warrant.

Also the Commission has dismissed a complaint charging Hershel California Fruit Products Company, Inc., San Jose, Calif., with violation of the Federal Trade Commission Act in the sale of a tomato paste. Dismissal was ordered without prejudice to the Commission's right to reopen the proceeding in accordance with its regular procedure.

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 14, April 4, 1941

THE WEEK IN WASHINGTON

Ninety-seven per cent of all BMI stations have renewed their licenses for 1941-42. On its first birthday, BMI is the leading producer of hit tunes. (p. 313.)

The George Foster Peabody Radio awards for "outstanding meritorious public service" during 1940 were awarded last week at a dinner in New York. CBS, WLW, WGAR, KFRU and Elmer Davis were the winners. (p. 315.)

Exhibits of broadcast material and equipment for the first time will be an official part of the NAB convention this year. (p. 317.)

Cost-per-inquiry advertising again comes to the NAB's attention. (p. 317.)

Stations should continue their Moving Day promotion until all push-button sets are adjusted. (p. 318.)

Three amendments to the NAB By-Laws will be submitted to the NAB convention this year. (p. 318.)

The Association of American Railroads joined the NAB in seeking legislation for national daylight saving. (p. 320.)

The FCC vacated its revocation orders in the "Texas Cases." Andrew D. Ring resigned as assistant chief engineer at the FCC. (p. 320.)

BMI

LICENSE RENEWALS GO OVER THE TOP

Renewal license contracts from 97 per cent of all BMI stations had been received on April 2nd, according to Carl Haverlin, BMI's Director of Station Relations. Mr. Haverlin indicated that the few remaining stations failed to send in the contracts because of the absence or illness of station executives whose signatures are required and he expects to hear from them within the next fews days. The letters submitting the signed contracts have expressed enthusiasm over the achievements of BMI during its first year and have given assurance of strong and active support for the future. New contracts cover the period from April 1, 1941 to March 31, 1942.

BMI CELEBRATES FIRST ANNIVERSARY

Born one year ago, Broadcast Music, Inc., has become the largest publisher of music in the country and the most prolific producer of hit tunes. It has broken all records for publishing best sellers written by composers who were unknown before—young Americans who, until 1940, had not had an opportunity to present their songs to the listening public. Such hits of BMI's first year include *I Hear a Rhapsody, There I Go, You Walk By, I Give You My Word, So You're the One, High On a Windy Hill, Practice Makes Perfect, The Same Old Story, It All Comes Back To Me Now, Let's Dream This One Out,* and *The Wise Old Owl.*

BMI licensed its first music on April 1, 1940. The song bearing contract number one, *We Could Make Such Beautiful Music,* which has been known as the BMI theme, is still heard frequently on the air and enjoys a continuous sheet music sale. Since that time BMI has acquired the rights to more than 250,000 songs of every variety. At the present time it occupies more than 25,000 square feet of office space, has a pay roll of 300 employees, and has moved Tin Pan Alley from 46th Street and Broadway to 47th Street and Fifth Ave-

(Continued on page 314)

You Can't Afford to Miss the NAB Convention

May 12, 13, 14, 15

New Jefferson Hotel **St. Louis**

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

BMI

(Continued from page 313)

nue. More than 100,000 printed units of music are shipped out of BMI production offices every week to broadcasting stations, taverns, hotels, retail music stores, and to other users or vendors of music.

The phase of BMI activity which has won the heart of the public is its willingness to examine the work of new composers regardless of the time and effort involved. Out of more than 100,000 songs thus submitted, BMI has gleaned a catalogue of some 600 popular numbers—"more fresh and interesting material," in the words of a conductor, "than would ordinarily be submitted by a music publisher in six or seven years."

BMI BARDS GET BOOTY

Checks to BMI songwriters in payment for performance of their music over the air are going out as we go to press. They chalk up another "first" to the credit of BMI. It is the first time that writers have been paid for the use of their music in this country without regard to any consideration except the number of performances. The checks are being transmitted in a letter from M. E. Tompkins, BMI Vice-President, who says:

> "BMI's program logging service has been operating since January 1st, and your payment of performance royalties for the first quarter of 1941 will be accurately computed in accordance with actual performances for the first time in the history of musical copyright in the United States. Meanwhile the results already obtained by us from our logging service have enabled us to estimate your performances for the last quarter of 1940 with some accuracy, and we take pleasure in enclosing herewith our check representing voluntary payment for performance royalties for October, November, and December of 1940 as estimated from a test check of programs.
>
> "In sending you this payment, we wish to express again our deep appreciation for your cooperation, and to assure you that the opportunity of authors to be compensated for performances, upon a fair and determinable basis, is now definitely established and will be perpetuated."

Norman Weiser, Associate Editor of Radio Daily, who is himself one of BMI's successful lyric writers, noted in his column, "Plenty of smiles along Tin Pan Alley these days as the performance pay-offs from BMI are beginning to arrive in the mail."

BMI FEATURE TUNES

April 7-14

1. WALKIN' BY THE RIVER
2. WISE OLD OWL, THE
3. MY SISTER AND I
4. FRIENDLY TAVERN POLKA
5. G'BYE NOW
6. WHAT D'YA HEAR FROM YOUR HEART
7. HIGH ON A WINDY HILL
8. YOU WALK BY
9. HERE'S MY HEART
10. IT ALL COMES BACK TO ME NOW
11. MAY I NEVER LOVE AGAIN
12. LOAFING ON A LAZY DAY
13. TALKING TO THE WIND
14. BREAKFAST FOR TWO
15. WITH A TWIST OF THE WRIST
16. WHERE'S THE CAPTAIN'S HAT

NEW NUMBERS AMONG THE LEADERS

The *Billboard* and *Variety* lists of sheet music best sellers and coin machine leaders as usual show surprising amount of difference, but two statements are true of both—the proportion of BMI numbers remains approximately what it has been for the past several weeks, and ther are some new numbers among the tops. *Amapola,* a Marks number, holds the number one spot on three lists and is well up on the others. *It All Comes Back to Me Now,* one of BMI's own numbers, appears for the first week on *Billboard's* list of the six biggest money makers in the coin machines and for the second week among *Variety's* top ten. *The Wise Old Owl* is climbing among the sheet music best sellers. Peer's *Maria Elena* is another newcomer.

BMI TUNES IN PICTURES

Broadcast Music, Inc. has arranged for the publication of several songs to be introduced in forth-coming picture productions. Contracts have been signed with the Walt Disney studios to publish the title song of the next Disney full-length feature picture *The Reluctant Dragon,* to be released about May 1st.

The song, *I Am the Reluctant Dragon,* is an outstanding novelty number and BMI officials are convinced that they can turn it into a hit. Present plans don't call for the publication of any other numbers in the picture so that the full attention of BMI's Professional Department will be concentrated on the *Dragon.* The contract is the result of three months' negotiation between the Disney studios and BMI.

The Reluctant Dragon is taken from Kenneth Grahame's *Dream Days*. It has been rewritten from the original story and characteristic Disney touches added.

BMI will have the song *Madame Will Drop Her Shawl* in the forthcoming *South of Panama,* co-starring Virginia Vale and Roger Pryor and released through Producers Releasing Corporation. Announcement is anticipated soon of the BMI songs to be included in the next Judy Canova picture, *Puddin' Head.*

The new Dr. Christian picture *Interlude,* the shooting of which will start April 15th, will be 100% BMI. There will be four songs—*When Love is New, Make Believe Land of Dreams, Get Alive,* and *The Rhythm is Red, White and Blue.* The BMI Professional Department will concentrate on *When Love is New,* which was written by Claude Sweeton and Jack Owens. The songs in *Puddin' Head* were written by Jack Owens, who is regarded by BMI officials as one of the most promising of their discoveries.

MORE MEXICAN HITS FROM PEER

Maria Elena, a waltz, written by the Mexican songwriter Lorenzo Barcelata, and published by Peer International, affiliated with Broadcast Music, Inc., is rapidly gaining a place among best song sellers. Last week more than 5,000 copies of sheet music and orchestrations were shipped out, mainly to the middle-west where the song is exceptionally popular. Written in 1933 and enjoying a big sale in Latin-American countries, new English lyrics by S. K. Russell have brought the song to the forefront. During the past few weeks Wayne King, Lawrence Welk, Bobby Byrne, Jimmy Dorsey, Tony Pastor, and Gene Krupa have recorded the number and coin machines in all sections of the country are featuring their recordings.

Un Momento, the latest composition by Alberto Dominguez, who wrote *Frenesi* and *Perfidia,* was published last week by Peer. English title for the song is *Rendezvous in Rio* and the English lyric is by Marjorie Merton.

Dominguez, who recently was a guest star on an international hook-up over NBC, is planning to leave New York shortly on a visit to Hollywood before returning to Mexico City, where he is musical conductor at Station XEW.

BMI CONTINUES TO PIONEER

Another revolutionary step in the advancement of radio-music has been achieved by Broadcast Music, Inc. through the development of two color orchestrations. Although colored arrangements have been used before in piano music, this is the first time that complete orchestrations have been printed in two colors. Since BMI began operation, all orchestrations made by the broadcasters' organization have been cross-cued—a system of arranging that enables orchestrations to be used by groups of four or five pieces or full symphony orchestras. In the newly developed BMI method of arranging, the cross-cued parts that are played by small groups are printed in a reddish-orange color that makes them stand out in striking contrast to the remainder of the score.

The new two-color printing, it was explained by BMI arrangers, is expected to "revolutionize music," as it is the most important step ever taken to simplify the playing of complicated arrangements. By using the colored arrangements, which are easier on the eyes than the usual all-black orchestrations, musicians in orchestras of less than symphonic size no longer have to be concerned with reading the entire score for the cross-cued sections they play, but can easily and quickly locate their parts from the notes printed in color. To get the most effective color, the BMI Arranging Department experimented with a number of shades, finally selecting the reddish-orange color as offering the greatest contrast. Beginning this week, all BMI arrangements of favorite standard, classical, and salon music will incorporate the new two-color printing.

Peabody Radio Award Winners

The George Foster Peabody Radio Awards for "outstanding meritorious public service" in the broadcasting industry during 1940 were announced March 29 by S. V. Sanford, Chancellor of the University System of Georgia, at a dinner in New York.

The awards, comparable to the Pulitzer awards in the field of journalism, went to the Columbia Broadcasting System, among the networks; Station WLW, Cincinnati, among the large stations; Station WGAR, Cleveland, among the medium sized stations; Station KFRU, Columbia, Missouri, among the small stations, and Elmer Davis, CBS reporter.

In addition, the following stations were cited:

LARGE STATIONS

WSB, Atlanta, Georgia. Cited for its distinguished public service contributions to a localized area in the South.

KNX, Los Angeles, California. Cited for meritorious service to a localized area in the Far West.

WLS, Chicago, Illinois. Cited for meritorious service to agriculture.

WCAU, Philadelphia, Pennsylvania. Cited for its program series, "Wake Up America," a contribution to national defense.

WBAP, Fort Worth, Texas. Cited for its distinctive series of prison broadcasts.

WOR, New York City. Cited for its contribution in broadcasting the "American Forum of the Air."

WJZ, New York City. Cited for its contribution to broadcasting the "Town Meeting of the Air."

WGEO, (short wave) Schenectady, N. Y. Cited for its service to the Byrd expedition at the South Pole.

MEDIUM-SIZED STATIONS

WJJD, Chicago, Illinois. Cited for its service to education in broadcasts to schools.

WQXR, New York City. Cited for the high standards of its musical programs.

WOW, Omaha, Nebraska. Cited for its enterprise in originating "The President's Birthday Ball of 1940".

KSTP, St. Paul, Minnesota. Cited for its distinguished broadcast, "America Calling."

WBNX, New York City. Cited for its public service to foreign language groups in greater New York.

WRC-WMAL, Washington, D. C. Cited for its enterprise in originating the "Mile O' Dimes" public service feature.

SMALL STATIONS

KVOS, Bellingham, Washington. Cited for promoting a better understanding between Canada and the United States through its Armistice Day program.

The awards, authorized by the Regents of the University System of Georgia last May, were approved by an advisory board which included:

Bruce Barton, president, Batten, Barton, Durstine, and Osborne, Advertising, New York City

John H. Benson, President, American Association of Advertising Agencies, New York City

Virginius Dabney, Editor, Richmond (Va.) *Times-Dispatch*

Norman H. Davis, Chairman, American Red Cross

Jonathan Daniels, Editor, Raleigh (N. C.) *News and Observer*

Mark Ethridge, Vice President and General Manager, Louisville (Ky.) *Courier-Journal* and *Times*

Waldemar Kaempffert, Science Editor, New York *Times*

Alfred Knopf, Publisher, New York City

Grace Moore, Metropolitan Opera Company, New York City

Dr. John W. Studebaker, United States Commissioner of Education

Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody whose name the awards bear

Edward Weeks, Editor, *Atlantic Monthly,* Boston, Massachusetts

The Columbia Broadcasting System, Dr. Sanford said, was selected among the networks, "among other reasons, for offering a schedule of broadcasts which combined commercial and sustaining programs in such a way as to constitute a structure definitely in the public interest; for giving its listeners more than 10,000 noncommercial broadcasts in 3,500 hours of unsponsored, public service programs; for regarding its schedule as a curriculum for adults and children in which lighter entertainment served as an ingredient to make the more vital programs palatable; for covering adequately the significant news of the year; for promoting Pan-American unity and understanding through its 'School of the Air'; for aiding education with special schoolroom services and such programs as 'Invitation to Learning', 'The Human Adventure', 'Reporting to the Nation', 'The People's Platform', and 'Columbia's Country Journal'; for giving religion a major place in its public service activities; and for its manifold and continuous interest in serious music and other cultural subjects."

Station WLW, Cincinnati, received its award among large stations "for being a pacemaker in the conception and execution of distinctive public service programs; for recognition of the principle that clear-channel stations should be sectional rather than local in their service, but at the same time should not duplicate the work of the networks; for offering broadcasts of a type slightly above the level of the mass radio audience; for spending three times as much on public service programs as the average for 50,000 watt stations; and for serving the interests of all groups, including rural as well as urban listeners."

Station WGAR, Cleveland, was selected "for its success, despite the restricted facilities of a regional station, in serving the diverse interests and widely different cultural backgrounds of greater Cleveland; for promoting a better understanding among these various groups; for assuming a responsibility to those 65 per cent of Cleveland's foreign-born or first generation listeners who do not easily understand English by broadcasting programs in languages which represent the principal foreign populations of this metropolitan area—Hungarian, Italian, Slovene, Czech, Slovak, Polish and Roumanian; for its program, 'Wings over Jordan', begun five years ago to bring about a better understanding between the white and colored peoples of Cleveland; for its cooperation with governmental agencies in the interest of national unity, civic consciousness, community health and welfare; and for its unique news service featuring items of special interest to some twenty small communities."

Station KFRU, Columbia, Missouri, received its award "for making the most of its opportunities to serve its local audience; for giving its listeners educational features of local origin, including programs of classical music with interpretative comments and helpful broadcasts in the interests of better farming; for doing a superior job of public service despite limited equipment, circumscribed finances, and a small personnel."

Elmer Davis was selected for "his terse, incisive and impartial reporting of the news, day by day."

Dr. Sanford's address was broadcast by the coast-to-coast network of the Columbia Broadcasting System.

The idea for the Peabody awards, which are to be made each year, originated with Lambdin, Kay, Director of Public Service at station WSB, Atlanta. He discussed the need for "something comparable to the Pulitzer prize" for radio with Dean John E. Drewry, of the Henry W. Grady School of Journalism of the University of Georgia, who, in the fall of 1939, laid the matter before Dr. Sanford. Dean Drewry also discussed the matter with the broadcasting industry at the 1940 convention of the National Association of Broadcasters in San Francisco where his proposal to have the awards made by the University of Georgia received unanimous endorsement. Together, the Henry W. Grady School of Journalism and the NAB set up the mechanics for making the awards.

Broadcasting stations from 24 states and the District of Columbia, as well as the three major networks, submitted entries. A faculty committee of the University of Georgia carefully examined the material submitted by the stations and recommendations of this committee formed a basis of selections approved by the advisory board.

Addressing himself to the broadcasting industry, Dr. Sanford said tonight that he hoped "these Peabody awards will serve increasingly as an incentive to higher standards of public service."

"We of the University of Georgia and the School of Journalism in particular, feel that radio is very much a part of our educational program," he added. "The creation of these George Foster Peabody Radio Awards is but the latest step in our efforts to be of educational assistance to an important agency of communication. With the cooperation of the National Association of Broadcasters, our Advisory Board, and the executives of the radio industry itself, these Awards should from year to year serve not only as a measurement of the achievements by broadcasters, but as a continuous reminder of the social obligations of radio. Mr. W. B. Lewis, vice president in charge of broadcasts of the Columbia Broadcasting System, has stated the point well thus:

" 'The award is a very healthy plan to compel those of us who are engaged in the daily work of putting radio programs on the air, to stand aside and once again evaluate our activities over an entire year in terms of objectives and achievements. * * * The compilation of our exhibit provided a real stimulus to the individual members of the departments involved. And this experience was, we are sure, duplicated by that of every competing station and network.'

"We of the University of Georgia hope and believe that this thought is shared throughout the broadcasting industry."

William S. Paley accepted the award on behalf of CBS; James D. Shouse for WLW; Eugene Carr for WGAR; C. L. Thomas for KRFU, and Elmer Davis for himself. C. E. Arney, Jr., spoke in behalf of the NAB.

NAB Convention

Promotion Exhibit Question Box No. 3

Question: Will the exhibits at the Convention be put in the halls and in the lobbies, or will there be a special exhibit hall?

Answer: There will be a special exhibit hall. The Crystal Room of the New Jefferson Hotel in St. Louis has been designated as such. This room is 75 feet long, and 35 feet wide, and will provide plenty of space for exery exhibitor.

Question: Will individual stations have to mount their exhibits themselves?

Answer: No. If the entries are shipped to the Convention according to the regulations the Committee in charge will see that the panels are properly hung, at no expense or bother to the individual stations.

Question: If a station sends material which does not conform to the rules of the Committee what is the result?

Answer: Such exhibits which do not conform to the rules will not be displayed in the Crystal Room, and will not be entitled to any awards.

The closing date for entries is May 3. Shipment is to be made to the New Jefferson Hotel, St. Louis, c/o NAB Promotion Exhibit Committee.

EXHIBITS

For the first time, the exhibits of broadcast equipment and materials will be made an official part of the convention this year. The Board of Directors in formulating the Associate Membership Plan adopted a provision to the effect that only those who are associate members will be eligible to hold exhibits in connection with the convention. While this will cut down the number of exhibits, it will give assurance that those who do exhibit are sufficiently interested in the industry's problems to support its trade association. In an early issue of the Reports, a complete list of the exhibitors will be given. This week a questionnaire went out to all associate members seeking information regarding their exhibit plans.

The promotion exhibit should not be confused with these associate member exhibits. While associate members are eligible to display promotional material along with the display of similar material made by member stations, the promotional exhibit will be made in the Crystal Room, one of the large public rooms in the hotel. The associate member exhibits will be in private rooms throughout the hotel. Every indication points to an exceptional promotion exhibit and the committee, headed by Howard Peterson, WOW, is working diligently.

BANNER ATTENDANCE PROBABLE

Ray Dady, KWK, and his Housing Committee have done a really commendable job in handling the requests for hotel reservation at St. Louis hotels. The advance reservations, incidentally, far exceed those at any pervious NAB convention. For many weeks all of the suites available at the Jefferson Hotel have been taken. A very limited number of twin bedded rooms are yet available but there are plenty of double bedded rooms and singles. There are, of course, suites at other hotels than the Jefferson, many of them nearby. Don't let the fear of lack of proper accommodations deter you from planning your trip to the convention.

Incidentally a check-up shows a very limited number of reservations from the far west. This is surprising in view of the fact that the mid-western broadcasters were so numerous at the San Francisco convention last year. Many of the mid-western broadcasters have expressed the hope that the western broadcasters will reciprocate by being present at St. Louis. It is going to be a grand convention and Merle Jones, chairman of the General Committee, has the local plans well in hand.

Sales

COST-PER-INQUIRY

Contingent and cost-per-inquiry deals, some new and some old, continue to be reported by member stations to the NAB Department of Broadcast Advertising. This week's mail brought information on the following:

The Bible Press, Richmond, Va.

Murray Hill Topman & Co., 505 Fifth Ave., New York City, on behalf of an insecticide powder.

Frasek Company, Martlex Bldg., White Plains, N. Y., with a postage stamp offer.

Duensing & Co., 35 East Wacker Drive, Chicago, on behalf of Waterbury fountain pens.

Continued cooperation in calling these free offer and per-inquiry deals to the attention of the Department will be appreciated. Each of these companies has been advised that it is the opinion of the Department of Broadcast Advertising that their proposals are opposed to the best interests of radio stations, and each has been invited to give serious consideration to a paid radio campaign, if they wish to obtain maximum results and maintain the continued goodwill and cooperation of the broadcasting industry.

PELLEGRIN REPORTS

Frank E. Pellegrin, newly appointed Director of the Department of Broadcast Advertising, assumed his duties at headquarters April 1. Pellegrin comes from Omaha, where for the past three years he has been sales manager of the Central States Broadcasting Company—KOIL, Omaha, and KFAB, Lincoln.

Promotion

RADIO'S MOVIN' DAY

Many station executives have indicated that they are continuing the broadcast of announcements urging listeners to have their push buttons reset. This is sound technique. The telephone rush to get push buttons changed, noted on March 29, is over. Now comes the orderly change over of buttons which will take some weeks. Unless stations continually drive home the change over message their listeners may neglect to have the job done as speedily as possible.

The Mayors of five more cities who proclaimed Radio Movin' Day, previously unreported, represent:

Charleston, S .C.; Muncie, Ind.; Tacoma, Wash.;
San Bernardino, Cal.; Toledo, Ohio

When H. H. Born, business manager, WHBL, Sheboygan, Wis., received Governor Heil's proclamation it was set up in the composing room of the Sheboygan Press. Mats were pulled and mailed to the twenty-two Wisconsin communities having broadcast stations.

WBIG, CBS affiliate in Greensboro, N. C., and WSJS, owned by the Winston-Salem Journal and Sentinel, on NBC Red, exhibited some real Tar Heel cooperation during Movin' Day promotion.

The former station bought space in the Winston-Salem Journal and WSJS bought spot announcements over WBIG.

James C. Wallace, KAST, Astoria, Ore., ran a six hundred line ad in the Astoria-Budget on March 17, which also illustrated the well-known radio cooperation. After explaining the facts of change over Mr. Wallace listed "Important Changes on Stations Heard in the Astoria Area" and urged readers to save the listings. Stations noted were located in Portland, Seattle, Tacoma, Los Angeles, San Francisco, Sacramento and San Jose.

WDGY, Minneapolis, arranged an excellent cooperative promotion for itself as well as other Twin City stations, and stations in Fergus Falls, Winona, Superior-Duluth, Hibbing, Moorhead, Willmar, Virginia, Albert Lea and St. Cloud.

A deal was made with one of the station's clients, Central Coop. Livestock Association, which distributed 100,000 notices of new dial settings of Minnesota stations.

WDGY's wave length is 1130 which suggested to Program Manager Stone a program called the "1130 Matinee." Quarter hour started March 1 at 11:30 a. m. and is still running. A special Saturday afternoon program known as the "1130 Club" has been running four weeks, 1:10 to 3:30 p. m. Both shows continue to urge listeners to have their push buttons changed.

Amendments to By-Laws

Three proposals to amend the By-Laws of the NAB have been authorized by the Board of Directors for submission to the membership.

Article XIII of the By-Laws requires that proposed changes shall be "submitted by mail to the last recorded address of each member at least 30 days before the time of the meeting which is to consider the change." The meeting to consider the change is the Nineteenth Annual Meeting, to be held at St. Louis, May 12 to 15 inclusive. This is, therefore, your notice of the following proposed amendments.

I

To provide for nomination of Directors-at-Large and selection of succeeding convention city by the members, the following amendment is proposed, without recommendation by the board as to nomination of Directors-at-Large and with recommendation as to succeeding convention city:

(1) Amend Article V by striking out Section 1 thereof and inserting in place thereof the following new Section 1:

SECTION I. ANNUAL

A. A stated or annual meeting of the members shall be held in each year at such place as is determined by the members at their previous annual meeting and at such time as is determined by the Board of Directors. At such meeting Directors-at-Large shall be nominated and Directors-at-Large and Network Directors shall be elected by the members by vote in an open session thereof to succeed such directors whose terms then expire. At such meeting there shall likewise be transacted any other business that may be then properly and legally presented.

B. No city shall be eligible for balloting as the place for the ensuing annual meeting unless certified by the Secretary-Treasurer to have complied with the following requirements:

1. At least ninety days prior to the annual meeting any city desiring to invite the next annual meeting shall so notify the Secretary-Treasurer in writing.
2. At least thirty days prior to the annual meeting such city shall inform the Secretary-Treasurer in writing, in such detail as he may require, as to its facilities to accommodate the annual meeting, whereupon if its said facilities shall appear to be adequate, the Secretary-Treasurer shall certify the city as qualified.

3. The invitation of any qualified city shall be presented to the membership by a member from the district in which such city is located.

C. The names of cities extending official invitations in accordance with paragraph (B) above shall be posted in the order of presentation and the membership shall select three such cities in the order of their preference for the next annual meeting.

D. Th Secretary-Treasurer shall immediately negotiate with one or more hotels and community agencies in the city first preferred, the standard form of contract required of hotels and communities to which the annual meeting is awarded. If he is unable to negotiate satisfactorily as to such city, he shall similarly negotiate as to the city second preferred, and if he is unable to negotiate satisfactorily as to such city, he shall similarly negotiate as to the city third preferred. In the event he is unable to negotiate satisfactorily as to any of the three cities preferred by the membership, the Board of Directors shall fix the place of the annual meeting.

(2) Amend Article VII by striking out Section 4 thereof and inserting in place thereof the following new Section 4.

Section 4. Nomination of Directors-at-Large and Networks Directors. Nominations for each of the six Directors-at-Large, as defined in Section 2, above, shall be made from the floor at a business session of the annual meeting. Nomination speeches for any nominee shall not exceed in the aggregate one minute's duration. Nominations of any classification shall be closed when nominees of that classification total thirty. All names shall be posted as nominated. During the morning session of the second day of the annual meeting, each of the said respective networks shall certify to the President its nominee or nominees for Network Director, as defined in Section 2 above, whereupon such nominees shall be deemed to have been placed in nomination, and shall be so reported to the members during that session.

(3) Amend Article VII by striking out Section 5 thereof and inserting in place thereof the following new Section 5:

Section 5. Election of Directors-at-Large and Network Directors. Election of Directors-at-Large and Network Directors shall proceed as follows:

A. The President shall appoint an Elections Committee of three persons. The President shall appoint the Chairman.

B. The Elections Committee shall compile a list of Active Members eligible to vote in the elections.

C. The Elections Committee shall distribute coupon ballots.

D. The Elections Committee shall on the second day of the annual meeting announce a time and place for balloting and shall supervise such balloting. No ballots shall be received after the balloting session adjourns.

E. The Election Committee shall prepare ballots in blank and in coupon booklet form with not less than four ballots in each coupon book. Ballot number one shall be used for the election of the Network Directors. Ballot number two shall be used to vote for not more than four nominees in each classification for Directors-at-Large. Ballot number three may be used by writing thereon the names of the first, second and third preference of cities for the next annual meeting; provided, however, that the use of Ballot number three may be waived at the discretion of the Chairman of the Elections Committee and a voice or standing vote substituted. Ballot number four shall be used to vote for two nominees for Directors-at-Large in each classification as outlined in Section 2 above; provided, however, that no ballot shall be cast for more than one nominee of the two nominees in each classification receiving the highest number of votes on Ballot number two; and provided, further, that no ballot shall be cast for more than one nominee of the two nominees in each classification receiving the lowest number of votes on Ballot number two.

F. Immediately after the conclusion of balloting, the Elections Committee shall proceed to count the ballots and announce the results; provided, however, that the results of the final ballot shall be announced during the annual meeting at the time and place designated by the President.

G. The two Director-at-Large nominees receiving the highest number of votes in the final balloting in each of the three classifications, shall be declared elected.

II

To provide for membership dues-classification in $100,000 brackets at an increase of $25 dues for each bracket, for net receipts from $600,001 to $1,000,000, the following amendment is proposed, with recommendation of the board:

Amend Article IV by striking out Section 1 thereof and inserting in place thereof the following new section 1:

Section 1. Effective January 1, 1941, each active member shall pay dues on net receipts from the sale of time received during the previous calendar year. Net receipts from the sale of time are defined as billings based on gross rate for broadcasting service less time and advertising agency discounts, if any, and including net billings to the networks. No member shall be required to state its actual volume but to name annually to the Secretary-Treasurer on his call the class into which its volume falls. It is understood that each Active Member is in honor bound not to name a smaller classification than that into which its volume actually falls. The annual dues, payable monthly in advance, shall be as follows:

Class	*Range of Income*		*Monthly Dues*
A	$ 0	$ 15,000	$ 5.00
B	15,001	36,000	10.00
C	36,001	60,000	15.00
D	60,001	80,000	20.00
E	80,001	120.000	30.00
F	120,001	160,000	40.00
G	160,001	200,000	50.00
H	200,001	300,000	75.00
I	300,001	400,000	100.00
J	400,001	500,000	125.00
K	500,001	600.000	150.00
L	600,001	700,000	175.00
M	700,001	800,000	200.00
N	80,001	900,000	225.00
O	900,001	1,000,000	250.00
P	1,000,001	2,000,000	400.00
Q	Over 2,000,000		500.00

III

To provide for reallocation of territory affecting Districts 2, 3, 8, 9, 11 and 14, the following amendment is proposed, with recommendation of the board:

Amend Article III, Section 4, District 2, by striking out the period and adding the following: "and New Jersey."

Amend Article III, Section 4, District 3, by striking out the comma and the word "New Jersey."

Amend Article III, Section 4, District 8, by striking out the period and adding the following: ", excluding the counties of Ontonagon and Gogebic."

Amend Article III, Section 4, District 9, by striking out all after "Illinois" and adding the following: ", Wisconsin, excluding the counties of La Crosse, Monroe, Juneau, Adams, Marquette, Waushara, Portage, Wood, Jackson, Trempealeau, Buffalo, Pepin, Pierce, St. Croix, Dunn, Chippewa, Eau Claire, Clark, Marathon, Lincoln, Taylor, Rusk, Barron, Polk, Burnett, Washburn, Sawyer, Price, Oneida, Vilas, Iron, Ashland, Bayfield and Doublas."

Amend Article III, Section 4, District 11, by striking out all after "North Dakota" and adding the following: ". South Dakota, excluding the counties of Fall River, Shannon, Bennett, Todd, Mellette, Waushahaugh, Washington, Custer, Pennington, Jackson, Jones, Stanley, Haakon, Meade, Lawrence, Butte, Harding, Perkins, Ziebach, Armstrong, Dewey and Corson, and Wisconsin, including the counties of La Crosse, Monroe, Juneau, Adams, Marquette, Waushara, Portage, Wood, Jackson, Trempealeau, Buffalo, Pepin, Pierce, St. Croix, Dunn, Chippewa, Eau Claire, Clark, Marathon, Lincoln, Taylor, Rusk, Barron, Polk, Burnett, Washburn, Sawyer, Price, Oneida, Vilas, Iron, Ashland, Bayfield and Douglas, and Michigan, including the counties of Ontonagon and Gogebic."

Amend Article III, Section 4, District 14, by striking out all after "Wyoming" and adding the following: ", Montana and South Dakota, including the counties of Fall River, Shannon, Bennett, Todd, Mellette, Waushabaugh, Washington, Custer, Pennington, Jackson, Jones, Stanley, Haakon, Meade, Lawrence, Butte, Harding, Perkins, Ziebach, Armstrong, Dewey and Corson."

Legislation

DAYLIGHT SAVING

Last Friday the Board of Directors of the Association of American Railroads passed a resolution that the officers of the Association should support H. R. 3789, the McLean Bill providing for daylight saving time on a nation-wide basis. The desirability of this legislation was called to their attention by the NAB which is, under resolution of the Board of Directors, actively supporting the Bill.

FEDERAL LEGISLATION

HOUSE

H. R. 4228 (Hobbs, D-Ala.) JUDICIAL CODE—To amend the Judicial Code by adding thereto a new section authorizing, for the purpose of detecting or preventing certain crimes, the Federal Bureau of Investigation of the Department of Justice, when specifically authorized by the Attorney General of the United States, to intercept, listen in on, or record telephone, telegraph, or radio messages or communications; and making such authorizations and communications, and testimony concerning same, admissable evidence; and for other purposes. Referred to Committee on Judiciary.

SENATE

S. 1253 (Wheeler, D-Mont.) COMMUNICATIONS ACT—To amend section 605 of the Communications Act of 1934. Referred to Committee on Interstate Commerce.

STATE LEGISLATION

South Carolina:

H. 487 (Moore, et al) ALCOHOLIC LIQUORS—PUBLIC ADVERTISEMENT—to render unlawful the public advertisement of alcoholic liquors and beverages, and to provide a penalty for violation thereof. Referred to Committee on Judiciary.

FEDERAL COMMUNICATIONS COMMISSION

REVOCATION ORDERS VACATED

Need for continued broadcast service and other public interest considerations led the FCC to vacate its orders of revocation in the so-called "Texas cases," it announced.

Though hidden management revelations provided "ample foundation" for revocation, the Commission deems that the program service of the six stations involved is in the public interest, being for the most part in communities not otherwise provided with broadcast facilities. Therefore, in view of subsequent acts by the licensees to remedy unlawful aspects of past operation, the Commission agreed to license five of the stations on a temporary basis for 90 days, during which time they must show that James G. Ulmer has relinquished all interest in their operation. Further, the Commission is keeping the records in all six cases open for use in any future proceedings which might involve these licensees.

Today's decisions affect KGKB, East Texas Broadcasting Co., Tyler, (B-110); KRBA, Red Lands Broadcasting Association, Lufkin (B-104); KSAM, Sam Houston Broadcasting Association, Huntsville, (B-108); KTBC, State Capitol Broadcasting Association, Austin (B-102); KNET, Palestine Broadcasting Association, Palestine (B-103), and KGFI, Eagle Broadcasting Co., Brownsville (B-122).

With reference to its decision and order in the cases of stations KRBA, KSAM, KTBC, KNET and KGFI, licensed on a 90-day basis, the Commission observes:

> "The primary and moving figure in all of these cases was Dr. James G. Ulmer. His actions coupled with lack of understanding displayed by the other principal participants in the proceedings with respect to the duties of radiobroadcast licensees, particularly concerning the requirement of the Communications Act of 1934 and the Rules and Regulations of the Commission, combine to present a clouded and dubious history for each of the stations involved. But we think in this respect that the various licensees in the light of the several hearings will accord, in the future, more respect and, consequently, a stricter adherence to such duties and requirements."

Because station KGKB has endeavored to purge itself of unlawful past operation, the Commission will permit the licensee to continue operation of this station, but warns that this is not to be construed as in any way approving Dr. Ulmer's past activities in connection with the station. "To the contrary," comments the Commission, "we unequivocably condemn these activities and the complete disregard of the duties of radiobroadcast licensees shown by the other principal participants in this proceeding."

The Commission was faced with the circumstance that in none of the areas in which these stations are located, except Austin, is there any station to serve as a medium for community expression other than the particular stations involved. No question had been raised that the program service was not in the public interest.

Commissioner Payne dissented in all six cases and Commissioner Case in the case of KGKB.

WBAX LICENSE RENEWAL DENIED

Application by John H. Stenger, Jr., for renewal of license of broadcast station WBAX, at Wilkes-Barre, Pa., was denied by the FCC, following oral argument before the Commission on its Proposed Findings of Fact and Conclusions (B-115) to that effect, dated September 18th last. The station is accordingly given until 3 a.m., July 1 next to get off the air.

In adopting its proposed findings, the Commission reaffirmed its previous conclusions as amended:

"Upon the foregoing findings of fact the Commission concludes:

"1. The applicant is not financially qualified to continue the operation of the station.

"2. In view of the facts recited above with respect to false representations made to the Commission by the applicant in applications and other documents, it is apparent that his character is not such as to qualify him to hold the license of a radiobroadcast station.

"3. In practical effect, the station licenses heretofore granted to the applicant for the operation of Station WBAX, and the rights therein granted have been transferred to Glenn D. Gillett, Marcy Eager, and Stenger Broadcasting Corporation without obtaining the consent of the Commission thereto in writing, in violation of the provisions of Section 310(b) of the Communications Act of 1934, as amended.

"4. The radio transmitting apparatus described in licenses heretofore issued to the applicant for the operation of Station WBAX has been used and operated by Glenn D. Gillett and Marcy Eager, directly and through agents, and by Stenger Broadcasting Corporation, through its officers and directors, particularly with respect to the control of physical operation and programs broadcast, in violation of the provisions of Section 301 of the Communications Act of 1934, as amended.

"5. The applicant has relinquished control of this station and his right to exercise same; and has failed to discharge properly the obligations made incumbent upon him in licenses which he has received from the Commission.

"6. The granting of the application for renewal of license of Station WBAX will not serve public interest, convenience, or necessity."

The Commission made the supplemental observation that the "control actually exercised by Gillett and his associates went beyond the terms of the contract, and beyond the activities reasonably to be contemplated therefrom."

Commissioner Craven, concurring, stated: "I concur with the ultimate result, but believe that the denial should be without prejudice to the filing of an application for transfer of license to a person satisfactory to the Commission as to qualifications under the law."

WBAX, using power of 100 watts, has been operating on a temporary basis since March 29 on 1240 kilocycles, and on 1210 kilocycles previously.

RING RESIGNS

After nearly 12 years of active Government service in radio broadcast engineering, Andrew D. Ring has resigned as Assistant Chief Engineer of the FCC to engage in private engineering practice. He will be associated in Washington with Ralph L. Clark, who has also resigned from the Commission engineering staff for this purpose.

Mr. Ring is following out an intention of long standing to enter private practice as soon as certain engineering problems had been followed through by the Commission to successful conclusions. Last of these was the North American Regional Broadcasting Agreement, effective March 29, with which Mr. Ring had been associated in a technical capacity since he was a technical adviser to the Havana conference in 1937.

A native of Tennessee and graduated from the University of Tennessee, Mr. Ring joined the Federal Radio Commission July 1, 1929, as senior engineer. He has been Assistant Chief Engineer for the Federal Communications Commission since the latter was established in 1934.

Technical progress in which Mr. Ring played an active part has included establishment in 1930 of empirical standards of allocation as a basis for determining broadcast service and interference; adoption of automatic frequency controls in 1932; directive antenna to prevent interference and otherwise improve service, adopted that same year; Standards of Good Engineering Practice and Rules and Regulations Governing Standard Broadcast Stations, resulting from an engineering conference in 1939; the recent debut of commercial FM, with new principles of allocation on the basis of area served; substantial developments in television, and international broadcast aided by use of directive antenna and maximum power requirement.

Mr. Ring has been with the Commission during a period which has been decisive of many important engineering problems in the broadcasting field. He has brought to his work here both a long experience and a rare degree of competence. It will be difficult to fill his place at the Commission.

COOPER RESIGNS

The FCC has accepted the resignation of Robert M. Cooper, Assistant to the General Counsel. Mr. Cooper has been with the Commission for about two years. During that time he has been active in connection with litigation, the chain broadcasting inquiry, the proposed telegraph merger, and other important matters.

Chairman James Lawrence Fly said that Mr. Cooper's services had been of great value to the Commission. "Mr. Cooper is an excellent lawyer with long experience in the regulatory field," commented the Chairman. General Counsel Telford Taylor stated that Mr. Cooper had contributed effectively to the Commission's activities in numerous important branches of its work, and paid high tribute to his ability.

Mr. Cooper has had several offers of other employment but did not announce his plans for the future. He will continue to handle several matters which have been specifically assigned to him by the Department of Justice.

IMPROVED RECEPTION UNDER FREQUENCY SHIFT NOTED

Advice received by the FCC indicates that the change of frequencies effected by standard broadcast stations on March 29th, as required under the North American Regional Broadcasting Agreement, was accomplished with a minimum of inconvenience to listeners as well as to broadcasters.

The shift was made according to schedule, without untoward incident. Broadcasters report that their listeners evinced no particular confusion, thanks to the advance explanations made by both radio and the press in a public effort, which was assisted by Governors' proclamations and cooperation of civic, technical and other groups.

Early reports to the FCC are to the effect that improved reception has been noted in general. Some isolated reports of interference have been traced to specific cases in which final adjustments were not completed at the exact time the reallocation became effective.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, April 7. They are subject to change.

Thursday, April 10

NEW—Granite District Radio Broadcasting Co., Murray, Utah.—C. P., **1500 kc.** (**1490 kc.** when Havana Treaty is effective), 250 watts, unlimited.

Friday, April 11

KGNO—The Dodge City Broadcastingg Company, Inc., Dodge City, Kans.—Modification of license, **1340 kc.,** 500 watts night, 1 KW day, unlimited. Present assignment: **1340 kc.,** 250 watts night, 1 KW day, unlimited.

FUTURE HEARINGS

During the past week the Commission has announced the following dates for broadcast hearings. They are subject to change.

April 21

Consolidated Hearing

WPAY—Chester A. Thompson (Transferor), and The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Transfer of control of Corp., **1370 kc.,** 100 watts, unlimited.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Renewal of license, **1370 kc.,** 100 watts, unlimited.

Joint Hearing

NEW—The Yankee Network, Inc., Boston, Mass.—C. P., **44300 kc.,** coverage 19,230 square miles.

NEW—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—C. P., **43100 kc.,** coverage 20,437 square miles.

April 30

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—C. P., **1410 kc.,** 1 KW, unlimited, DA night.

May 14

WHB—WHB Broadcasting Company, Kansas City, Mo.—C. P., **710 kc.,** 5 KW, DA night and day, unlimited time.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—C. P., **710 kc.,** 10 KW, unlimited, DA night.

May 21

Consolidated Hearing

NEW—R. B. Terry, D. A. Rawley, C. M. Waynick and H. A. Cecil, d/b as High Point Broadcasting Co., High Point, N. C.—C. P., **1370 kc.,** 100 watts, unlimited time.

NEW—Ralph L. Lewis, Greensboro, N. C.—C. P., **1370 kc.,** 100 watts, unlimited time.

May 26

Consolidated Hearing

WCAM—City of Camden, Camden, N. J.—Renewal of license, **1280 kc.,** 500 watts night, 500 watts LS, shares WTNJ and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1280 kc.,** 500 watts night, 500 watts LS, shares WTNJ and WCAM.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, **1280 kc.,** 500 watts night, 500 watts LS, shares WCAM and WCAP.

WTNJ—WOAX, Incorporated, Trenton, N. J.—C. P., **1230 kc.,** 1 KW night, 1 KW day, unlimited, DA day and night.

NEW—Trent Broadcast Corp., Trenton, N. J.—C. P., **1230 kc.,** 1 KW, unlimited, DA day and night.

June 2

NEW—Symons Broadcasting Co., Ellensburg, Wash.—C. P., **1110 kc.,** 1 KW, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Granted modification of license to change hours of operation from specified to unlimited time, **1340 kc.** (NARBA), power 250 watts night and day (B2-ML-1051).

WBRK—Harold Thomas (assignor), Monroe B. England (assignee), Pittsfield, Mass.—Granted consent to assignment of license for station WBRK from Harold Thomas to Monroe B. England; station operates on **1340 kc.** (NARBA), 250 watts, unlimited time (B1-AL-298).

KOL—Seattle Broadcasting Co., Seattle, Wash.—Granted construction permit to increase night power from 1 KW to 5 KW and install directional antenna for day and night use; **1300 kc.** (NARBA), 5 KW day, unlimited time (B5-P-3030).

WLOG—Clarence H. Frey & Robert O. Greever, Logan, W. Va.—Granted construction permit to increase power from 100 watts night and day to 250 watts night and day and make changes in equipment; **1230 kc.** (NARBA), unlimited time (B2-P-3109).

KGY—KGY, Inc., Olympia, Wash.—Granted construction permit to install new antenna and increase time of operation from unlimited except when station KTW is operating, to unlimited; **1240 kc.** (NARBA), 100 watts night and day (B5-P-3071).

David Rosenblum, d/b as Butler Broadcasting Co., Butler, Pa.—Granted construction permit for new standard broadcast station to operate on **680 kc.,** 250 watts, daytime only; exact transmitter site to be determined with Commission's approval (B2-P-3046).

DESIGNATED FOR HEARING

Colonial Broadcasting Corp., Norfolk, Va.—Application for construction permit for new standard broadcast station to operate on **1200 kc.** (**1230 kc.** under NARBA), 250 watts, unlimited time; exact site and antenna system to be determined (B2-P-3039).

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Application for modification of license to change frequency from **1400 kc.** (NARBA), to **1240 kc.** under NARBA; 250 watts night and day, unlimited time (B1-ML-1053).

MISCELLANEOUS

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from local sunset (March 6 p. m. CST) to 9:30 p. m. on March 31, in order to broadcast political addresses only; from local sunset (April 6:30 p. m., CST) to 11 p. m., April 1, 1941, in order to broadcast City of Aurora election returns, and from sunset 11 p. m., CST, April 15, 1941, in order to broadcast election returns in communities adjacent to the City of Aurora only.

WSBT—The South Bend Tribune, South Bend, Ind.—Granted special temporary authority to operate unlimited time on **960 kc.,** 250 watts night, 500 watts daytime for the period March 29, 1941, to not later than April 27, 1941, pending completion of construction in accordance with permit, provided Station WFAM (also licensed to The South Bend Tribune) license be surrendered.

WHAL—Harold F. Gross and Edmund C. Shields, Saginaw, Mich. —Granted modification of construction permit which authorized a new station to be operated on **950 kc.,** 500 watts, daytime hours, for change in frequency to **980 kc.** in accordance with NARBA; no authority to operate hereunder will be granted prior to March 29, 1941.

W2XBS—National Broadcasting Co., Inc., New York City—Granted extension of special temporary authority to operate television broadcast station W2XBS with special emission in addition to A3 emission on Channel No. 1, in order to conduct experimental tests for the National Television Standards Committee and the National Broadcasting Co., Inc., for the period beginning April 1, 1941, and ending not later than April 30, 1941.

KAAK—American Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft radio station KHALI on frequency **2790 kc.** between 7:30 p. m. and 8 p. m. CSDT on March 29, 1941, in order to relay broadcast program in connection with opening of the International Flower Show at Dallas to radio station WRR.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from 7:30 p. m., EST, to the conclusion of State Semi-final basketball game on March 25, 1941, in order to broadcast said game only.

KBTM—Jay P. Beard, tr/as Regional Broadcast Co., Jonesboro, Ark.—Denied special temporary authority to operate with power of 250 watts nighttime on March 28, 1941.

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted authority to determine operating power by direct measurement of antenna input on **600 kc.** under NARBA, for period beginning 3 a. m. EST, March 29 (B3-Z-720).

KSEI—Radio Service Corp., Pocatello, Idaho.—Granted authority to determine operating power by direct measurement of antenna power on **930 kc.** under NARBA, for the period beginning 3 a. m. EST, March 29 (B5-Z-722).

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted authority to install automatic frequency control equipment for auxiliary transmitter on **790 kc.** under NARBA (B2-F-195).

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyoming.—Granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA, for the period beginning 3 a. m. EST, March 29 (B5-Z-719).

W6XYZ—Television Productions, Inc., Los Angeles, Cal.—Granted modification of construction permit (B5-PVB-33, which authorized a new television station) for extension of commencement and completion dates to April 15 and October 15, 1941, respectively (B5-MPVB-38).

W2XMT—Metropolitan Television, Inc., New York City—Granted modification of construction permit (B1-PVB-40, which authorized a new television station), authorizing extension of commencement and completion dates to June 1, 1941, and January 1, 1942, respectively (B1-MPVB-37).

WGEA—General Electric Co., So. Schenectady, N. Y.—Granted modification of construction permit (B1-PIB-25, which authorized increase in power, additional frequencies and new transmitter in international broadcast station) for extension of completion date to July 1, 1941 (B1-MPIB-22).

KGEI—General Electric Co., San Francisco, Cal.—Granted modification of construction permit (B5-PIB-24, which authorized installation of new transmitter and increase in power of international broadcast station) for extension of completion date to July 1, 1941 (B5-MPIB-23).

KALW—Board of Education of San Francisco Unified School Dist., San Francisco, Cal.—Granted modification of construction permit (B5-PED-14, for new non-commercial educational broadcast station) for extension of completion date to May 14-41.

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio—Granted modification of license to change name of licensee to Southeastern Ohio Broadcasters, Inc., for period beginning 3 a. m., EST, March 29 (B2-ML-1056).

WBEN—WBEN, Inc., Buffalo, N. Y.—Granted modification of construction permit (B1-P-2757, for new transmitter, directional antenna for night use, increase in power to 5 KW, and move of transmitter), for extension of completion date to June 1, 1941 (B1-MP-1200).

WKST—WKST, Inc., New Castle, Pa.—Granted modification of construction permit (B2-P-2809, to install directional antenna for night use, change hours of operation to unlimited, using 1 KW day and night), for changes in D.A. system, and to request **1280 kc.** under NARBA (B2-MP-1206).

WOV—Greater New York Broadcasting Corp., New York City.—Granted license to cover construction permit (B1-P-2753) for new equipment, increase in power, installation of directional antenna, for period beginning 3 a. m. EST, March 29 (B1-L-1341). Also granted authority to determine operating power by direct measurement of antenna input on **1130 kc.** under NARBA, for period beginning 3 a. m. EST, March 29 (B1-Z-700).

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted license to cover construction permit (B3-P-2476, which authorized installation of new transmitter, increase in power and installation of D. A. for day and night use, and move of transmitter) for the period beginning 3 a. m., EST, March 29 (B3-L-1339). Also granted authority to determine operating power by direct measurement of antenna input for period beginning 3 a. m., March 29 (B3-Z-696).

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted license to cover construction permit (B4-P-2674) which authorized increase in night power using directional antenna at night, for period beginning 3 a. m., EST, March 29 (B4-L-1342). Also granted authority to determine operating power by direct measurement of antenna input for period beginning 3 a. m., March 29 (B4-Z-701).

Greenville Broadcasting Co., Portable-Mobile (Area of Greenville, N. C.).—Granted construction permit for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.;** 40 watts; to be used with WGTC, Greenville, N. C. (B3-PRY-236).

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted authority to install automatic frequency control equipment, on **1310 kc.** under NARBA (B3-F-178).

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted construction permit to use formerly licensed W.E. 250 watt transmitter as auxiliary, and install new crystal oscillator for **1330 kc. (1360 kc.** under NARBA) (B3-P-3120).

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted modification of construction permit (B3-P-2641, authorizing installation of directional antenna system for night use, increase power to 5 KW and move transmitter), for **1310 kc.** under NARBA, changes in D.A. system, and extension of completion date to 180 days after grant (B3-MP-1216).

WELI—City Broadcasting Corp., New Haven, Conn.—Granted modification of construction permit (B1-ML-868, which authorized increase in power and changes in directional antenna), for **960 kc.** under NARBA, changes in directional antenna, and extension of commencement and completion dates to 1 day and 180 days after grant respectively (B1-MP-1209).

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-P-243, as modified, which authorized increase in power, installation of DA for night use), for extension of completion date to May 5, 1941 (B1-MP-1207).

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Granted modification of construction permit (B2-P-2459, which authorized move of transmitter, increase in power, installation of new transmitter and antenna) for approval of transmitter site at NE Corner of Woodward Heights Blvd. and Huron St., Ferndale, Mich. (B2-MP-1147).

WAPF—City of Flint, Flint, Mich.—Granted motion to dismiss from hearing docket the application for a new airport station to operate on **278 kc.,** 15 watts, unlimited time.

WNYC—Municipal Broadcasting System of the City of New York.—Dismissed without prejudice petition for intervention in the hearing on application of Camden Broadcasting Company for a new station in Camden to operate on **800 kc.,** 500 watts, unlimited time.

Butler Radio, Inc., Tyler, Texas.—Dismissed motion for leave to amend application for construction permit to specify frequency **1400 kc.** under NARBA.

Ralph L. Lewis, Greensboro, N. C.—Dismissed motion for leave to amend application to specify frequency **1400 kc.** under NARBA.

Symons Broadcasting Co., Ellensburg, Wash.—Granted motion to continue hearing now set for April 1 for a period of 60 days in re application for construction permit to operate on **1110 kc.,** 1 KW, unlimited time.

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Passed motion for leave to amend application with regard to directional antenna, in reconstruction permit to change frequency, etc.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Denied motion for continuance of oral argument now scheduled for March 31, in re application for renewal of license.

KOMA—KOMA, Inc., Oklahoma City, Okla.—Granted extension of time to April 30 within which to file amendment to application for construction permit to change frequency, etc.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted motion to continue hearing now scheduled for March 31 for period of 30 days, on application for construction permit to change frequency, etc.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—The Commission on its own motion consolidated the hearing and continued same to May 26, on applications of renewal of licenses for WCAM, WCAP and WTNJ, and for construction permits for Trent Broadcast Corp., WTNJ and WDAS. Motion of WDAS to continue hearing dismissed.

Mollin Investment Co., Riverside, Calif.—Denied as in cases of default the application for construction permit for a new broadcast station. Applicant failed to appear and offer evidence in support of the application to use **1390 kc.,** 50 watts, daytime only.

Columbia Broadcasting System, Inc., Boston, Mass.—Passed petition to intervene in the hearing on application of The Outlet Co. for a new station in Providence, R. I., to operate on **44,300 kc.,** 16,370 square miles.

Columbia Broadcasting System, Inc., Boston, Mass.—The Commission on its own motion continued hearing now scheduled for April 7 to April 21, on applications of Yankee Network, Inc., Worcester Telegram Publishing Co., and Columbia Broadcasting System, Inc., for new FM stations.

WJAR—The Outlet Co., Providence, R. I.—Passed petition for leave to intervene and enlarge issues in re applications of Yankee Network, Inc., and Worcester Telegram Publishing Co., Inc., referred to above.

Columbia Broadcasting System, Inc., Boston, Mass.—Passed motion to grant amendments to change frequency and change site in re its application for new FM station.

KAWN—A. W. Mills, Gallup, New Mexico—Granted extension of special temporary authority to remain silent for the period March 31 to April 29, pending action on application to install new equipment (B3-S-922).

W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted special temporary authority to operate frequency modulation station commercially on **47,100 kc.,** 100 watts, special emission for FM at 444 Madison Ave., New York City, for a period ending no later than May 17, 1941, pending completion of construction under (B1-PH-46 and B1-MPH-8).

WMVA—Martinsville Broadcasting Co., Martinsville, Va.—Granted modification of construction permit (B2-P-2226 which authorized a new station to operate on **1420 kc.,** 100 watts night, 250 watts day, unlimited hours, for change in frequency to **1450 kc.** under NARBA. No authority to operate will be granted prior to March 29.

The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to originate the broadcast of a Stanley Cup Hockey play-off on March 29, in Boston, to be carried over the wires of AT&T or a subsidiary to Toronto, there to be broadcast by stations of Canadian Broadcasting Corp.

The Yankee Network, Inc., Boston, Mass.—Granted special temporary authorization to originate the broadcast of a Stanley Cup Hockey play-off on April 3, in Boston, to be carried over wires of AT&T or a subsidary to Toronto, there to be broadcast by station CKCL from 9 p. m. EST, to conclusion of game.

WYNE—Board of Education, City of New York.—Granted extension of special temporary authorization to continue to operate non-commercial Educational Broadcast Station WYNE on **41100 kc.,** for the period April 1 to April 30, pending action on application for construction permit for frequency modulation and until construction is completed in accordance with terms of application.

W2XOY—General Electric Co., New Scotland, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on frequency **43200 kc.,** 2500 watts, special emission for FM, with transmitter located at New Scotland, N. Y., for the period April 1 to April 30, 1941.

KEMA—May Seed & Nursery Co. (assignor), May Broadcasting Co. (assignee), Shenandoah, Iowa.—Entered order dismissing application for voluntary assignment of license of relay station KEMA (B4-ALRY-11).

WSVS—Board of Education, City of Buffalo, N. Y.—Granted authority to install automatic frequency control equipment on **1400 kc.** under NARBA (B1-F-202).

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa.—Granted modification of construction permit (B4-P-2290, which authorized installation of directional antenna for night use, and increase in power) for changes in directional antenna on **1360 kc.** under NARBA, and extension of completion date to 180 days after grant (B4-MP-1236).

National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to rebroadcast program over WEAF and the Red Network entitled "Defense of America," from 7 p. m. to 7:30 p. m. EST, March 29, 1941, to be received from U. S. airplane in flight over Cleveland, Ohio; reception to be effected by special temporary receiving station by NBC in Cleveland.

APPLICATIONS FILED AT FCC

550 Kilocycles

KOAC—Oregon State Agricultural College, Corvallis, Oregon.—Modification of construction permit (B5-P-2422) for new transmitter installation of directional antenna increase in power and move of transmitter, for extension of completion date from 4-14-41 to 7-14-41.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—License to cover construction permit (B5-P-3078) for new transmitter.

570 Kilocycles

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Modification of license to change hours from specified to unlimited. Facilities of WOSU (agreement attached).

WOSU—The Ohio State University, Columbus, Ohio.—Construction permit to install new transmitter, change frequency, power and hours from **570 kc.,** 1 KW specified hours to **880 kc.** (**820 kc.** under NARBA), 5 KW, limited, to local sunset at Dallas, Texas.

KUTA—Jack Powers, Frank C. Carman, David G. Smith and Grant R. Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—Modification of construction permit (B5-P-2342) for new transmitter, directional antenna for day and night use, change frequency, increase power and move of transmitter, requesting changes in equipment, change directional antenna (day and night) increase power to 1 KW night, 5 KW day; change proposed transmitter site, extend commencement date to 60 days after grant and completion date to 180 days thereafter.

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Construction permit to install new transmitter, changes in directional antenna (day and night use) and increase power from 1 KW to 5 KW. Amended: re antenna.

620 Kilocycles

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Modification of license to increase power from 500 watts night using directional, 1 KW day to 1 KW day and night using directional antenna night.

680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of construction permit (B3-P-2216) as modified, for new equipment, increase in power and changes in directional antenna, requesting extension of time from 4-16-41 to 6-1-41.

890 Kilocycles

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and Other States, Clayton, Mo.—Authority to determine operating power by direct measurement of antenna power on **850 kc.** under NARBA.

920 Kilocycles

NEW—Alamance Broadcasting Co., Inc., Burlington, N. C.—Construction permit for new broadcast station on **890 kc.** (**920 kc.** under NARBA), Class III, 1 KW, daytime. Amended: stock ownership.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Authority to determine operating power by direct measurement of antenna power.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—License to cover construction permit (B5-P-2577) as modified for move of transmitter, install new transmitter, increase in power and directional antenna for day and night use.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Modification of construction permit (B5-P-2848) for directional antenna, increase in power, requesting **950 kc.** under NARBA and changes in directional antenna.

940 Kilocycles

WCSH—Congress Square Hotel Co., Portland, Maine.—License to cover construction permit (B1-P-2535) as modified for increase in power and installation of directional antenna for day and night use.

WCSH—Congress Square Hotel Co., Portland, Maine.—Authority to determine operating power by direct measurement of antenna power.

950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified, requesting **980 kc.** under NARBA.

970 Kilocycles

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Construction permit changes in equipment, directional antenna for night use, increase power to 50 KW, move transmitter. Amended to specify **1000 kc.** under NARBA, and change directional antenna.

980 Kilocycles

NEW—Greensboro Broadcasting Co., Inc., Thomasville, N. C.—Construction permit for a new station on **980 kc.** under NARBA, 1 KW power, daytime, transmitter Greensboro, N. C. Amended: Studio site changed from Thomasville to site to be determined, Greensboro, N. C.

990 Kilocycles

WBZ—Westinghouse Electric & Manufacturing Co., Boston, Mass. —License to cover construction permit (B1-P-2998) for new transmitter, directional antenna for day and night, and move of transmitter. Amended: To change name to Westinghouse Radio Stations, Inc.

WBZ—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Authority to determine operating power by direct measurement. Amended: To change name to Westinghouse Radio Stations, Inc.

WIBG—Seabord Radio Broadcasting Corp., Glenside, Pa.—Modification of license to change hours from daytime (NARBA) to limited to Knoxville, Tenn.

1020 Kilocycles

KYW—Westinghouse Electric & Manufacturing Co., Philadelphia, Pa.—Authority to install automatic frequency control on **1060 kc.** NARBA. Amended to change name to Westinghouse Radio Stations, Inc.

1120 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Modification of construction permit (B4-P-2608) as modified for new transmitter, directional antenna day and night, increase power and move of transmitter, requesting **1150 kc.** under NARBA, changes in directional antenna and extension of completion date to 180 days after grant.

1210 Kilocycles

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Construction permit to move transmiter to lower floor same building, install new transmitter changes in antenna and **1240 kc.** under NARBA.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Authority to determine operating power by direct measurement on **1240 kc.** under NARBA.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Authority to determine operating power by direct measurement on **1240 kc.** under NARBA.

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Authority to determine operating power by direct measurement on **1250 kc.** under NARBA.

KFXM—J. C. Lee & E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Authority to determine operating power by direct measurement on **1240 kc.** under NARBA.

1220 Kilocycles

KWSC—State College of Washington, Pullman, Wash.—Modification of construction permit (B5-MP-2911) for changes in equipment, automatic frequency control, requesting extention of completion from 4-9-41 to 10-9-41.

KWSC—State College of Washington, Pullman, Wash.—Modification of construction permit (B5-MP-1240) for changes in equipment, automatic frequency control, requesting authority to install automatic frequency control for **1250 kc.** under NARBA and extend commencement date to 10 days after grant and completion to 180 days thereafter.

1230 Kilocycles

NEW—Greater Houston Broadcasting Co., Inc., Houston, Texas.—Construction permit for new broadcast station on **1230 kc.,** Class IV, 250 watts, unlimited time.

1260 Kilocycles

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Modification of construction permit (B3-P-2944) as modified, requesting increase in power from 1 KW night, 5 KW day to 5 KW day and night, changes in directional antenna for night use, and **1290 kc.** under NARBA, and extension of commencement and completion dates.

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Modification of construction permit (B4-P-2609) for installation of directional antenna for night use, increase in power, requesting **1290 kc.** under NARBA and changes in DA.

1270 Kilocycles

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Construction permit to increase power from 1 KW, 5 KW LS to 5 KW day and night, make changes in directional antenna for day and night use, requesting **1300 kc.** under NARBA.

1310 Kilocycles

WJPR—John R. Pepper, Greenville, Miss.—Construction permit to change frequency from **1310 kc.** to **1600 kc.** (under NARBA), power from 250 watts to 1 KW, install new transmitter. Amended: To change type of transmitter.

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—Authority to determine operating power by direct measurement on **1340 kc.** under NARBA.

WGAU—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland & A. L. Brannen, d/b as J. K. Patrick & Co., Athens, Ga.—Authority to determine operating power by direct measurement.

1330 Kilocycles

WSAI—The Crosley Corp., Cincinnati, Ohio.—Modification of construction permit (B2-P-2221) as modified for increase in power, directional antenna for night use, move of transmitter, for **1360 kc.** under NARBA, changes in directional antenna and extension of completion date from 7-15-41 to 180 days after grant.

1340 Kilocycles

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Authority to determine operating power by direct measurement of antenna power.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Authority to transfer control of corporation to Bradley R. Eidman.

KXRO—KXRO, Incorporated, Aberdeen, Wash.—Authority to install automatic frequency control equipment on **1340 kc.**

1370 Kilocycles

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—License to cover construction permit (B3-P-3015) for changes in equipment and increase power.

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Authority to determine operating power by direct measurement on **1400 kc.** under NARBA.

1390 Kilocycles

KUJ—KUJ, Incorporated, Walla Walla, Wash.—License to cover construction permit (B5-P-2610) as modified, for change of frequency, increase power, new transmitter and changes in antenna and move of transmitter on **1420 kc.** under NARBA.

KUJ—KUJ, Incorporated, Walla Walla, Wash.—Authority to determine operating power by direct measurement.

1400 Kilocycles

NEW—George Grant Brooks, Jr., Scranton, Pa.—Construction permit for new station, Class IV on **1370 kc., 1400 kc.** under NARBA, 250 watts, unlimited time. Antenna, transmitter and studio sites to be determined, Scranton, Pa. Requests facilities WARM.

1420 Kilocycles

WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Modification of construction permit (B1-P-1877) as modified for a new station, requesting extension of completion from 4-17-41 to 5-17-41.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Authority to install automatic frequency control on **1150 kc.** under NARBA.

WAOV—Vincennes Newspapers, Inc., Vincennes, Ind.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts.

1450 Kilocycles

NEW—South Florida Broadcasting, Inc., Miami, Fla.—Construction permit for new broadcast station on **1500 kc.,** 250 watts, unlimited time. Amended to change frequency to **1450 kc.** under NARBA.

1500 Kilocycles

KEYS—Earl C. Dunn and Chas. W. Rossi, d/b as Nueces Broadcasting Co., Corpus Christi, Texas.—License to cover construction permit (B3-P-2931) as modified for a new broadcast station. Amended: to specify **1490 kc.** under NARBA.

KRNR—News-Review Co., Roseburg, Oregon.—Construction permit to request **1490 kc.** under NARBA, increase in power from 100 watts night, 250 watts day to 250 watts day and night and changes in antenna.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Construction permit to change frequency from **1500 kc.** (**1490 kc.** NARBA) to **610 kc.**, increase power from 250 watts to 1 KW, install directional antenna for night use, new equipment and move transmitter locally.

FM APPLICATION

K45LA—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (B5-PH-26) for new high frequency broadcast station, requesting change in coverage from 7000 to 7585 square miles, changes in antenna, move studio locally, and extend commencement and completion dates to 60 days after grant and 180 days thereafter respectively.

TELEVISION APPLICATION

W8XCT—The Crosley Corp., Cincinnati, Ohio.—Modification of construction permit (B2-PVB-23) which authorized new television station, requesting extension of completion date from 4-28-41 to 10-28-41.

MISCELLANEOUS APPLICATIONS

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—License to cover construction permit (B1-PIB-29) as modified for increase in power, change in frequencies and equipment. International Station.

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of construction permit (B1-PIB-28) as modified requesting additional frequencies **11890** and **15150 kc.** and extend commencement and completion dates to immediately and 30 days thereafter, also make changes in equipment.

KALW—Board of Education of The San Francisco Unified School District, San Francisco, Calif.—License to cover construction permit (B5-PED-14 as modified) for new non-commercial educational broadcast station.

NEW—San Diego Unified School District, San Diego, Calif.—Construction permit for a new non-commercial educational broadcast station to be operated on **42300 kc.**, 1000 watts, unlimited time, special emission for frequency modulation.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Bard-Parker Co., Inc., and its subsidiary and selling agent, Parker, White & Heyl, Inc., both of Danbury, Conn., are charged, in a complaint, with misleading representation in the sale "Bard-Parker Formaldehyde Germicide."

According to the complaint the respondents, in periodical and circular advertisements disseminated in various States, represent that "Bard-Parker Formaldehyde Germicide" is an efficient, practical and certain sterilization medium for surgical and dental instruments, and that it is a safe substitution for heat sterilization.

The complaint alleges that while the respondents' preparation has germicidal properties it will not, when used in accordance with the technique ordinarily associated with sterilization, destroy all forms of bacteria, and is neither an efficient and certain sterilization medium nor a safe substitute for heat sterilization. (4478)

Bengor Products Company—A complaint has been issued charging Benjamin Gordon and Louis Gordon, trading as Bengor Products Co. and Magnet Merchandise Co., 878 Broadway, New York, with the use of lottery methods in the sale of merchandise. The respondents sell drug sundries, notions, household specialties, and other novelty merchandise.

The respondents, according to the complaint, sell to dealers assortments of merchandise so packed and assembled as to involve the use of a lottery scheme or game of chance when the merchandise is sold to the consuming public. Push card devices are used, the complaint alleges.

Charging that the respondents' practices have been contrary to Federal Government public policy and the Federal Trade Commission Act, the complaint grants the respondents 20 days for filing answer. (4474)

Boyer Brothers—Trading as Boyer Brothers, William E. Boyer and Robert J. Boyer, Altoona, Pa., have been served with a complaint charging the use of lottery methods in the sale of candy.

The respondents, according to the complaint, sell to wholesale dealers and jobbers assortments of candy, and cause push cards which are designed to be used with the assortments to be transported by means of the respondents' salesmen and otherwise to such dealers and jobbers, who, in turn, assemble the push cards and candy into single assortments for sale to the retail trade. The complaint alleges that retail dealers sell the candy to the public in accordance with the respondents' sales plan. The respondents, according to the complaint, thus supply to others the means of conducting lotteries in the sale of their candy.

Charging that the respondents' practices have been contrary to Federal Government public policy and the Federal Trade Commission Act, the complaint grants the respondents 20 days for filing answer. (4475)

Charles B. Joyce Company—A complaint has been issued charging Morris L. Myers, trading as Charles B. Joyce Co., 2425 North Halsted St., Chicago, with the use of lottery methods in the sale of merchandise. The respondent sells radios, clocks, flashlights, clothing, and novelty merchandise.

The respondent, according to the complaint, sells to dealers and other purchasers assortments of merchandise so packed and assembled as to involve the use of a lottery scheme when the merchandise is sold to the consuming public. Punch board devices are used, the complaint alleges.

Charging that the respondents' practices have been contrary to Federal Government public policy and the Federal Trade Commission Act, the complaint grants the respondent 20 days for filing answer. (4476)

Ragsdale, Inc.—A complaint has been issued charging an East Orange, N. J., group with misleading representations in the sale of instruction courses, outfits and supplies represented as offering an opportunity for a person to establish a candy business in his home. The respondents are W. Hillyer Ragsdale and Annie M., Marshall D., and Ida J. Ragsdale, trading under the names W. Hillyer Ragsdale, W. Hillyer Ragsdale, Inc., and Ragsdale Candies, 307 North Walnut St., East Orange, N. J.

The complaint alleges that through advertisements in periodicals circulated in various States the respondents represent that their outfits and instruction afford an opportunity for all men and women, regardless of prior training, experience, or capital, to enter the home-made candy making business; that such persons, upon purchase of the outfits and instructions, because of the respondents' help, will be enabled to set themselves up in a profitable business which can be operated from or in the home, and that by use of the methods outlined in the respondents' course and the equipment, tools, and supplies furnished, and because of the assistance given, all such men and women are assured of success and a steady income from the start either on a part-time or full-time basis.

Alleging that there is no basis in fact for the various assurances given by the respondents to prospective purchasers of their instruction and equipment, the complaint charges violation of the Federal Trade Commission Act and grants the respondents 20 days for answering the charges. (4472)

Stetson China Co., Inc., 1801 West 74th St., Chicago, distributor of dinnerware, is charged, in a complaint, with misrepresentation.

The complaint alleges that the respondent corporation disseminated printed matter representing that certain of its products are a reproduction of expensive, imported chinaware and that the prices are special or reduced, when in fact the chinaware offered is of ordinary quality and the prices advertised as special are in fact the regular retail prices. (4477)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Air Conditioning Training Corporation, Youngstown, Ohio, and three of its officers, has been ordered to cease and desist from misrepresentations in the sale of courses in air conditioning and refrigeration conducted wholly or partly by correspondence. The respondent officers are Benjamin M. Klekner, Morris A. Gluck, and Leon J. Knight.

Commission findings are that in radio continuities broadcast over more than 75 stations having interstate reception, in advertising literature, and through their salesmen, the respondents represented, among other things, that graduates are assured employment in the air conditioning and refrigerating industry; that jobs are either guaranteed or promised; that the courses are given with the industry's cooperation or are sponsored by industry members, and that industry members will employ graduates.

According to findings, students completing the courses are unable to find employment, except in rare instances; industry members refuse to hire such graduates unless they can show substantial practical experience, and many industry members prefer to employ college graduates for installation work or trained men from the plumbing, electric and pipe-fitting trades for service work.

The Commission order directs the respondents to cease making such representations concerning the availability of employment for graduates and the cooperation of the industry, and, further to discontinue representing that industry members formulated or assisted in formulating the respondents' courses, and actively participated in the school's conduct; that the respondents' salesmen are vocational directors or experts; that part time work in servicing air conditioning and refrigeration equipment is available to students while pursuing the respondents' courses; that such students are qualified for that work, and that the industry's demand for men cannot be satisfied through the usual channels.

The order further directs the respondents to cease representing that starting wages for their graduates are higher than apprentice wages in the industry; that persons other than those having previous mechanical experience, or who have demonstrated an aptitude for mechanics, are qualified to pursue the respondents' courses and occupy positions in the industry requiring technical skill and scientific knowledge; that the tuition fee is less than is stated in the respondents' contract; that there are no charges other than tuition cost, or that students may take the laboratory training without completion of tuition payments, and that the laboratory or shop equipment is of greater extent and more comprehensive than it is in fact. (4182)

Claro Laboratories, Inc., South Bend, Ind., and its owners, Joseph Ferdinand Claro Przybysz (also known as Joseph Ferdinand Claro) and Frances Przybysz, have been ordered to cease and desist from misrepresentations in the sale of "Claro Hair Remover."

The Commission order directs the respondents to cease representing that their preparation constitutes a safe or non-irritating means of removing superfluous hair, or that it will permanently remove such hair or retard its growth.

Commission findings are that because of the barium sulphide and potassium hydroxide in the respondent's preparation, its use will dissolve that portion of the hair above the skin with which it comes in contact, but will not affect the roots of the hair or retard hair growth and will not permanently remove superfluous hair. The respondent's preparation, according to findings, is not safe or non-irritating because under the conditions of use it will irritate the skin and is likely to cause severe dermatitis and chemical burns. (3663)

Consolidated Book Publishers, Inc., 537 Dearborn St., Chicago, has been ordered to cease and desist from making misleading representations concerning its "Standard American Encyclopedia" and "Universal Dictionary of the English Language," which, according to findings, have been sold to newspapers and motion picture theaters for use as premiums to stimulate circulation or attendance, and to news agencies, the trade, and to retailers for sale to the public.

Commission findings are that the respondent represented in advertisements circulated in various States that the Standard American Encyclopedia is available to the public at a low price only because of its sponsorship by the American Home Library Foundation, represented as being a beneficent and educational institution. However, the findings relate that the American Home Library Foundation did not represent an organization of the type claimed, but was an affiliate corporation cooperating with the respondent in the sale of the encyclopedia for a profit, and that its activities did not lower the price of the books.

The Commission order prohibits the respondent from making such representations and further directs it to cease advertising that the encyclopedia is a "Giant" home reference library; that the editorial cost of its production was a million dollars; that the supply is limited and that the "de luxe" edition's binding is made of anything other than imitation leather.

The order further directs the respondent to discontinue representing that the Universal Dictionary of the English Language is new throughout or is anything other than an American publication of a dictionary first published in England in 1932 under the same name by another publisher except for specified changes which, in fact, were made.

Under the order the respondent also is prohibited from representing that the definitions of the words or phrases of the 1932 edition of the dictionary have been newly written or rewritten; that 12 years or any longer period than was actually required was needed to prepare the dictionary for publication and in publishing the first edition, and that Oxford University or any such educational institution sponsored or contributed in any way to its publication. (4440)

Electrical Laboratories Co., Inc., 49 East 21st St., New York, manufacturer of aerial eliminators, antennae and other devices for use in connection with radio receiving sets, has been ordered to cease and desist from misrepresentations in the sale of its "Walco Aerial Eliminator" or "Dynamic Antenna."

The Commission order directs the respondent to cease advertising that its device improves selectivity and tone, gives volume and distance equal to outdoor aerials and with better selectivity, and ends all dangers of lightning, storms, and short circuits, except insofar as these dangers may be due to the maintenance of an outside aerial.

Under the order, the respondent corporation also is prohibited from representing that its device eliminates clicks and noises resulting from wind and rain, except insofar as these may be due to the physical movement of an outside aerial resulting from such causes.

Commission findings are that the selectivity of receiving sets is dependent upon design, quality, workmanship, and other factors, and is not improved by the use of the respondent's device in place of an outdoor aerial. (3707)

Erie Laboratories, Inc.—A Cleveland group has been ordered to cease disseminating false advertisements in the sale of a medicinal preparation known as "Mrs. Bee Femo Caps" and as "Femo Caps," and "Bee Caps." The respondents are: Erie Laboratories Inc., also trading as Mack Pharmacal Co., Allied Pharmacal Co., also trading as Erie Laboratories, Inc., and Melvin Rose, David F. Berland, and Rosen Kotenburg, officers and directors of Allied Pharmacal Co., all of 2108 Payne Ave., Cleveland.

The Commission order directs the respondents to cease and desist from disseminating advertisements which represent that their preparation is an effective treatment for delayed menstruation and is safe or harmless, or which fail to reveal that use of the product may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs or other serious injury to health. (4282)

Trudeau Candies, Inc., 287 East 6th Street, St. Paul, Minn., has been ordered to cease and desist from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

The Commission order further directs the respondent to cease and desist from supplying to others candy or any other merchandise, together with punch boards, push or pull cards or other lottery devices, or from supplying such devices, either with assortments of candy or other merchandise or separately, which devices may be used in selling or distributing such merchandise to the public. (4376)

STIPULATIONS

The Commission has entered into the following stipulations:

Boutross Brothers—George Boutross, trading as Boutross Brothers, 320 Fifth Ave., New York, importer, has entered into a stipulation in which he agrees to cease employing the word "Tuscanny" or the letters "Tusc." or any simulation of the word Tuscany as descriptive of articles not actually made in the Italian district or province of Tuscany of linen thread. The stipulation points out that true Tuscany lace is a hand-made fillet lace of grape design produced from linen thread in the Tuscany district of province of Italy. The respondent also stipulates that he will cease using the word "manufacturers" or any word of similar implication on his stationery or printed matter so as to imply that he manufactures the articles he sells, or owns and controls the plant in which they are produced. (3053)

John H. Breck, Inc., Springfield, Mass., entered into a stipulation in which it agrees to cease making certain representations in the sale of medicinal preparations or cosmetics known as "Breck's Hair Tonic", designated by the number 1A, 1B, or 3, "Breck's Lather-Oil pH8 Shampoo", "Breck's Special Scalp Cream", "Breck's No. 1 Hair Cream", "Breck's No. 2 Hair Cream", and "Breck's Ointment."

The respondent corporation agrees to desist from advertising, directly or by implication, or by pictorial illustration or otherwise, that any of its medicinal preparations or cosmetics, whether used alone or in combination with any other product, is a departure from other systems of treatment for the alleviation of hair and scalp troubles, or is a competent treatment or effective remedy for eczema of the scalp, psoriasis, alopecia areata, or for headache, troublesome monthly periods, or sick stomach.

Under its stipulation, the respondent further agrees to cease representing, among other things, that any of its products is an effective remedy for adhesions or that it will bring about a normal condition of the scalp connective muscles; will cause hair to grow, save the old hair, stop or prevent falling hair or atrophy of the hair or the excessive loss of hair; that any such product will start or encourage new growth, quicken the growth of hair or delay the graying of hair; or will prevent the loss of hair following erysipelas, scarlet fever, and other diseases, or conditions, or restore or aid in restoring hair where the loss is due to such causes. (02757)

Ferd. T. Hopkins & Son—Ferd. T. Hopkins, trading as Ferd. T. Hopkins & Son, 430 Lafayette St., New York, has entered into a stipulation in which he agrees to cease advertising that "Mothersill's Seasick Remedy" will prevent or stop travel sickness or that it will assure travel comfort. The respondent's stipulation relates that while this preparation may help to overcome some symptoms of travel sickness, it cannot be relied upon to stop or prevent them, nor to assure travel comfort. (02755)

J. L. Hopkins & Co., Inc., 220 Broadway, New York, has entered into a stipulation in which it agrees to cease representing that its product "Red-Rat-Squil" will kill rodents other than rats and mice and is the surest and most satisfactory way to destroy rats and mice; that it will check obnoxious odors; that tests of the product guarantee uniformity of toxic strength, and that baits mixed with the preparation and exposed to the air will not, over a protracted period of time, become rancid. According to the stipulation, the use of the respondent's products will not accomplish the results claimed. (02758)

Macfadden Book Co., Inc., 205 East 42nd St., New York, entered into a stipulation in which it agrees to cease representing that the book "Hair Culture", which it sells, contains methods, advice, or instructions which, when observed and applied, will prevent, correct the cause of, or cure, baldness, dandruff, brittleness, split hair or graying hair; will prevent or stop falling hair where such condition is not caused by improper scalp hygiene, or will increase the strength of the hair. (02756)

Moderno Company—Mariano Pollina, formerly in the business of distributing health food products at 16 West 22nd St., New York, under the trade names Vimm Wheat Germ Products Co. and Moderno Co., entered into a stipulation that he would not make certain representations concerning the products should he ever resume advertising or selling them.

The respondent Pollina asserted in his stipulation that he had sold his interest in the two trade names and the food products to a corporation which is now operating.

Under his stipulation, the respondent Pollina agrees that should he ever resume the advertisement and sale of the products, he will not represent, directly or by implication, among other things, that the product "Vimm's Wheat Germ Oil Capsules" will assure good health, and will normalize, strengthen, revive or prolong reproductive functions; that "Fortified Palm-Co" will prevent tooth decay, premature aging, nervousness or acidity, and is essential for growing children and pregnant women; that "Plain Palm-Co" assures digestive vigor, is a perfect natural food containing the greatest possible concentration of vital, health-forming elements in digestible form; and that "Vimm's Whole Wheat Germ" is the world's richest natural source of Vitamins B, E, and G, a good source of Vitamins A and C, and is concentrated with iron, copper, potassium, magnesium and manganese or any of these elements. (02754)

Pioneer Manufacturing Co., 3053 East 87th St., Cleveland, stipulated that it will cease representing its product "KO" (Kills Odor) as meeting all the requirements for a perfect or ideal disinfectant. The respondent corporation also agrees to desist from the representation that its preparation will kill all forms of germs in 30 minutes or that it is effective for killing germs suspended in the air. (3052)

William Ganson Rose, Inc., 522 Terminal Tower, Cleveland, an advertising agency, stipulated that it will cease certain representations in the advertisement of "Rahnous Capsules" and "Rahnous Nasal Drops" on behalf of the distributor of those preparations, E. W. Rahn, Cleveland.

The respondent agency agrees to cease disseminating advertisements of Rahnous Capsules, Rahnous Nasal Drops No. 1, and Rahnous Nasal Drops No. 2, which represent that these products, alone or in combination, are an effective remedy, cure or preventive of colds or catarrh or that they are a competent treatment in excess of affording temporary relief from the symptoms and discomforts associated with such condition.

The respondent agency also agrees to cease advertising that by use of the preparations, alone or in combination, one will never be bothered with colds or will be enabled to forget colds, and that Rahnous Capsules are of aid in building body resistance or that they regulate the body. (02753)

W. F. Young, Inc., Springfield, Mass., has entered into a stipulation in which it agrees to cease making certain representations in the sale of the medicinal preparation "Absorbine, Jr."

The respondent corporation agrees to cease advertising that Absorbine, Jr. kills the fungi of athlete's foot so as to represent that it kills such fungi as are buried beneath the corneous layer of the skin. The respondent also stipulates that it will desist from the representation that the product has any effect upon tissues deeper than those supplied by the peripheral vascular system or that accepted laboratory tests have proved that it achieves such results.

According to the stipulation, while it is contended that the respondent's preparation kills the fungi of athlete's foot on contact, such fungi, during certain stages of development, are buried beneath the corneous layer of the unbroken skin and are then inaccessible to the product. The product has no effect on the tissues other than upon the peripheral vascular tissue structure, according to the stipulation. (02759)

FTC DISMISSES COMPLAINTS

The Federal Trade Commission dismissed a complaint issued last November against W. Hillyer Ragsdale, Inc., 307 North Walnut St., East Orange, N. J., charging misrepresentation in the sale of a course of instruction intended to teach students the business of manufacturing candy in the home, and in the sale of certain supplies required in candy manufacture. Dismissal was ordered because the respondent's State charter of incorporation in New Jersey had been forfeited for non-payment of taxes and the respondent corporation was not extant when the complaint was issued and served.

The Commission has also dismissed a complaint charging Moskin Stores, Inc., 370 Seventh Ave., New York, operator of a chain of retail stores, with violation of the Federal Trade Commission Act in the sale of wearing apparel.

The Commission order states that it appears that the charges in the complaint are not sustained by the evidence.

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Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 15, April 11, 1941

THE WEEK IN WASHINGTON

My Sister and I, new BMI tune, is headed toward becoming an outstanding hit of 1941. Twelve of the most-played tunes on the networks are BMI's own. (p. 332)

Isaac Levy, WCAU, and J. H. Ryan, WSPD, were elected to the NAB Board of Directors for 1941-43 at recent district meetings. (p. 333)

The NAB advises members to comply with Secretary Knox' request about broadcasting information as to the arrival and departure of British warships. (p. 334)

District 4 sales managers met in Raleigh, N. C., where special merchandising demands from advertisers was the chief topic of discussion. (p. 334)

Advertisers were impressed by the industry's promotion in connection with frequency allocation. (p. 335)

A conference to study interference has been slated for May 10 at the University of Illinois. (p. 336)

The FCC issued a number of orders in connection with FM construction and operation. Gerald C. Gross was appointed assistant chief engineer at the FCC to succeed Andrew D. Ring. The FCC ordered a hearing on communications problems in the Gulf Coast area. (p. 337)

NAB Convention

REGISTRATION FEE

As in past years the registration fee for the convention will again be $10. This fee will cover luncheon and banquet tickets. Ladies registration fee will be the customary $5. Although each year the convention luncheons and banquet are becoming more and more attractive, it has been found possible to maintain the modest registration fees above noted.

PROMOTIONAL DISPLAY AND EXHIBITS

The display of promotional material by the various stations is attracting widespread attention. A most complete showing of material from stations of all sizes is assured. The Crystal Room immediately adjoining the Ivory Room of the Jefferson Hotel in which the business sessions will be held, has been assigned for this exhibit. Many stations have indicated a desire to display motion pictures, for which a special room and facilities have been provided.

The associate members are now planning their exhibits which will be held in private rooms throughout the hotel. Most of the transcription companies, as well as many equipment manufacturers, now an integral part of NAB through associate membership, will be on hand.

GOLF TOURNAMENT

The golf tournament which is to be held on Monday afternoon, May 12, is assured of a splendid entry list. Robert Richardson, Jr., KWK and J. Roy Stockton, KSD, who constitute the St. Louis committee on arrangements have perfected their plans and everything indicates a rousing and interesting tournament. In addition to the trophy provided by *Broadcasting* magazine, additional prizes will be awarded the successful contestants. The tournament has been so set as to time so as not to interfere with any of the business or committee sessions.

LADIES INVITED

The St. Louis broadcasters, cooperating with the Convention and Publicity Bureau of St. Louis, are making plans for the proper entertainment of all ladies who attend the convention. The exact nature of these plans is

(Continued on page 332)

You Can't Afford to Miss the NAB Convention

May 12, 13, 14, 15

New Jefferson Hotel **St. Louis**

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

NAB CONVENTION

(Continued from page 331)

not yet ready for disclosure but suffice it to say that they will be most interestingly entertained throughout the convention.

NON-MEMBER STATIONS

NAB member stations are urged to extend a cordial invitation to the officials of non-member NAB stations to be present at the convention in St. Louis. While this is an NAB convention, it is the meeting at which the industry discusses important policies and the more broadcasters present, the better. Then too, attendance at the convention may encourage membership. Be sure to invite all broadcasters.

BMI

NEW BMI SONG MAKES HIT

My Sister and I, the song based on the best-selling book by the same title, is rapidly fulfilling the predictions that it would become one of the outstanding hits of 1941. It is being featured by Jimmy Dorsey and his orchestra in the stage show at the Strand Theatre in New York beginning April 11, with Ray Eberle singing the words which were inspired by the diary of the twelve-year-old Dutch refugee. During the same week Don Baker, organist at New York's Paramount Theatre, will make a special feature of the number with Sydney Lane singing. Joan Whitney, one of the writers of the song, will sing it in Wheeling, West Virginia, at a British War Relief concert to which she is giving her services along with Madeleine Carroll, Boake Carter, and other famous figures of the radio and entertainment world. Two days later, on April 27, Miss Whitney will sing the song on the Wheeling Steel program over the network of the Mutual Broadcasting System.

Phonograph records of the song by Bob Chester, Benny Goodman, Dick Jurgens, and Bea Wain have already been released. One by Leo Reisman is to be released within the week and four more are scheduled for the near future.

The song is the work of Miss Whitney, Alex Kramer, and Hy Zaret, writers of *So You're the One, It All Comes Back to Me Now,* and numerous other BMI hits. Miss Whitney and Mr. Kramer also wrote *High on a Windy Hill* and Mr. Zaret did the lyrics for *There I Go.*

BMI FEATURE TUNES

April 14-21

1. WALKIN' BY THE RIVER
2. WISE OLD OWL, THE
3. MY SISTER AND I
4. FRIENDLY TAVERN POLKA
5. G'BYE NOW
6. WHAT D'YA HEAR FROM YOUR HEART
7. HIGH ON A WINDY HILL
8. YOU WALK BY
9. HERE'S MY HEART
10. IT ALL COMES BACK TO ME NOW
11. MAY I NEVER LOVE AGAIN
12. LOAFING ON A LAZY DAY
13. TALKING TO THE WIND
14. BREAKFAST FOR TWO
15. WITH A TWIST OF THE WRIST
16. WHERE'S THE CAPTAIN'S HAT

DEMAND FOR BMI MUSIC

In its issue for December 4, 1940 *Variety* dropped the box in which for years it had listed the tunes most played on the air, with an announcement that the box would be omitted "until the music situation is settled one way or the other, as between ASCAP and BMI . . . *Variety* will resume publication of 'Most Played' recaps as soon as something like comparative focus is possible."

With its issue of April 9th *Variety* resumes its box with the following comment: "Dropped for some months, persistent trade demand prompted resumption of the plug's breakdown even though ASCAP tunes obviously can't be logged." On the list for this week there are twenty-seven numbers headed by *You Walk By,* with *Georgia on My Mind* and *It All Comes Back to Me Now* pressing close in second and third places respectively. Of the total list, twelve numbers are BMI's own publications; six are Marks; four are Southern; and Campbell, Warren, Embassy, Stevens, and Porgie have one each.

Billboard also discontinued its plug list for a short time but quickly resumed it in response to demands. The *Billboard* list, compiled from a somewhat more restricted number of hours and calculated for the week ending Thursday instead of the week ending Sunday, lists twenty numbers, also headed by *You Walk By,* and showing nine BMI publications, four Marks, three Southern, and one each for Embassy, Melody Lane, Cahpbell, and Stevens.

On the *Billboard* list of biggest money makers in the coin machines, the top six are all published or licensed by BMI.

Among the fifteen sheet music best sellers *Variety* shows ten, *Billboard* thirteen, from BMI and its affiliated publishers.

BMI MUSIC BOOMS "POT O' GOLD"

BMI is cooperating with the distributors and local theatres in the promotion of the James Roosevelt motion picture, *Pot O' Gold,* starring James Stewart and Paulette Goddard and featuring the Horace Heidt band and Charles Winninger. The BMI tunes—*Hi, Cy, What's a Cookin', Pete the Piper,* and *Broadway Caballero*—as announced in the distributors' advance publicity release to the theatres, "are all the bases of the biggest production numbers in *Pot O' Gold.*" When the picture was being shown at the Roxy Theatre in New York City the BMI office put displays advertising both music and picture not only in the theatre itself but also in various music shops around the city.

BMI member stations, in towns where the picture is scheduled, are being given advance notice of the theatre dates for their localities so that they may have the opportunity to feature the BMI numbers from the film in advance of its showing. The work which the BMI stations do in this way to advertise the picture is returned to BMI through the build-up which the picture gives to the BMI tunes.

The Horace Heidt record of *Broadway Caballero* (backed by *Friendly Tavern Polka*) has already been released—Columbia record No. 36006. The Heidt record of *Pete the Piper,* Columbia record No. 36053, will be released within a few days, and a Heidt recording of *Hi, Cy, What's a Cookin'* is scheduled for the near future.

LULLABY LANE IS ROAD TO SUCCESS

This is no Horatio Alger story. Neither is the theme "from rags to riches" nor "how to make a million dollars writing songs." It concerns two young men, Bob Warren of Brookline, Mass., and Bob Carleton of New York City, the writers of *No. 10 Lullaby Lane,* now among the ten best-selling songs in the country. You may be hearing it on the Hit Parade any week now.

To date more than 50,000 copies have been sold by Bob Warren, working alone from his bachelor apartment on East 49th Street, New York, far from the melodies of Tin Pan Alley. Warren does all his own typing, answers all mail and telephone calls, and hands out professional copies and orchestrations of his songs.

Warren, the scion of a weathy family residing in swanky Brookline, a Boston suburb, came to New York last spring and in collaboration with Bob Carleton, who holds a responsible position in a New York bank, wrote *No. 10 Lullaby Lane.* The song was offered to several ASCAP publishers, who for one reason or another passed it up, the main excuse being that they had too many songs to exploit from their regular staff writers to give a newcomer a chance. Fortunately Warren and Carleton had enough money to finance publication of their own tune. When an author or songwriter spends his own money for publication, the results generally are not at all satisfactory. But this case was different. Warren and Carleton give full credit to Broadcast Music, Inc., through whose facilities the song was made available to 670 stations. Almost immediately after the break between ASCAP and BMI the song, originally written in an ASCAP publisher's office, attained widespread popularity.

No. 10 Lullaby Lane has already been recorded by such top-notch orchestras as Eddy Duchin, Joe Reichman, Tony Pastor, Guy Lombardo, Tommy Tucker, and the sensational young vocalist Dinah Shore, now featured on Eddie Cantor's network program.

The moral of this story, if any, might well be that even a rich boy with an idea may be a successful composer if he keeps everlastingly at it.

District Meetings

DISTRICT 3

Third District broadcasters, embracing stations in Pennsylvania, New Jersey and Delaware, met at Philadelphia on Monday, April 7. District Director Clifford M. Chafey, WEEU, Reading, presided.

Following a discussion of the music problem and a presentation of the BMI situation by Carl Haverlin, station relations manager, the following resolution was unanimously adopted:

> Be It Resolved—That members of the National Association of Broadcasters of the Third District, in meeting assembled at Philadelphia, Pennsylvania today, hereby affirm our allegiance to Broadcast Music, Incorporated—that we congratulate this corporation on making possible such a large and complete catalogue of music which has been so universally accepted by the radio public, as indicated in surveys. We restate our contention that—to maintain a high standard of program service it is imperative that a free and competitive music market be maintained and that the open-door policy to opportunity for creative talent of the men and women of America be continued and inaugurated by Broadcast Music, Incorporated—that we will never become a party to any arrangement which does not definitely assure the continued development and perpetuation of Broadcast Music, Incorporated.

Joseph L. Miller, NAB Labor Relations Director, discussed the labor and Wages and Hours situation. He was followed by Frank E. Pellegrin, newly appointed Director of the Department of Broadcast Advertising. C. E. Arney, Jr., covered other phases of NAB's activities.

Following the noon luncheon, the election of District Director for the ensuing two-year term was held and

Isaac Levy, WCAU, Philadelphia, was unanimously chosen.

The following were present:

James P. Begley, KYW; Leonard Kapner, WCAE; Leon Levy, WCAU; A. W. Dannenbaum Jr., WDAS; Clifford M. Chafey, Robert G. Magee, WEEU; Roy F. Thompson, WFBG; Roger Clipp, WFIL; Clair R. McCollough, C. G Moss, J. Robert Gulick, WGAL; George D. Coleman, R. E. McDowell, WGBI; Milton Laughlin, WHAT; A. K. Redmond, WHP; Edward D. Clerf, WIBG; Benedict Gimbel, Jr., WIP; J. Gorman Walsh, WILM; J. C. Tully, WJAC; Melvin Lahr, WKOK, J. C. Burwell, WMBS; Joseph M. Nassau, WMRF; Arthur Simon, WPEN; George E. Joy, T. W. Metzger, W. V. Person, WRAK; Raymond A. Gaul, WRAW; B. Bryan Musselman, WSAN; Howard S. Frazier, WSNJ; John Mayo, Associated Music Publishers, Inc.; Carl Haverlin, BMI; G. I. Jones, Graybar Electric Co.; R. C. Wentworth, Pierre Weis, Lang-Worth Feature Programs, Inc.; Willis B. Parson, NBC Radio Recording Division; Leonard D. Callahan, SESAC, Inc.; Alex Sherwood, Standard Radio; A. B. Sambrook, World Broadcasting System; C. E. Arney, Jr., Joseph L. Miller, and Frank E. Pellegrin, NAB.

DISTRICT 7

J. H. Ryan, WSPD, Toledo, Ohio, was reelected director at a District 7 meeting April 4 in Cincinnati.

Neville Miller and Carl Haverlin, BMI station relations director, discussed the music situation at length, and Senator Burton K. Wheeler, in Cincinnati for another meeting, told the broadcasters about his opposition to federal operation of stations.

THE "MALAYA" MATTER

Several weeks ago, Secretary Knox of the Navy Department, sent out a memorandum to press associations, newspapers and radio stations, pointing out that British warships from time to time would be coming to the United States for repair. He asked that no mention be made of their arrival or departure.

On Sunday, April 6, *H. M. S. Malaya* steamed into New York harbor, a hole in her side, for repairs at the Brooklyn Navy Yard. Thousands of persons witnessed her arrival. That night, hundreds of British sailors, their uniforms designating their ship, were seen on New York streets.

Some newspapers printed the story. Some did not. A great deal of discussion of the matter followed in press and radio quarters.

The next day, Secretary Knox publicly commended those who did not use the story. At his Tuesday press conference, President Roosevelt did the same, and added that he thought no "censorship" would be needed. On Wednesday Stephen Early, White House secretary, reiterated that the Government had no intention of establishing a domestic press censorship, but emphasized the fact that James L. Fly, chairman of the Federal Communications Commission, was chairman of a committee studying means of controlling international cable and radio messages so that defense secrets would not be transmitted abroad.

The matter came up when a reporter asked what value there was in a voluntary suppression by newspapers of news of the movement of foreign and domestic war vessels if news about them could be sent abroad by foreign agents legitimately in this country. Outright censorship of cablegrams, radiograms and mail going abroad is widely expected in case this country becomes involved in war.

Mr. Early remarked that there was one point he wished that President Roosevelt had mentioned yesterday. Some newspapers, Mr. Early said, called the present voluntary system an imposed censorship, whereas "it is an attempt to avoid a censorship."

"Doesn't that imply that if the voluntary system is not followed a formal censorship will be imposed?" a reporter asked.

"This will work out on voluntary grounds," Mr. Early answered. "It has got to work out on voluntary grounds. We don't want censorship; the newspapers don't want censorship; the President doesn't want it, I don't want it and Lowell Mellett (director of the Office of Government Reports) doesn't want it."

Mr. Early said that the situation which grew out of the publication by some newspapers of the recent arrival in New York of a British battleship had a certain "educational" value. Newspapers would suppress such news voluntarily, he felt sure.

"Ships are not going inland," he remarked. "All you have to do is educate the newspapers along the coast and the press associations. If you do that, and I think it can be done on a voluntary basis, you have no problem."

The NAB is of the opinion that broadcasting stations should respect Secretary Knox' request.

Sales

FOURTH DISTRICT SALES MANAGERS

Increasing demands by advertisers for special merchandising services, and the possibility of establishing standards of merchandising practice for NAB stations highlighted the meeting of the Sales Managers' Division of the Fourth District, held March 28 at Raleigh, N. C.

By unanimous vote, delegates agreed to file with Chairman J. H. Field, Jr., a list of merchandising services made available to advertisers by each station, as a first approach to the problem. In this study it was urged that each station differentiate between "merchandising" and "station promotion", the latter to include those activities designed to publicize the station itself.

A later resolution, failing of unanimity by one vote, provided "that the Fourth District request that the NAB take the position that merchandising policies should occupy the same ethical position as other services offered on the rate card, and that this policy should be made available in printed form by each individual station and adhered to."

The case for smaller stations was presented by John Thayer of WWNC, who pointed out that competition with larger stations sometimes necessitated extra merchandising efforts. Several delegates took issue with the practicability of establishing rigid standards, but it was generally agreed that serious steps must be taken to curb the increasing demands on the part of agencies buying national spots.

Principal luncheon speaker was E. N. Pope, advertising manager of the Carolina Power and Light Company, who discussed power for industry and national defense.

Other topics discussed included an inter-station program and idea exchange and various commercial program ideas. Manager Richard Mason of WPTF and Chairman Field were hosts to the group at luncheon.

Others attending were Barron Howard, WRVA, Richmond; Henry Nigrelli, Graham Poyner, Richard Mason and Ollie Carpenter, WPTF, Raleigh; John E. Thayer, WWNC, Asheville; W. C. Irwin, WSOC, Charlotte; Harold Essex, WSJS, Winston-Salem; E. S. Whitlock, WRNL, Richmond; John Moorhead and Knox Massey, Harvey-Massengale Co.; Frank Jarman and Lewis Brown, WDNC, Durham; Royal Penny, WBT, Charlotte; E. E. Reed, Carolina Sales Co.; Dudley Saumenig, WIS, Columbia; Leslie H. Peard, Jr., WBAL, Baltimore; Frank M. Stearns, WRAL, Raleigh; Pat Taylor, WMFR, High Point; E. N. Pope, Carolina Power & Light Co.; Bert Hanauer and Robert S. Maslin, WFBR, Baltimore; John New and Travis Barnes, WTAR, Norfolk, and John H. Dodge, WRC-WMAL, Washington.

ADVERTISER THREATENS SUIT

An object lesson in why NAB member stations should refuse to enter into per-inquiry or contingent deals with advertisers is shown by a recent exchange of correspondence between one member station and an advertiser, the Mendenhall Manufacturing Co., whose request for per-inquiry deals had received previous publicity in NAB Reports.

The station believed it had a straight card-rate contract and carried the announcements. The advertiser paid for the first four "test" announcements, but because returns did not meet the inquiry cost he set, refused further payment and wrote the station as follows:

"I will demand that you make correct and recall your letter to the National Association of Broadcasters, and I contend that I do not owe you anything. The agreement was that you were to pull 4 returns for every dollar or cancel the announcements promptly.

"You can either do the above or the matter will go to my attorney, and I will enter suit against you for damages. . . ."

Unless all stations cooperate in presenting a united front to advertisers such as the above, they encourage such practices in the future on the part of others. This again emphasizes the need for a uniform policy on the part of stations with respect to this type of business.

PER-INQUIRY OFFER

Made by Rogers & Smith Advertising Agency, Chicago, on behalf of an unnamed nursery account.

That agencies and advertisers are becoming increasingly aware of the attitude of NAB member stations towards deals of this kind may be indicated by a statement in the Rogers & Smith letter: "All matters pertaining to any agreement that we may reach will be held in strictest confidence." It is the opinion of the NAB Department of Broadcast Advertising that legitimate advertising proposals can afford to stand the light of day.

We have written this advertiser assuring him that radio, when properly used, is an effective advertising medium and can be profitably purchased at regular card rates, and we have invited him to use it on that basis.

COOPERATIVE ADVERTISING APPROVED

Dealer-cooperative advertising has been approved in the rayon yarn field by the American Bemberg Corporation, under a plan whereby the company will contribute one cent per pound for the promotion of Bemberg rayon provided weavers or dealers contribute an equal amount for 50-50 promotion.

Cooperative advertising in the rayon field was discontinued several years ago because of abuses of advertising allowances. This action by the Bemberg company is expected to restore this type of revenue to radio and other media, and it is likely that the plan will be later expanded to include other fabrics.

Promotion

"56 DAYS" SUCCESSFUL

The twelve-page brochure, "56 Days," mailed all stations and agencies, has apparently done the job for which it was intended. Its purpose was to reassure agencies and their clients by pointing out the vast amount of promotion and education which stations sponsored in order to move listeners to new dial positions.

The net result of station activity was as prophesied—listeners were successfully moved and listening increased.

It will be some time before all the push-button sets are changed over and stations are urged to keep telling listeners to have this job done by their servicemen.

PUBLIC RELATIONS JOB

Otherwise listeners will frequently or infrequently forget their manual tuning, push a button and get a wrong station. This in turn will cause a momentary outburst of indignation, unfortunately not against the forgetful listener, but against the station.

Getting all push buttons changed is a public relations job of the first magnitude.

Things which make "56 Days" a mighty under-statement of industry effort are typified by letters and enclosures from stations.

WJTN, for example, sent full page tear sheets from the Jamestown (N. Y.) *Post* and the Jamestown *Evening Journal*. WSB, Atlanta, sent a package of tear sheet advertising copy from the *Atlanta Journal*.

Craig Rogers, publicity director, KYDL, on behalf of all the stations in Utah, wrote that committees from all stations held conferences and mapped out the campaign that was to inform the radio public of the change-over. It was so complete, he said, that a telephone survey throughout the State indicates that all listeners are happily moved.

W. H. Summerville, general manager, WWL, New Orleans, distributed, on April 7, a brochure which illustrated promotion undertaken by that station throughout its entire service area.

THE MORAL

"The moral of it is," said Edney Ridge, director, WBIG, Greensboro, N. C., "that if a blind hog keeps on rooting he is obliged to get an acorn occasionally!" The Major's observation is the result of his being notified by *Billboard* that WBIG had been awarded third place in the magazine's fourth annual exploitation survey.

Engineering

INTERFERENCE CONFERENCE

A conference for the purpose of discussing interference to the reception of radio broadcasting signals has been scheduled by the University of Illinois at Urbana on May 10, 1941.

The conference will be conducted under the management of A. James Ebel, chief engineer of the University's broadcast station, WILL. The one-day conference will be opened with a word of welcome from President A. C. Willard of the university. Closing the conference will be a banquet at which Dr. L. P. Wheeler of the FCC will address the members of the conference on the subject "The Commission's Place In The Interference Problem." The balance of the program is as follows:

The Generation of Combination Frequencies In A Non-Linear Element, Professor H. J. Reich, University of Illinois; Multiple Response In Receivers In Strong Radio Frequency Fields, R. M. Planck, Radio Manufacturing Engineers; Panel Discussion on Amateur-Broadcast Interference, Larry Bargarrye, W9Q1, a radio amateur, and Ted Giles, WMBD, a broadcast engineer; A Message From the National Association of Broadcasters, Lynne C. Smeby, Director of Engineering, NAB; Detection and Analysis of Damped Wave Radio Interference, Leon Podolsky, Sprague Products Company; Case Histories in Interference Trouble Shooting and Public Relations in Interference Work, Professor M. A. Faucett, University of Illinois and Representatives of Public Service Companies; Interference Reducing Antenna Systems, Alfred Crossley and Nickolas Hogenbirk, Belden Manufacturing Company; The Design and Adjustment of Transmitters to Eliminate Spurious Radiations, Dana Pratt, RCA Manufacturing Company.

The date of the conference falls on the Saturday before the opening of the NAB Annual Convention in St. Louis and therefore, a stop-over in Urbana on the way to the convention, will allow attendance at this important conference.

A registration fee will not be charged for the conference and it has been announced that the price of the banquet tickets will be nominal. For further details and registration, communicate with A. James Ebel, Radio Station WILL, University of Illinois, Urbana, Illinois.

WEATHER STATIONS

Modern developments in the field of radio transmission have made it possible to devise an automatic weather station capable of unattended operation for periods up to one month—and possibly three months in the future—at isolated locations, such as mountains and islands, according to the Department of Commerce.

The Aerological Division of the Bureau of Aeronautics, Navy Department, pioneered in this field. To meet the requirements of the Navy aerologists, the National Bureau of Standards, Department of Commerce, developed an ingenious but simple transmitting apparatus for use in such stations.

The automatic radio weather station is an outgrowth of the radio-sonde used for making weather measurements at stratospheric altitudes and now in general and successful daily operation. The radio-sonde also was developed by the Bureau of Standards, in cooperation with the Navy and the Weather Bureau.

For years weather measurements have been made and transmitted automatically by the use of wire lines and received and interpreted at central and field stations. The new mechanism worked out for the Navy represents a modification of methods already devised for wire lines to accommodate their use to radio and make them more adaptable to radio technique.

An automatic weather station may be equipped to make and transmit measurements of barometric pressure, ambient temperature and relative humidity, wind velocity and direction, rainfall, and probably other factors.

Each of the measurements noted may be indicated at a remote point by radio through the simple process of converting the deflection of the measuring instrument into a corresponding variation of electrical resistance and translating the resistance variation into the variation of a modulation frequency on the emitted carrier wave.

Such a station permits the use of standard radio transmitting and receiving equipment and of standard weather instruments with but slight modification. The modulation and control equipment, however, is special.

FEDERAL LEGISLATION

HOUSE

H. R. 4206 (Keogh, D-N. Y.) DAYLIGHT SAVING TIME—To provide daylight saving between the last Sunday in April and the last Sunday in October in each year. Referred to Committee on Interstate and Foreign Commerce.

STATE LEGISLATION

Nebraska:

Bill No. 504 (Bevins) STATE EMPLOYMENT AGENCY—To amend Sec. 48-604 C. S. Supp., 1939, relating to labor and the establishment of rules for the commissioner of labor in referring employees to certain organizations for employment.

Pennsylvania:

H. 1127 (Corrigan) EMPLOYMENT AGENCIES—Providing for the registration and licensing of employment agencies; providing for suspension and revocation of licenses and reinstatement after appeal; providing penalties and repealing existing laws. Referred to Committee on State Government.

Rhode Island:

H. 852 (Horgan) OPTOMETRISTS AND OPTICIANS—Amending sections 1, 2, 3, 5, 9, 11, 12 and 13 of chapter 277 of the general laws of 1938, entitled "Licensing and regulation of optometrists and opticians," as amended. Referred to Committee on Finance.

FEDERAL COMMUNICATIONS COMMISSION

The FCC has announced that various applications by newspaper interests for FM (Frequency Modulation) authorizations have, pursuant to Order No. 79 and related announcements, been acted upon as follows:

Gordon Gray, Winston-Salem, N. C.—Ordered issuance of construction permit under the last proviso of Order No. 79, upon finding that public interest, convenience and necessity will be served by construction at this time.

South Bend Tribune, South Bend, Ind.—Ordered issuance of construction permit with condition that no construction facilities shall be undertaken or completed until the Commission has acted on the general newspaper-ownership question.

Evening News Assn., Detroit, Mich.—Like action.
Milwaukee Journal, Milwaukee, Wis.—Like action.
Walker & Downing Radio Corp., Pittsburgh, Pa.—Like action.
Baton Rouge Broadcasting Co., Baton Rouge, La.—Like action.
WBNS, Inc., Columbus, Ohio.—Like action.
WGN, Inc., Chicago, Ill.—Placed in pending file, application for modification of construction permit previously granted.
Rockford Broadcasters, Inc., Rockford, Ill.—Like action.

The foregoing action was without prejudice to the provision in Order 79 that newspaper interests whose applications for FM stations had already been acted upon could come in and make a special showing that they should be allowed to go ahead immediately.

A. S. Abell Co., Baltimore, Md.—Placed in pending file, application for construction permit to cover 6,040 square miles on 46,300 kilocycles.
Mercer Broadcasting Co., Near Trenton, N. J.—Placed in pending file, application for construction permit to cover 3,200 square miles on 44,700 kilocycles.
News Syndicate Co., Inc., New York, N. Y.—Placed in pending file, application for construction permit to cover 8,500 square miles on 44,700 kilocycles.

The Commission also granted special temporary authorization to the Milwaukee Journal to operate commercially for a period of 60 days its FM experimental station. The grant was made subject to any rules and regulations which might later be adopted by the Commission in the newspaper investigation.

FM APPLICATIONS

Pending the determination of what policy or rules, if any, should be promulgated with respect to newspaper operation of broadcast stations, the FCC has adopted a procedure of holding in its pending files all applications by newspaper interests for FM (frequency modulation) authorizations not acted upon before March 19, when Order No. 79 was issued looking to the inquiry which will consider the policy to be followed in all such cases.

This procedure will enable these applications to be considered as a group on the basis of Commission findings as the result of contemplated public hearings on the general question.

As provided in Order No. 79, newspaper interests announced as eligible for FM construction permits prior to the March 19th inquiry action are being issued such permits subject to the condition that no construction shall be undertaken until the Commission has taken action on the newspaper-ownership matter. Meanwhile, if any such newspaper interest can show to the satisfaction of the Commission that it should be allowed to go ahead immediately, it will be permitted to do so.

GROSS HEADS ENGINEERING DIVISION

Appointment of Gerald C. Gross as Assistant Chief Engineer and Chief of the Broadcast Division of the FCC Engineering Department was announced today. Mr. Gross will succeed Andrew D. Ring, resigned. George P. Adair was named Assistant Chief of the Engineering Department's Broadcast Division and received a promotion in grade. Philip F. Siling was appointed Chief of the International Division, Engineering Department, succeeding Mr. Gross.

Mr. Gross participated in the formation of the Engineering Division of the Federal Radio Commission in 1928, and for some time past has served as Chief of the International Division of the present Commission's Engineering Department. He has represented the Government at 21 international conferences on communications, and has served since 1933 as Secretary of the Interdepartment Radio Advisory Committee.

Born in New York City on December 27, 1903, Mr. Gross obtained his elementary schooling in France, and was graduated from Haverford College, Haverford, Pa., in 1926 with a B.S. degree. At Haverford he was instrumental in setting up one of the first college broadcasting stations in the United States. He later served as radio and communications officer on a number of ships in the American Merchant Marine. Since 1932 he has held a commission in the Naval Reserve.

Formerly on the staff of the Bureau of Standards, Mr. Gross specialized in communications engineering. He contributed to the development of the present aviation interlocking aural beacon, and was also in charge of the standard frequency transmissions.

A native of Texas, being born at Rancho on December 8, 1903, Mr. Adair obtained his B. S. in electrical engineering from Texas A. & M. College. After varied experience in the field of electrical engineering he entered Federal service through the Federal Radio Commission in 1931.

Mr. Siling was born in East Orange, N. J., August 14, 1897, and was graduated from Yale University in 1917 with a Ph.B degree in electrical engineering. He was associated with the American Telephone and Telegraph Company in various capacities from 1917 to 1929 and with the International Telephone and Telegraph Corporation as Outside Plant Engineer and Acting Plant Operations Engineer from 1929 to 1933. He was Assistant Deputy Administrator with the National Recovery Administration from 1933 to 1935. In 1935 he joined the Federal Communications Commission as a Telephone Engineer and in 1937 was appointed Assistant Chief of the International Division of the Engineering Department, a position he has held to date.

The following additional appointments were made in the Broadcast Division, Engineering Department:

John A. Willoughby, Chief, Standard Broadcast Applications Section.
Robert M. Silliman, Assistant Chief, Standard Broadcast Application Section.
William C. Boese, Chief, Non-Standard Broadcast Application Section.
Cyril M. Braum, Assistant Chief, Non-Standard Broadcast Application Section.
Clure H. Owen, Chief, Hearing Section.
H. Underwood Graham, Chief, Allocation Section.
James E. Barr, Assistant Chief, Allocation Section.
A. L. Kreis, Chief, Monitoring Equipment Section.
Maxine Colonna, Chief Clerk, Records Section.

FCC ORDERS HEARING

The FCC announced an informal public hearing for the purpose of obtaining information relative to certain communication problems that have arisen in the Mississippi delta and the Gulf Coast area of southeastern Texas. The hearing will take place in the Texas State Hotel, Houston, beginning 10 a.m. on May 1, 1941, before Commissioner Paul A. Walker.

Complaints have been received of interference on maritime frequencies due to the excessive use of these frequencies in connection with operations of the oil industry in the coastal waters and marshes of Louisiana and Texas. These operations, which are a development of recent years, present a unique problem because of the difficult conditions under which they are conducted.

A large portion of the area is of such a swampy nature as to make construction and maintainance of wire lines impossible, or impractical. Some oil operations are conducted in shallow open water under conditions that require the removal of crews upon the approach of a storm from the Gulf. Consequently, the oil industry has resorted to, and depends upon, radio to a considerable degree for communication purposes.

The Commission will also seek information with respect to the communication needs of vessels navigating the canals and inland waters in the area between New Orleans and Houston.

"MONOPOLY" REPORT

At a press conference early this week, FCC Chairman James Lawrence Fly answering a question regarding the status of the monopoly report of the Commission said that the Commission had two meetings last week on the report and expects to have two meetings this week. While Mr. Fly did not make any statement regarding it, there has been a story around the Commission for sometime that it is pointing toward April 15 as the date to complete its work on the report.

Chairman Fly was asked at the conference if any Fifth Columnists were being unearthed by the Commission's new listening post set up. Mr. Fly explained that this new division is not primarily intended to deal with Fifth Columnists' activities but in the main is to analyze propaganda as distinguished from subversive conduct of individuals. Mr. Fly told the conference that there has been much difficulty in getting the top men for this new work, explaining that men so qualified by training and experience are few. He said he hoped to have an announcement on this subject in the near future.

FROM THE FCC MAIL BAG

"Radio news reporters all say 'quote' but only one reporter always says 'unquote' . . . How are we to know what the quotation is if the reporters do not say 'unquote'? Issue an order and enforce it."

Thus a Californian writes the Federal Communications Commission.

A New Hampshire listener wants the Commission to require that newscasts be "free of advertising."

An Illinois fan seeks a ban on advertising on the radio on Sundays.

A Houston resident objects to news rebroadcasts from Berlin as propaganda; a Los Angeles resident objects to rebroadcasts from London on the same ground.

To such suggestions the Commission reiterates that it has no power of censorship over radio artists or programs, and that responsibility for the selection of both rests with the individual station licensees, who are required to operate in the public interest. Under such circumstances, complaints about particular programs should more properly be addressed to the station or network involved.

A letter from Berkeley, Calif., expresses apprehension that certain radio programs incite rebellion of children against parental supervision, while a communication from Newark, N. J., urges "a tightening of the controls on the part of a duly constituted Federal agency with respect to radio programs designed for children." Pointing out, again, that the Communications Act does not give the Commission authority to pass upon individual programs, the Commission suggests that both inquirers may be interested in the results of a nation-wide survey of children's programs now being conducted by the Radio Council on Children's Programs in cooperation with the National Association of Broadcasters.

A Los Angeles woman deplores the advertising of wines over the radio. Neither the Communications Act nor the Commission's rules and regulations preclude liquor advertising on the air. However, the code of ethics of the National Association of Broadcasters frowns on advertising of "hard or spirituous liquors," and it is the policy of certain networks to decline programs sponsored by liquor interests.

Radio interference is bothersome to a District of Columbia woman. The Commission advises:

"Ordinarily, a frequency separation of 50 kilocycles or more, such as is employed in Washington, is sufficient to prevent objectionable cross-talk interference even when the receiver is operated at a location in the immediate vicinity of the transmitter. Unfortunately, receivers of certain designs, when operated near the transmitter of one station, are not capable of separating the signals of that station from those of another station even when the latter is 50 kilocycles removed. The performance of such sets so located may be improved materially by employing a 'wave trap', a simple and inexpensive device which is easily installed and operated."

An Austin, Texas, firm is informed that the Communications Act requires an announcement in the case of any sponsored program sufficient to disclose the identity of the sponsor and that the program is sponsored. The identity of the actual sponsor rather than the advertising agency making arrangements for time, must be disclosed. However, no particular form of making such announcement is prescribed.

To a Mississippi request for Commission views as to whether the owner and operator of a broadcast station could be properly classed in a national defense industry for the purpose of the Selective Service Act, the Commission writes:

"Inasmuch as the Selective Service Act prohibits occupational deferments as such, and leaves the decision in individual cases to the sound discretion of the local draft boards, it is not the Commission's policy to issue statements such as that requested in your letter. Matters of general policy in making determinations are for consideration by Selective Service Headquarters, and your letter is being referred to the Director of the Selective Service for his consideration. You will understand that the Commission's policy is not based upon any failure on its part to appreciate the national importance of the contributions of the personnel of the broadcasting industry but rather upon basic considerations of an orderly administration."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled to be heard before the Commission in broadcast and television cases during the week beginning Monday, April 14. They are subject to change.

Monday, April 14

To be Heard Before Commissioner Paul A. Walker, in Ocala, Fla.

WTMC—Ocala Broadcasting Company, Inc., Ocala, Fla.—In the Matter of Revocation of License of Station.

In Washington, D. C.

NEW—Western Massachusetts Broadcasting Co., Pittsfield, Mass. —C. P., **1500 kc. (1490 kc.** under NARA); 100 watts; unlimited.

Tuesday, April 15

Television

W1XG—General Television Corporation, Boston, Mass.—Modification of license (considered as construction permit); **50000-56000 kc.,** 500 watts visual emission A-5, Sec. 4.4 (a). Present assignment: **42000-56000, 60000-86000 kc.,** 500 watts visual emission A-5, Sec. 4.4(a).

W1XG—General Television Corporation, Boston, Mass.—C. P., **42000-56000, 60000-86000 kc.,** 500 watts aural and visual, emission A-3 and A-5, Sec. 4.4(a). Present assignment: **42000-56000, 60000-86000 kc.,** 500 watts visual only, emission A-5, Sec. 4.4(a).

Wednesday, April 16

WNAX—South Dakota Broadcasting Corp. (Transferor) and Iowa Broadcasting Co. (Transferee), Yankton, S. D.—Transfer of control of Station WNAX, **570 kc.;** 1 KW night, 5 KW day; unlimited.

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, **890 kc.;** 500 watts night; 1 KW day; SH-KUSD.

Thursday, April 17

To Be Heard Before Commissioner Paul A. Walker, in the Court Room of the County Court House, at Panama City, Florida.

WDLP—Panama City Broadcasting Company, Panama City, Fla. In the matter of revocation of license of station.

Friday, April 18

NEW—J. Leslie Doss, Bessemer, Ala.—C. P., **1370 kc.;** 250 watts; unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted modification of temporary authorization to increase night power from

100 to 250 watts; operating on **1600 kc.** (NARBA); specified hours (B1-ML-681).

WLAC—WLAC Broadcasting Service, Nashville, Tenn.—Granted amended construction permit to increase power from 5 to 50 KW, move transmitter from 5 miles from city limits to 7 miles north of center of Nashville on Dickerson Pike, install new transmitter and directional array for night use; **1510 kc.** (NARBA), unlimited time (B3-P-1250).

WOMI—Owensboro Publishing Co., Inc. (Transferor), L. W. Hager, W. B. Hager, and G. M. Fuqua (Transferees).—Granted consent to the transfer of control of Owensboro Broadcasting Co., licensee of station WOMI, from the Owensboro Publishing Co. to L. W. Hager, W. B. Hager, and George M. Fuqua, representing 191 of the 200 shares issued and outstanding capital stock of the Owensboro Broadcasting Co., Inc., for a consideration of $19,100. Station operates on **1490 kc.** (NARBA), 250 watts, unlimited time (B2-TC-246).

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Granted amended construction permit to increase power from 500 watts to 5 KW, install new transmitting equipment and directional antenna for both day and night time use; **1440 kc.** (NARBA), shares-WCBA (B2-P-2637).

KCRC—Enid Radiophone Co., Enid, Okla.—Granted construction permit to install directional antenna for night and day use, install new transmitter and increase power from 250 watts to 1 KW, **1390 kc.** (NARBA) frequency, unlimited time (B3-P-2810).

WGAU—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland, and A. Lynne Brannen, d/b as J. K. Patrick and Company (Assignor), J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland, d/b as J. K. Patrick and Company (Assignee), Athens, Ga.—Granted voluntary assignment of license of station WGAU from J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland and A. Lynne Brannen, d/b as J. K. Patrick & Co., to J. K. Patrick, Earl B. Braswell, Tate Wright and C. A. Rowland, d/b as J. K. Patrick & Co.; **1340 kc.** (NARBA); 250 watts; unlimited time (B3-AL-284).

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted modification of construction permit to use directional antenna day and night and approval of present site (Oak Park, Portland, Ore.); **1080 kc.;** 1 KW night and day; unlimited time (B5-MP-1190).

WCAO—The Monumental Radio Co., Baltimore, Md.—Granted construction permit to increase day and night power from 500 watts night, 1 KW day to 5 KW day and night, move transmitter to east side of Park Heights Ave., 1.2 miles northwest from city boundaries, near Baltimore, Md., install new transmitter and directional antenna for day and night use; **600 kc.;** unlimited time (B1-P-3024).

W 49 BN—Howitt-Wood Radio Co., Inc. (Assignor), Wylie B. Jones Advertising Agency (Assignee), Binghamton, N. Y.—Granted consent to assignment of construction permit for FM broadcast station from Howitt-Wood Radio Co., Inc., to its parent company, Wylie B. Jones Advertising Agency, **44900 kc.;** coverage: 6,500 square miles (B1-APH-1).

WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted modification of international broadcast station license to increase power from 50 to 75 KW (B2-MLIB-40).

W3XPY—Bell Telephone Labs., Inc., Whippany, N. J.—Granted modification of developmental broadcast station license to change frequencies to **43500** and **49100 kc.** on an experimental basis conditionally (B1-MLEX-11).

DESIGNATED FOR HEARING

WTMV—Mississippi Valley Broadcasting Co., Inc., E. St. Louis, Ill.—Application for construction permit to change frequency from 1490 to 1540 (under NARBA), increase night power from 250 to 500 watts, day power from 250 watts to 1 KW; move transmitter locally to 1 mile southeast of city limits at Golden Gardens, St. Clair Co., Ill.; install new equipment and vertical antenna, conditional to no interference to Cuba (B4-P-2832).

WREN—WREN Broadcasting Co., Inc., Lawrence, Kans.—Adopted order designating for hearing the amended application filed by WREN (B4-P-2272) requesting authority to increase nighttime power from 1 to 5 KW, install a directional antenna for day and night use, and move transmitter from Tonganoxie, Kans., to a site within the metropolitan area of Kansas City, Kans., and to move main studio from Lawrence, Kans., to a site to be determined in Kansas City, the studio at Lawrence to be continued for auxiliary purposes. The issues are: "To determine whether a fair, efficient and equitable distribution of radio service among the several states and communities can be better achieved by continued operation of WREN with its main studio at Lawrence, Kans., and its transmitter at Tonganoxie, Kans., or by its operation with both its main studio and transmitter at Kansas City, Kans., as proposed in its application." The Commission's Order of February 26, 1941, granting the application in part, is vacated.

KPAC—Port Arthur College, Port Arthur, Tex.—Application for modification of license to increase night power from 500 watts to 1 KW and make changes in directional antenna; 500 watts day, unlimited time, directional antenna nighttime; **1250 kc.** (B3-ML-956).

The Constitution Broadcasting Co., Atlanta, Ga.—Application for construction permit for new station to operate on **550 kc.,** 1 KW night, 5 KW day, unlimited time; directional antenna at night; studio site to be determined at Atlanta, Ga. (B3-P-2905).

WCAO—Lewis M. Milbourne and Clarence W. Miles (as voting trustees under a voting trust agreement of April 15, 1931) (Transferors), Lewis M. Milbourne, Clarence W. Miles and L. Waters Milbourne (as voting trustees of a new voting trust agreement) (Transferees), The Monumental Radio Co., Baltimore, Md.—Application for consent to transfer control of The Monumental Radio Co., licensee of Radio Station WCAO. from Lewis M. Milbourne and Clarence W. Miles (as voting trustees under a voting trust agreement of April 15, 1931) to themselves and L. Waters Milbourne (as voting trustees of a new voting trust agreement); **600 kc.;** 500 watts night; 1 KW day; unlimited time (B1-TC-263).

MISCELLANEOUS

KCRO—Enid Radiophone Co., Enid, Okla.—Granted request to dismiss its petition for rehearing directed against the action of the Commission, October 22, 1940, granting the application of KLPM, Minot, N. D., for modification of license to increase power from 500 watts night, 1 KW day, unlimited time on frequency **1360 kc.** to 1 KW unlimited time on same frequency, and dismissed said petition for rehearing (B4-ML-651).

KCRC—Enid Radiophone Co., Enid, Okla.—Granted request to dismiss petition for rehearing directed against the action of the Commission October 22, 1940, granting the application of WTJS, Jackson, Tenn., for construction permit to change frequency from **1310** to **1360 kc.,** install new equipment and DA for nighttime use, and increase power from 250 watts to 1 KW, unlimited time, and adopted order dismissing said petition for rehearing (B3-P-2525).

WCBA—Lehigh Valley Broadcasting Co., Allentown, Pa.—Dismissed with consent of applicant, application for construction permit to increase power from 500 watts to 5 KW, install new transmitting equipment and directional antenna for both day and nighttime use (B2-P-2636).

WGST—Georgia School of Technology, Atlanta, Ga.—The hearing on renewal of license for station WGST now scheduled to be heard in Washington, D. C., on May 1, 1941, will be heard instead in Atlanta on that date.

KRBC—Reporter Broadcasting Co., Abilene, Texas.—Adopted order denying petition for reconsideration and grant without a hearing the application for construction permit to change frequency to **940 kc.,** increase power to 1 KW, and install new transmitter and DA for day and night use; and amended the notice of hearing to specify the following issues: (1) to determine the extent and effect of any interference which the proposed operation of station KRBC on the frequency **970 kc.** would cause to the operation of station XEJ, Ciudad Juarez, Chihuahua, and station XEO, Matamores, Tams., operating on the same frequency, with particular reference to the provisions of the NARBA; (2) to determine (a) the area and population now served by station KRBC, and (b) the area and population which would be served by station operating on **970 kc.**

WCNW—Arthur Faske, Brooklyn, N. Y.—Dismissed petition for reconsideration of "Proposed Findings of Fact and Conclusions" of the Commission (Docket N. 5323), et al.

WMRF—Lewistown Broadcasting Co., Lewistown, Pa.—Granted modification of construction permit which authorized new standard broadcast station to be operated on **1500 kc.**, 250 watts, unlimited, for authority to change frequency to **1490 kc.** in accordance with NARBA.

KPOW—Albert Joseph Meyer, Powell, Wyo.—Granted modification of construction permit which authorized new standard broadcast station to operate on **1200 kc.**, 250 watts, unlimited, for change of frequency to **1230 kc.** in accordance with NARBA.

KLS—S. W. Warner & E. N. Warner, d/b as Warner Bros., Oakland, Calif.—Granted modification of construction permit which authorized increase in power from 250 watts to 1 KW, new transmitter and changes in antenna, for change in frequency from **1280** to **1310 kc.** in accordance with NARBA.

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Granted modification of construction permit which authorized new standard broadcast station to operate on **1420 kc.**, 250 watts, unlimited, to change frequency to **1450 kc.** in accordance with NARBA.

WSOC—Radio Station WSOC, Inc., Charlotte, N. C.—Granted modification of construction permit which authorized installation of new antenna, move studio and transmitter, install new transmitter and increase power from 100 watts night, 250 watts LS, to 250 watts, for change in frequency from **1210** to **1240 kc.** in accordance with NARBA.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitter units to be installed and operated from the State-Lake Bldg., Chicago; Link Transmitter Type No. 50-UTX with 100 watts power for visual and Link Transmitter Type No. 25-UBX, 25 watts aural; temporary steel tower to be used on roof of said building, in order to conduct tests for period April 19 to not later than May 18, 1941, in accordance with construction permit.

WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate the equipment of International Broadcast Station WLWO with a power input to the final stage of 100 KW for the period April 1, 1941, to not later than April 30, 1941, in order to obtain data requested in connection with application.

W39B—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to rebroadcast programs of High Frequency Station W1XOJ for the period ending in no event later than May 17, 1941.

WARM—Union Broadcasting Co., Scranton, Pa.—Dismissed as unnecessary the motion for leave to amend application for license to cover construction permit for **1370 kc.**, 250 watts, unlimited time.

KWBG—W. B. Greenwald (Transferor) and O. L. Taylor, William Wyse, and Wesley E. Brown (Transferees), Hutchinson, Kans.—Granted petition for leave to amend application for transfer of control of KWBG to substitute Stanley Marsh for O. L. Taylor as one of transferees, and removed application from hearing docket.

King-Trendle Broadcasting Corp, Pontiac, Mich.—Granted motion to dismiss application for construction permit to operate on **1440 kc.**, 250 watts, unlimited time.

KUSD—University of So. Dak., Vermillion, S. Dak.—Granted motion to withdraw without perjudice application for construction permit to change frequency from **890 kc.** to **630 kc.**, and change hours of operation from S-KFNF to full daytime on 500 watts (B4-P-2724).

WSNJ—Eastern States Broadcasting Corp., Camden, N. J.—Granted motion to dismiss without prejudice application for construction permit for Class IV station to be synchronized with WSNJ, located at Camden, N. J. (B1-P-2914).

KOWH—World Publishing Co., Omaha, Nebr.—Granted petition for dismissal without prejudice application for construction permit to change frequency from **660 kc.** to **890 kc.**, increase power and change hours of operation from 500 watts daytime to 5 KW unlimited, directional antenna night (B4-P-2728).

WRBL—The Columbus Broadcasting Co., Inc., Columbus, Ga.—Granted special temporary authority to rebroadcast transmissions received from transmitter in Army scout car, **2220 kc.**, 75 watts, and transmitter in Army bomber plane, **7460 kc.**, 75 watts on April 7, 1941, in connection with Army Day program.

WMBG—Havens and Martin, Inc., Richmond, Va.—Granted special temporary authority to rebroadcast a program to be received from U. S. Navy Plane 1322, Naval Air Station, Anacostia, on April 6, 1941, in the interest of Navy recruiting.

National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to rebroadcast Army Day program over Radio Station WEAF and WJZ and the combined Red and Blue networks program material supplied over U. S. Army radio facilities from airplanes flying in the vicinity of New York City and San Francisco on April 5, 1941; the signals from the Army planes will be picked up at these locations by NBC

Columbia Broadcasting System, Inc., Boston, Mass.—Granted motion to grant amendments to change frequency from **44100** to **43500 kc.**, and change transmitter site in re application for new television station.

Columbia Broadcasting System, Inc., Boston, Mass.—Denied motion for consolidation of hearing on applications of The Yankee Network, Worcester Telegraph Publishing Co., Inc., and Columbia Broadcasting System, Inc., applications for new television station, and the Commission on its own motion continued the hearing on the application of Worcester Telegram Publishing Co., Inc., indefinitely, from April 21.

Columbia Broadcasting System, Inc., Boston, Mass.—Denied petition for intervention in the hearing on application of The Outlet Co., Providence, R. I., for a new television station.

WJAR—The Outlet Co., Providence, R. I.—Dismissed petition for leave to intervene in the hearing on application of The Yankee Network, Inc., Boston, and Worcester Telegram Publishing Co., Inc., Worcester, Mass., for new television station and granted petition as to enlargement of issues, and on its own motion the Commission consolidated the hearing on the application of WJAR and The Yankee Network, Inc.

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Granted motion for leave to amend application so as to request 5 KW, day and night, and to specify directional antenna, in re application for construction permit to change frequency and increase power. Application removed from hearing docket.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Dismissed motion to withhold further action on application for modification of construction permit to increase power and change hours of operation, pending filing of amendments.

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College, Birmingham, Ala.—Granted temporary extension of license of Station WAPI on the frequency **1170 kc.**, 1 KW night, 5 KW LS, simultaneously daytime and sharing time at night with Station KVOO, pending consideration of application to change frequency to **1070 kc.**

W4XA—National Life & Accident Insurance Co., Nashville, Tenn.—Granted extension of license of High Frequency Experimental Broadcast Station W4XA for a period of 30 days, on a temporary basis.

WWDC—Capital Broadcasting Co., Washington, D. C.—Granted modification of construction permit (B1-P-2679, which authorized a new station) for **1450 kc.** under NARBA, make changes in synchronous amplifier equipment and antenna, and extend commencement date to 30 days after grant and completion date to 180 days thereafter (B1-MP-1163).

KHJ—Don Lee Broadcasting System, Los Angeles, Cal.—Granted modification of construction permit (B5-P-2843, as modified, which authorized increase in power, installation of directional antenna for day and night use, make changes in equipment and move transmitter) for changes in directional antenna on **930 kc.** under NARBA, and extension of commencement date to 1 day after grant, and completion date to 180 days thereafter respectively (B5-MP-1238).

WHDF—Flint Broadcasting Co., Flint, Mich.—Granted modification of construction permit (B2-P-2451, which authorized installation of new transmitter and DA for day and night use, increase in power, change of frequency, and move of transmitter), for extension of completion date to June 14 (B2-MP-1228).

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted modification of construction permit (B3-MP-833, for increase in power, installation of DA for night use), for **1470 kc.** under NARBA and changes in DA (B3-MP-1235).

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted modification of construction permit (B5-P-2422, for new transmitter, installation of DA for day and night use, move of transmitter and increase in power) for extension of completion date to July 14 (B3-MP-1241).

WJAR—The Outlet Company, Providence, R. I.—Granted modification of construction permit (B1-P-2192, for changes in directional antenna, increase in power, move of transmitter) for **920 kc.** under NARBA, changes in directional antenna and installation of new transmitter, and extension of completion date to 80 days after grant (B1-MP-1233).

KWSC—State College of Washington, Pullman, Wash.—Granted modification of construction permit (B5-P-2911 authorizing changes in equipment) for authority to extend completion date to Oct. 9/41 (B5-MP-1239).

KFGQ—Boone Biblical College, Boone, Iowa.—Granted special temporary authority to operate from 12 midnight to 6 a.m. on April 1, 1941, in order to broadcast religious program celebrating the Fifty-fifth anniversary of the Boone Biblical College and Associated Institutions, only.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from sign-off (March 6:30 p.m., CST) to 9 p.m., CST, on March 29, 1941, in order to hold audience and to broadcast the Jackson Day dinner speech of President Roosevelt.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to operate with power of 250 watts from 8:30 p. m. to 9:30 p. m., Est, March 28, 1941, for broadcast of special forum of Brooklyn law enforcement officials, only.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted special temporary authority to operate from local sunrise, Glenside, Pa., to local sunset, Knoxville, Tenn. (WNOX), instead of daytime as stipulated in reallocation for the period March 29, 1941 to not later than April 27, 1941, pending action on formal application for such authority.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted modification of construction permit (B4-P-2568, which authorized installation of new transmitter, and increase in power, directional antenna day and night) to change type of transmitter, make changes in directional antenna for day and night use, extend completion date to 180 days after grant, and for **1270 kc.**, under NARBA (B4-MP-1215).

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted modification of construction permit (B3-P-2216, for new equipment, increase in power, changes in antenna system), for extension of completion date to June 1, 1941 (B3-MP-1243).

WGEO—General Electric Co., So. Schenectady, N. Y.—Granted construction permit to install new transmitter in International Broadcast station (B1-PIB-32).

The KANS Broadcasting Co., Portable-Mobile (Area of Wichita, Kans.).—Granted construction permit for new relay broadcast station to be used with applicant's standard broadcast station KANS; **30820, 33740, 35820, 37980 kc.;** 2 watts (B4-PRE-388).

WELT—Racine Broadcasting Corp., Racine, Wisc.—Granted license to cover construction permit (B4-PRE-355, for new relay broadcast station; frequencies **30820, 33740, 35820, 37980 kc.;** 10 watts; to be used with applicant's standard broadcast station WRJN (B4-LRE-344).

KNET—The Palestine Broadcasting Association, Palestine, Tex.—Granted authority to install automatic frequency control equipment, **1450 kc.** under NARBA (B3-F-194).

WHB—WHB Broadcasting Co., Kansas City, Mo.—Granted authority to make changes in automatic frequency control equipment on **880 kc.** under NARBA (B4-F-196).

WHLN—Blanfox Radio Co., Inc., Harlan, Ky.—Granted modification of construction permit (B2-P-2885, which authorized a new station) for approval of transmitter site at Harlan, and approval of antenna; **1450 kc.,** NARBA (B2-MP-1205).

KSWO—William Carver & Byrne Ross, Lawton, Okla.—Granted modification of construction permit (B3-P-2664, which authorized a new station) for authority to install new transmitter, approval of antenna, approval of studio site at 1303 Summit St., Lawton, and transmitter site at Block bounded by 20th and 21st Sts., between E and F Avenues, Lawton, and for **1150 kc.** under NARBA (B3-MP-1196).

WABC—Columbia Broadcasting System, Inc., New York City.—Granted modification of construction permit (B1-P-2855, which authorized new transmitting equipment, new antenna, and move of transmitter) for extension of completion date to Oct. 25/41 (B1-MP-1220).

WABC—Columbia Broadcasting System, Inc., New York City.—Granted modification of construction permit (B1-P-2975, for new auxiliary transmitter with 5 KW power to be used for emergency only, located at Little Pea Island, New Rochelle, N. Y.), for extension of completion date to Oct. 25/41 (B1-MP-1221).

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Granted modification of construction permit (B4-P-2696, for installation of directional antenna for night use, increase power from 1 KW night, 5 day to 5 KW day and night) for extension of completion date to May 6 (B4-MP-1219).

WPAY—Vee Bee Corp., Portsmouth, Ohio.—Granted modification of construction permit (B2-P-2685, for changes in transmitting equipment, antenna changes, increase in power to 250 watts and move of transmitter), for extension of completion date to Oct. 15/41 (B2-MP-1218). The grant of this application is on a temporary basis, conditionally.

KFBK—McClatchy Broadcasting Co., Sacramento, Cal.—Granted authority to determine operating power by direct measurement of antenna power on **1530 kc.** under NARBA (B5-Z-727).

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Granted authority to determine operating power by direct measurement of antenna power on **1470 kc.** under NARBA.

KIT—Carl E. Haymond, Yakima, Wash.—Granted authority to install automatic frequency control equipment on **1280 kc.** under NARBA (B5-F-203).

KALE—KALE, Inc., Portland, Ore.—Granted authority to install automatic frequency control equipment on **1330 kc.** under NARBA (B5-F-206).

KOIN—KOIN, Inc., Portland, Ore.—Granted authority to install automatic frequency control equipment on **970 kc.** under NARBA (B5-F-204).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted authority to determine operating power by direct measurement of antenna power on **790 kc.** under NARBA (B2-Z-723).

WINX—Lawrence J. Heller, Washington, D. C.—Granted license to cover construction permit (B1-P-2546 which authorized a new station; **1340 kc.** under NARBA, 250 watts, unlimited time) (B1-L-1301). Also granted license to cover construction permit for new 50-watt amplifier station (B1-I-1302); also granted authority to determine operating power by direct measurement of antenna input, main transmitter and amplifier (B1-Z-621 and B1-Z-622).

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted license to cover construction permit (B1-P-2563, which authorized changes in equipment and increase in power to 1 KW); **1310 kc.** under NARBA (B1-L-1307); also granted authority to determine operating power by direct measurement of antenna input on **1310 ks.** under NARBA B1-Z-628).

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-726).

WKWK—Community Broadcasting, Inc., Wheeling, W. Va.—Granted modification of construction permit (B2-P-2967, for new broadcast station) for approval of antenna, and approval of studio and transmitter site at corner Market & 16th Sts., Wheeling; **1400 kc.** under NARBA (B2-MP-1229).

W1XG—General Television Corp., Boston, Mass.—Granted petition for 30 day extension of temporary authorization to operate experimentally visual and aural television transmitters (Dockets 5988-5989).

WKZO—WKZO, Inc., Kalamazoo, Mich.—Adopted order vacating Commission action of March 4, 1941, granting in part the application of WKZO to increase daytime power to 5 KW, etc., and designated the application for construction permit (B2-P-2898) for hearing.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Designated for hearing application of KORN for renewal of license; application for transfer of control (B4-TC-244) of corporation from Clark Standiford to A. C. Sidner, C. J. Malmsten, S. S. Sidner and Arthur Baldwin; and application (B4-TC-250) to transfer control of corporation from A. C. Sidner, C. J. Malmsten, S. S. Sidner, Arthur Baldwin, and E. J. Lee to John F. Palmquist and Paul Boyer.

WARM—Union Broadcasting Co., Scranton, Pa.—Granted modification of construction permit which authorized a new standard broadcast station to be operated on **1370 kc.,** 250 watts, unlimited hours, for authority to change frequency to **1400 kc.** in accordance with NARBA.

WBOS—Westinghouse Radio Stations, Inc., Hull, Mass.—Granted special temporary authority to operate International Broadcast Station WBOS with a power of 50 KW using two WL-895R tubes in lieu of tubes specified in construction permit application File No. B1-PIB-23, pending the filing and action on application for license to cover construction permit for period April 12, 1941 to not later than May 11, 1941.

WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate equipment licensed to the Charleston Broadcasting Co. at Relay Station WADA, **1622, 2058, 2150, 2790 kc.,** power 40 watts, in order to relay broadcast special event programs as described in letter dated April 1, 1941, on April 4, 11, 18, and 25, 1941, to Radio Station WSAZ.

KRJF—Star Printing Co., Miles City, Okla.—Granted modification of construction permit which authorized new broadcast station to operate on **1310 kc.,** 250 watts, unlimited hours, for change in frequency to **1340 kc.** in accordance with NARBA.

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Granted special temporary authority to rebroadcast U. S. Army Day program from 106th Observation Plane Transmitter on **2478, 3332.5, 6460 kc.,** at 10 a. m., April 5, 1941.

KECA—Earl C. Anthony, Inc., Los Angeles, Cal.—Granted authority to install new automatic frequency control equipment on **790 kc.** under NARBA for auxiliary transmitter (B5-F-197).

WIBA—Badger Broadcasting Co., Inc., Madison, Wisc.—Granted authority to install automatic frequency control equipment on **1310 kc.** under NARBA (B4-F-201).

WCAM—City of Camden, Camden, N. J.—Granted authority to install automatic frequency control equipment on **1310 kc.** under NARBA, on temporary basis, conditionally (B1-F-199).

KMO—Carl E. Haymond, Tacoma, Wash.—Granted authority to install automatic frequency control on **1360 kc.** under NARBA (B5-F-200).

WHN—Marcus Loew Booking Agency, New York City.—Granted authority to install automatic frequency control. On **1050 kc.** under NARBA (B1-F-198).

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Granted authority to determine operating power by direct measurement of antenna power on **1290 kc.** under NARBA (B5-Z-731).

KVCV—Golden Empire Broadcasting Co., So. of Redding, Calif.—Granted authority to determine operating power by direct measurement of antenna power on **1230 kc.** under NARBA (B5-Z-731).

KFRO—Voice of Longview, Longview, Tex.—Adopted order amending notice of hearing in re application for modification of construction permit to increase power to 5 KW, to specify the following additional issue: "To determine the extent and effect of any interference which the proposed operation of Station KFRO on the frequency **1370 kc.** would cause to the operation of stations XEMR, Monterey, N. L., XEAF, Nogales, Son., and XEHL, Guadalajara, Jal., operating on the same frequency, with particular reference to the provisions of the NARBA (Appendix II, Table I)."

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted special temporary authority to rebroadcast transmission from Army Bomber in connection with Army Day celebration April 7 (B5-S-133).

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Granted license to cover construction permit for increase in power from 500 watts night, 1 KW LS, to 5 KW day and night; make equipment changes and changes in DA; **1420 kc.;** 5 KW DA-N (B4-L-1352).

WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Granted special temporary authority to operate from midnight to 2 a. m., EST, on April 26, in order to broadcast Greek War Relief Fund program only (B1-S-271).

KOIL—Central States Broadcasting Co., Omaha, Neb.—Granted special temporary authority to rebroadcast program from plane over Ft. Crook on Army Day, April 7, from 4 to 4:15 a. m., CST (B4-S-516).

KROD—Dorrance D. Roderick, El Paso, Tex.—Granted special temporary authority to rebroadcast Army Day Program from Army Plane from 9:15 to 9:45 p. m., MST, April 7, 1941 (B3-S-1064).

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m., EST, April 10, 11, 12, 13, 14, 17, 18, 19, 20, 1941, in order to broadcast sustaining musical programs as described in letter, (provided WSVS remains silent) (B1-S-879).

WSVS—Board of Education, City of Buffalo, N. Y.—Granted special temporary authority to remain silent for the period April 10 to April 20, in order to observe Easter Vacation; May 30 to observe Memorial Day, and from June 16 to Sept. 8, to observe Summer vacation (B1-S-225).

KIDW—Lamar Broadcasting Co., Lamar, Colo.—Granted special temporary authority to broadcast special Easter program from 8 to 9:30 p. m., MST, April 6 and 7, provided KGIW remains silent (B5-S-809).

APPLICATIONS FILED AT FCC

600 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. Car.—Modification of construction permit (B3-P-2814) requesting increase in power from 1 KW to 5 KW, install new transmitter, changes in directional antenna for day and night use, move transmitter and extension of commencement and completion dates.

WSJS—Piedmont Publishing Co., Winston-Salem, N. Car.—Transfer of control of corporation from Gordon Gray to 87 individuals.

710 Kilocycles

NEW—Park Cities Broadcasting Corp., Dallas, Tex.—Construction permit for new standard broadcast station to be operated on **710 kc.,** 5 KW power, unlimited time. Amended re stock ownership and finances.

750 Kilocycles

KMMJ—KMMJ, Inc., Grand Island, Nebr.—Authority to transfer control of corporation from Don Searle, H. A. Searle, Jr., Helen Searle Blanchard and Herbert Hollister to Grand Island Independent Publishing Co. by sale of 250 shares common stock.

790 Kilocycles

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification of construction permit (B5-P-2698) for changes in directional antenna for night use and **790 kc.** under NARBA.

WEAN—The Yankee Network, Inc., Providence, R. I.—Modification of construction permit (B1-P-2037) requesting changes in directional antenna and **790 kc.** under NARBA.

850 Kilocycles

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Authority to install automatic frequency control equipment.

880 Kilocycles

WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

920 Kilocycles

WBAA—Purdue University, West Lafayette, Ind.—Modification of construction permit (B4-P-2604) requesting change in type of transmitter. Amended to make changes in directional antenna for night use and specify **920 kc.** under NARBA.

950 Kilocycles

KPRC—Houston Printing Corp., Houston, Tex.—Modification of construction permit (B3-P-2791) for changes in directional antenna system, **950 kc.** under NARBA and extension of completion date.

960 Kilocycles

KROW—Educational Broadcasting Corp.—Construction permit to increase power from 1 KW to 5 KW, install new equipment, directional antenna for night use, move transmitter. Amended to specify **960 kc.** under NARBA.

990 Kilocycles

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Authority to install automatic frequency control equipment.

1000 Kilocycles

WINS—Hearst Radio, Inc., New York, N. Y.—Modification of construction permit (B1-P-3026) for approval of directional antenna system and approval of present licensed transmitter site.

1030 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Authority to determine operating power by direct measurement of antenna power.

1060 Kilocycles

KYW—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Construction permit to make changes in directional antenna system on **1060 kc.** under NARBA.

1090 Kilocycles

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Modification of construction permit (B1-P-2200) as modified requesting changes in directional antenna for night use, **1090 kc.** under NARBA and extension of completion date.

1130 Kilocycles

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Authority to determine operating power by direct measurement of antenna power.

1150 Kilocycles

KSAL—KSAL, Inc., Salina, Kansas.—License to cover construction permit (B4-P-2765) for increase in night power and changes in directional antenna.

KSAL—KSAL, Inc., Salina, Kansas.—Authority to determine operating power by direct measurement of antenna power.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Construction permit to install new transmitter, make changes in antenna, change frequency from **1150 kc.** to **1230 kc.,** increase power from 100 watts to 250 watts and hours of operation from daytime to unlimited.

1180 Kilocycles

WHAM—Stromberg-Carlson Telephone Manufacturing Co., Rochester, N. Y.—Authority to determine operating power by direct measurement of antenna power.

1190 Kilocycles

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Construction permit to make changes in equipment, install directional antenna for day and night use, increase power from 10 to 50 KW and hours of operation to unlimited. Amended to specify **1190 kc.** under NARBA and changes in directional antenna.

1230 Kilocycles

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Construction permit to make changes in transmitting equipment and increase power from 100 watts to 250 watts.

KHAS—Nebraska Broadcasting Co., Hastings, Nebr.—Authority to determine operating power by direct measurement of antenna power.

WLOF—Hazlewood, Inc., Orlando, Fla.—Authority to determine operating power by direct measurement of antenna power.

KPHO—M. C. Reese, Phoenix, Ariz.—License to cover (B5-P-3092) for installation of new transmitter.

KPHO—M. C. Reese, Phoenix, Ariz.—Authority to determine operating power by direct measurement of antenna power.

1240 Kilocycles

KWIL—Central Willamette Broadcasting Co., Albany, Oregon.—Authority to determine operating power by direct measurement of antenna power.

KWLC—Luther College, Decorah, Iowa.—Modification of construction permit (B4-P-3003) requesting **1240 kc.** under NARBA and extension of commencement and completion dates.

WPAX—H. Wimpy, Thomasville, Ga.—Authority to determine operating power by direct measurement of antenna power.

1250 Kilocycles

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. Car.—Modification of construction permit (B3-P-2985) for changes in directional antenna system, **1250 kc.** under NARBA, and extension of commencement and completion dates.

KTMS—News-Press Publishing Co., Santa Barbara, Calif.—Authority to determine operating power by direct measurement of antenna power.

1310 Kilocycles

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Modification of construction permit (B5-P-2920) for changes in directional antenna for night use and **1310 kc.** under NARBA.

1320 Kilocycles

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Modification of construction permit (B4-P-2821) for changes in directional antenna system for night use and request **1320 kc.** under NARBA.

1330 Kilocycles

WHBL—Press Publishing Co., Sheboygan, Wis.—Construction permit to increase power from 250 watts night, 1 KW daytime to 1 KW day and night and install directional antenna for night use. Amended: To request **1330 kc.** under NARBA and changes in directional antenna.

1340 Kilocycles

KHMO—The Courier-Post Publishing Co., Hannibal, Mo.—Modification of construction permit (B4-P-1011) requesting approval of transmitter and studio sites and antenna.

WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—Authority to determine operating power by direct measurement of antenna power.

WCLS—WCLS, Inc., Joliet, Ill.—License to cover construction permit (B4-MP-824) for changes in equipment and increase in power on **1340 kc.**

1350 Kilocycles

NEW—Rock Hill Broadcasting Corp., Rock Hill, S. Car.—Construction permit for new standard broadcast station to be operated on **1350 kc.,** 250 watts, daytime hours of operation.

1360 Kilocycles

KGB—Don Lee Broadcasting System, Inc., Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power.

KMO—Carl E. Haymond, Tacoma, Wash.—Modification of construction permit (B5-P-2707) to install new transmitter, make changes in antenna, specify **1360 kc.** under NARBA and extend commencement and completion dates.

1370 Kilocycles

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Modification of construction permit (B1-P-2730) for changes in directional antenna and **1370 kc.** under NARBA.

1380 Kilocycles

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Authority to determine operating power by direct measurement of antenna power.

1400 Kilocycles

WDWS—The Champaign News-Gazette, Inc., Champaign, Ill.—Authority to determine operating power by direct measurement of antenna power.

KFRU—KFRU, Inc., Columbia, Mo.—Authority to determine operating power by direct measurement of antenna power.

KMAC—W. W. McAllister and Howard W. Davis d/b as Walmac Co., San Antonio, Texas.—Authority to determine operating power by direct measurement of antenna power.

KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Construction permit to change frequency from **1370 kc.** to **1210 kc.**, increase power from 100 watts to 250 watts and install new equipment. Amended: To request that application be contingent on grant of KFYO's application (B5-P-2455).

KENO—Nevada Broadcasting Co., Las Vegas, Nevada.—Construction permit to move transmitter and studio to El Rancho Vegas, Las Vegas, Nevada.

WHYN—The Hampden-Hampshire Corp., Holyoke, Mass.—License to cover construction permit (B1-P-1701) as modified for new standard broadcast station.

WHYN—The Hampden-Hampshire Corp., Holyoke, Mass.—Authority to determine operating power by direct measurement of antenna power

KORN—Nebraska Broadcasting Corp, Fremont, Nebr.—Modification of license to move main studio locally.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Penna.—Authority to determine operating power by direct measurement of antenna power.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Authority to determine operating power by direct measurement of antenna power.

KONO—Eugene J. Roth, tr. as Mission Broadcasting Co., San Antonio, Texas.—Authority to determine operating power by direct measurement of antenna power.

1410 Kilocycles

WKHB—WKHB, Inc., LaCrosse, Wisc.—Modification of construction permit (B4-P-2733) to install new transmitter, make changes in directional antenna system specify **1410 kc.** under NARBA and extend commencement and completion dates.

NEW—Nashville Radio Corp., Nashville, Tenn.—Construction permit for new standard broadcast station to be operated on **1380 kc.**, 1 KW, unlimited time, directional antenna. Amended to request **1410 kc.** under NARBA and changes in directional antenna.

1450 Kilocycles

WCBS—WCBS, Inc., Springfield, Ill.—Construction permit to change frequency from **1450 kc.** to **1170 kc.**, increase power from 250 watts to 1 KW night, 5 KW daytime, install new transmitter, directional antenna for day and night use and move transmitter to near Springfield, Ill.

KWAL—Chester Howarth and Clarence Berger, Wallace, Idaho.—Voluntary assignment of license to Silver Broadcasting Co.

WNOE—WNOE, Inc., New Orleans, La.—Authority to determine operating power by direct measurement of antenna power.

KRLH—Clarence Scharbauer, Midland, Tex.—Modification of construction permit (B3-P-2981) to change frequency from **1450 kc.** to **1230 kc.** and extend commencement and completion dates.

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Authority to determine operating power by direct measurement of antenna power.

KFIZ—Reporter Printing Co., Fond du Lac, Wisc.—Construction permit to install new transmitter and increase power from 100 watts to 250 watts. Amended re changes in antenna.

1490 Kilocycles

KDB—Santa Barbara Broadcasters, Inc., Santa Barbara, Calif.—Authority to determine operating power by direct measurement of antenna power.

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Authority to determine operating power by direct measurement of antenna power.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Authority to install automatic frequency control equipment in auxiliary transmitter.

1520 Kilocycles

KOMA—KOMA. Inc., Oklahoma City, Okla.—Authority to determine operating power by direct measurement of antenna power.

KOMA—KOMA, Inc., Oklahoma City, Okla.—Authority to install automatic frequency control equipment.

1590 Kilocycles

NEW—Hugh McClung, Fresno, Calif.—Construction permit for new standard broadcast station to be operated on **1590 kc.**, 5 KW, unlimited time.

1600 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—Authority to install automatic frequency control equipment.

FM APPLICATION

NEW—Boston Edison Co., Boston, Mass.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.**, coverage 6,930 square miles, population 3,075,927.

MISCELLANEOUS APPLICATIONS

NEW—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Construction permit for a new STL broadcast station to be operated on **331000 kc.**, 50 watts, special emission for frequency modulation. To be used with W47A.

KGEI—General Electric Co., San Francisco, Calif.—Modification of construction permit (B5-PIB-24) requesting change in transmitter site to near Belmont, Calif., and extension of commencement and completion dates.

KRCO—Columbia Broadcasting System, Inc.. Portable-Mobile, in area of Los Angeles, Calif.—License to cover construction permit (B5-PRE-377) for a new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Bengor Products Company—Charging misrepresentation in the sale of medicinal preparations, a complaint has been issued against Ben Gordon and Louis Gordon, trading as Bengor Products Co. and as Golf Products Co., 878 Broadway, New York. The respondents sell two preparations, one known as "Dupree Pills" and as "Dr. Gordon's Single Strength Pills", and the other as "Dupree Pills Double Strength" and "Dr. Gordon's Double Strength Pills".

According to the complaint, the respondents, in catalogs and advertising matter circulated in various States, represented their preparations as constituting competent treatments for amenorrhea and dysmenorrhea, when such are not the facts.

The complaint further alleges that the respondents disseminated false advertisements in that they failed to reveal therein that use of their preparations under customary conditions or under conditions prescribed in the advertisements, may result in serious injury to health.

According to the complaint, the respondents' preparations contain certain drugs in such quantity that use of the preparations under the customary or prescribed conditions may result in gastrointestinal disturbances and other conditions leading to serious injury. (4479)

Green Supply Company—Complaints charging the use of lottery methods in the sale of merchandise have been issued against Perce P. Green and Howard Rand, trading as Green Supply Co., National Merchandising Co. and National Supply Co., 282 Sexton Building, Minneapolis, and against Little Rock Tent & Awning Co., a corporation also trading as Tuf-Nut Garment Manufacturing Co., Little Rock, Ark.

The complaint against the Minneapolis respondents Green and Rand charges them with furnishing devices and plans involving lottery methods for use in connection with the sale and distribution of their products. According to the complaint, the respondents sell fishing tackle, silverware, rifles, garments, blankets, radios and other merchandise.

The Little Rock Tent & Awning Co., according to the complaint, is a manufacturer of work garments which it allegedly has sold to dealers by means of a method which involves the use of a lottery scheme when the garments are sold and distributed to consumers. (4480-4481)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Fink & Co., Inc., 151 West Fortieth St., New York, has been ordered to cease and desist from misrepresentations in the sale of vitamin preparations designated "Mi-Vit-Ine" and "Vi-Min-Ex", and "Muriel Joan Beautifier", a cosmetic preparation.

The Commission order directs the respondent to cease disseminating advertisements which represent that Mi-Vit-Ine is a cure, remedy, or competent treatment for lowered vigor and vitality, constipation, colitis, stomach disorders, neuritis, or nerve disorders; that it is a dietary corrective or is composed of a different kind of wheat germ, or that the preparation has any therapeutic value in the treatment of alcoholism in excess of stimulating the appetite, which may have been affected by reason of overindulgence.

The respondent is further ordered to cease representing that Vi-Min-Ex is a cure, remedy or competent treatment for colds, constipation, spastic colitis, digestive disorders, neuritis, nerve disorders, anemia, loss of appetite and weight, lowered vigor and vitality, or tooth decay, or that this preparation, under conditions of use, will supply all the essential vitamins and minerals required by the body, or that it constitutes the best source for the supply of such minerals and vitamins.

The order also directs that the respondent discontinue representing that Muriel Joan Beautifier will beautify or transform the face, cause skin blemishes, pimples or blackheads to disappear, or bring about a beautiful complexion, or that this preparation has any properties which would cause blemishes or other skin conditions to disappear, or have any other permanent effect upon any skin condition. (3890)

Hubinger Co., Keokuk, Iowa, has been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act in the sale of glucose or corn syrup unmixed, one of the principal raw materials used in making candy, and in the sale of gluten feed, a corn syrup by-product.

Between July 25, 1937, and the present time, according to Commission findings, the respondent sold corn syrup in certain cities other than Chicago at higher delivered prices per hundredweight than it sold such syrup in containers of like size and type to Chicago purchasers.

The Commission findings include several tables illustrating the extent to which price differentials made more than due allowance for differences in cost of delivery. These tables show, for example, that although the freight rate from the respondent's plant at Keokuk, Iowa, to Zion, Ill., was five cents more per hundredweight than the rate from Keokuk to Chicago, purchasers at Zion were charged eight cents more per hundredweight for syrup than were Chicago purchasers. Likewise, according to the tables, the freight rate from Keokuk to Fort Worth, Tex., was 53½ cents per hundredweight greater than from Keokuk to Chicago but Fort Worth purchasers were charged 80 cents more per hundredweight for syrup than were Chicago purchasers.

According to findings, the respondent also discriminated by selling syrup to certain Chicago and Muskogee, Okla., customers at prices lower than its prevailing price to other purchasers in those cities. Also, the findings continue, the respondent, after increasing its price to the trade generally, discriminated by selling syrup to some purchasers, mostly large-scale buyers in Chicago, at the former and lower price while concurrently selling syrup of like grade and quality to others at the new and higher price.

According to findings, the respondent discriminated by selling and delivering corn syrup to purchasers in several types and sizes of containers at prices per hundredweight which increase over the tank car price per hundredweight according to the size and type of container. Such increases over the tank car price, the findings continue, vary from 10 cents per hundredweight in the case of tank wagons, to $1.08 per hundredweight in five-gallon kegs.

Gluten feed, according to findings, has been sold by the respondent since January 1, 1939, to nine purchasers at 50 cents a ton less than the concurrent price which it charged all others for feed of like grade and quality.

The Commission order directs the respondent to cease and desist from the discriminations as found, or from similar discriminations. (3801)

Zeen Chemical Company—David H. Goldman, trading as Zeen Chemical Co., 1311 West 11th St., Cleveland, has been ordered to cease and desist from making misleading representations in the sale of "Zeen Dry Cleaner".

Commission findings are that prior to issuance of complaint in the proceeding, the respondent advertised that Zeen Dry Cleaner "will moth-proof or de-moth woolen materials in upholstery or rugs with one operation", when in fact the product does not reach deep-seated infestations of moths, unless used according to complete and specific directions, which were not provided.

Further findings are that the product will not moth-proof fabrics, and that while it possesses moth-repellent properties, such properties, due to evaporation, are gradually diminished and then lost unless repeated applications are made.

The Commission order directs the respondent to cease representing that its preparation will reach deep-seated infestations of moths, unless directions accompany such representation which will enable the user to bring the preparation in contact with the moths; that the product will moth-proof fabrics or materials; and that it will de-moth materials in upholstery or rugs, unless such representation is accompanied by the explanation that such result is of temporary duration only and must be repeated at proper intervals.

The order also prohibits the representations that Zeen Dry Cleaner cleans and removes all types of spots, stains and all foreign matter; that it is non-explosive, except that the respondent is not prohibited from representing that its preparation is non-explosive if kept away from fire or flame, and that the product is used exclusively by leading furniture and department stores everywhere. (3995)

Vitaphore Appliances, Inc., South Bend, Ind., has been ordered to cease and desist from misrepresentation in the sale of "Vibratherm", a heat and massage device.

The Commission order directs the respondent to cease disseminating advertisements which represent that the use of Vibratherm constitutes a cure or remedy for prostatitis, or that the device has therapeutic value in treating prostatitis in excess of furnishing temporary relief from the symptoms of pain where the local application of heat is indicated.

The respondent is further ordered to desist from representing that use of the device constitutes a remedy or effective treatment for bladder weakness, backache, headache, arm, leg or foot pains, or nervousness; has therapeutic value in the treatment of hemorrhoids, constipation, or sexual decline, or provides a cure or remedy for certain women's disorders or has therapeutic value in their treatment. (3884)

STIPULATIONS

Following stipulations have been entered into during the past week by the Commission:

American Ozone Company—Chris F. DeJonge, trading as American Ozone Co., Zeeland, Mich., has entered into a stipulation to cease and desist from certain representations in the sale of so-called ozone generating machines.

According to the stipulation, the respondent assembles parts obtained from the manufacturers into the completed machines of three different models, two of which are designed for use in hatchery or poultry houses.

The respondent stipulates that he will cease employing any representation the effect of which tends to convey the impression that use of any one of the machines in poultry houses would contribute to the development and health of the birds therein or that the machine would generate sufficient ozone to have any germicidal effect. (3055)

Baldwin Music Company—C. J. Richardson, trading as Baldwin Music Co., Shreveport, La., has entered into a stipulation in which he agrees to cease making certain representations in the sale of pianos. The respondent agrees to desist from representing that new or used pianos, which are not in fact repossessed, are instruments which, having been previously sold under deferred payment or other plan, have been repossessed because of inability of the purchasers to meet the payments thereon or for any other reason, or that such instruments are being sacrificed for balances due or at reduced prices. (3058)

Fairystone Manufacturing Co.—Ray G. Maloney, trading as Fairystone Manufacturing Co., and Willard J. Dungan and Arthur E. Maloney, trading as Fairystone Distributing Co., 626 United Artists Building, Detroit, have entered into stipulations in which they agree to cease representing that their emollient cream "Fairystone" is an "absolute sunburn protection" and that it filters out the burning or ultra-violet rays of the sun and permits other sun rays to gain access to the skin. The respondents also agree to cease representing, unqualifiedly, that their preparation will effectively cover or conceal scars, birthmarks or other skin blemishes, and to discontinue representing that by its application users will look years younger. The respondents further stipulate that they will cease making statements tending to create the impression that their preparation is an effective treatment or competent remedy for pimpled or blotched skin. (3057)

Grace McLendon's Hair Products—Trading as Grace McLendon's Hair Products, Grace McLendon, 904 Wesley Ave., Pleasantville, N. J., entered into a stipulation in which she agrees to cease advertising that "Mme. Grace McLendon's Hair Grower" will stop falling hair, remove dandruff, prevent hair from turning gray, restore gray hair to its natural color, or cause hair to grow. The respondent also stipulates that she will desist from representing by use of the words "Hair Grower" in the designation of her preparation, that it will grow hair. (02761)

Handcraft Bedding Corporation, 887-889 Niagara St., Buffalo, mattress manufacturer, stipulated that it will cease using or supplying to others for their use labels which bear any fictitious or misleading price representation purporting to be the retail sales price of a product but which, in fact, is in excess of the customary retail price. According to the stipulation, the respondent labeled certain mattresses sold to retailers with the price of $22.50 which was much in excess of the usual retail price. (3054)

Reliable Mattress Co., 2028 Walnut St., St. Louis, has entered into a stipulation in which it agrees to cease making certain representations in the sale of mattresses.

The respondent corporation agrees to cease representing by use of the words "New Materials" or other words of similar meaning, that a mattress or mattress filling made in whole or in part from old, used or second-hand materials is new or is made entirely from new materials. The stipulation provides that if the mattress or filling is composed in substantial part of new materials the word "new", if used as descriptive of such new materials, shall be accompanied by other words in conspicuous type to indicate clearly that the mattress or filling is not made entirely from new materials.

The respondent further stipulates that it will discontinue employing the term "100% Cotton Linters" as descriptive of a mattress the filling of which is not made wholly from cotton linters. The respondent agrees to cease stating, when a mattress is made in whole or in part from old, used or second-hand material, but that fact is not properly disclosed, that such mattress complies with any State law requiring such disclosure. (3059)

L. Sonneborn Sons, Inc., 88 Lexington Ave., New York, entered into a stipulation in which it agrees to cease making certain representations concerning its product "Lignophol", designed to be used as a wood finish and preservative. The respondent agrees to cease making representations, pictorial or otherwise, the effect of which tends to convey the impression that the product's penetrative quality, when applied to a wood surface, is in excess of what is actually the fact. According to the stipulation, the respondent's preparation, when applied over the surface of wood flooring, would not penetrate practically therethrough, as indicated in the respondent's advertising illustration. (3056)

St. Clair Company—V. H. Bean and M. C. Bean, trading as St. Clair Co., Findlay, Ohio, have entered into a stipulation in which they agree to cease representing that "Shur-Deth", a rat-killing preparation, will drive rats and mice outside to die; is the most effective raticide known; is the original preparation of rat foods in combination with red squill, and is recommended by the United States Department of Agriculture. The stipulation recites that the respondents' representations are not in accord with the facts. (02760)

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 16, April 18, 1941

THE WEEK IN WASHINGTON

Neville Miller clarifies the ASCAP situation as of this week. (p. 349).

The program for the NAB's St. Louis convention, May 12-15, is beginning to take form, and promises to be most interesting. (p. 350).

Frank King, WMBR, was elected director at a District 5 meeting in Jacksonville, Fla. (p. 351).

Ohio State University's annual institute for education by radio will be held May 4-7 in Columbus. The Third National Conference on Consumer Education discussed broadcasting at length at its Columbia, Mo., meeting April 7-9. (pp. 351-352).

Advertising agencies will be asked to return audition transcriptions to stations on account of the threatened aluminum shortage. (p. 352).

The NAB Labor Committee expresses an opinion on employment. (p. 352).

Sales managers should attend their district meetings before the NAB convention. Aviation schools are good business prospects. (p. 352).

Hit songs by newcomers are BMI specialties. (p. 355).

The FCC authorized consolidation of four Brooklyn stations. (p. 356).

The ASCAP Situation

Neville Miller today made the following statement:

The number of inquiries we have been receiving with respect to negotiations with ASCAP suggests that a clarification of the situation may be helpful.

Last November, I wrote to Fred Waring to the effect that if ASCAP would present definite proposals based upon the per-program plan, I would immediately present same to the Board of the NAB. No such proposals were ever received from ASCAP.

ASCAP signed its Consent Decree on February 26 of this year. Immediately thereafter I wrote Mr. Buck reminding him that ASCAP was now in a position to withdraw the contract submitted to broadcasters last March and which was now illegal under the terms of the Consent Decree, and to submit instead a new proposal in conformity with the terms of the Consent Decree. I urged Mr. Buck to submit such a proposal to the industry, and I volunteered to call a meeting of the Board of Directors of the NAB to consider it.

On March 4th, Mr. Buck wrote me a letter which indicated that he had the mistaken notion that the entire broadcasting industry had delegated the National Association of Broadcasters as its negotiator and that the NAB was authorized to sign contracts on behalf of the industry.

I wrote Mr. Buck on March 6th that he was mistaken in thinking that the NAB had taken over the rights of individual broadcasters, but that if it would be helpful to him and his associates I would be delighted to ask the Board of Directors of the Association to appoint a committee to sit with ASCAP to assist it in formulating the proposals which it wished to submit to individual broadcasters.

Mr. Buck answered on March 7th, requesting that such a committee be appointed. Accordingly, I called a meeting of the Board of Directors of the NAB to be held in New York on March 17-18. I wrote Mr. Buck on March 10th, telling him I was doing this, and again pointed out that I thought it would be unfortunate to bring from every part of the United States the twenty-six members

(Continued on page 350)

You Can't Afford to Miss the NAB Convention

May 12, 13, 14, 15

New Jefferson Hotel **St. Louis**

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

THE ASCAP SITUATION

(Continued from page 349)

of the Board without being able to lay before them for consideration an outline of the alternative bases of licensing which ASCAP's Consent Decree required it to offer.

No such proposals were received from ASCAP to present to the meeting of the NAB Board. The Board, as requested by ASCAP, appointed a committee and a meeting with the ASCAP committee was immediately arranged for March 20th. At that meeting, ASCAP again failed to present any proposals, but at the close of the meeting, ASCAP agreed to prepare proposals in accordance with the requirements of the Consent Decree and to submit same to the NAB Committee for consideration. It was indicated that the proposals would be ready within a week or ten days.

Twelve days later, April 1st, John Paine came to my office in New York and stated that the ASCAP Committee not only did not have any proposals to present for consideration by the NAB Committee, but had decided that instead of having a further meeting with the NAB Committee, ASCAP desired to discuss the question individually with the networks. I pointed out to Mr. Paine that the NAB Committee had been appointed at ASCAP's request, that I would be glad to call a meeting of the Committee to consider any proposals, and that I thought it would be in the best interests of all concerned for ASCAP to comply with the Consent Decree by formulating complete proposals. I further pointed out to Mr. Paine that any proposal which was made to the networks in contemplation of clearance at the source would naturally be dependent upon contribution by affiliates and that probably no affiliate would be willing to commit itself regarding network programs until it knew what would be the ASCAP proposal as to its local business. That, therefore, I thought ASCAP would eventually have to make a complete proposal and that his present plan would result only in delay.

I further stated that I was sure that the networks would meet with ASCAP if requested. It is the opinion of all lawyers that such individual meetings should be held if requested by ASCAP.

Mr. Paine stated that ASCAP had already held a meeting with Mutual and would seek a meeting with NBC and a meeting with CBS within the next few days.

ASCAP held a meeting with representatives of CBS and CBS affiliates on Thursday, April 10th, and a meeting with representatives of NBC and NBC affiliates was held on Tuesday, April 15th. Meetings have also been held with representatives of Mutual.

I regret that ASCAP has not as yet formulated any proposals in accordance with the terms of the Consent Decree, in spite of the many requests which have been made for such proposals.

The industry will be kept advised of developments.

Convention Program Shapes Up

The program for the Nineteenth Annual NAB Convention, Hotel Jefferson, St. Louis, May 12-15, is beginning to take form. While no definite announcement as yet can be made with reference to speakers, outstanding figures are assured as participants upon the program. National defense, the music situation, Government and public relations of the industry, labor matters, and problems of the commercial phases of broadcasting will all come in for treatment.

Monday, May 12, is registration day, with the Golf Tournament — competition for the BROADCASTING Magazine trophy—in the afternoon at the Sunset Hill Country Club.

At the Tuesday morning business session, President Miller will submit his annual report, along with those of the various Directors of the Departments of the Association. By-Law amendments will be submitted and voted upon. Then follows the discussion on national defense in which, among others, Major General Robert C. Richardson, Jr., Public Relations Director of the Army is definitely scheduled to participate. The speaker for the noon luncheon has not yet definitely been decided.

The afternoon of Tuesday will be given over to the meetings of the IRNA, NIB and Sales Managers groups, and the clear, regional and local channel stations.

Wednesday will be entirely devoted to the discussion of music matters, with President Miller, Sydney Kaye, Vice President and Counsel, Merritt Tompkins, General Manager and Carl Haverlin, Director of Station Relations, all of BMI participating. In the late afternoon a session of the FM broadcasters will be held.

On Thursday, the morning program will consist of a discussion of the aims and policies of the recently reorganized Department of Broadcast Advertising, the commercial sections of the Code, the unit plan of volume measurement and other commercial problems. Colonel Willard Chevalier, publisher of BUSINESS WEEK, a

McGraw-Hill publication, and a recognized authority on the subject of advertising, will feature the session with a half-hour talk on some subject having to do with the place of advertising in the national emergency.

At the noon session a speaker from the industry will summarize the industry's problems and in the afternoon, labor will be the topic of discussion. Then will follow the election of Directors-at-Large and the expressions of choice on the part of the membership as to the site of the 1942 convention. These latter two are contingent upon the passing at the Tuesday meeting of amendments covering those subjects.

In the evening the annual banquet will be held in the Gold Room of the Jefferson Hotel. The entertainment for this banquet is being jointly arranged by CBS, MBS and NBC with the cooperation of the St. Louis broadcasters, under the direction of Merle Jones, General Chairman. A lively, varied show is assured with radio personalities participating.

ST. LOUIS BROADCASTERS LAY PLANS

Merle Jones, KMOX, General Chairman of the St. Louis Broadcasters' Committee, coordinating local activity in connection with the Nineteenth Annual NAB Convention to be held in St. Louis, May 12 to 15, reports a most enthusiastic meeting of all his committeemen at the Jefferson Hotel on Monday, April 14.

All of the St. Louis broadcasters have displayed a remarkable spirit of cooperation and in so far as it is possible, the every wish of those who will be in attendance, both men and women, has been anticipated.

The hotel reservation situation was thoroughly discussed and it was revealed that the advance reservations far exceed those of any previous NAB convention. The headquarters hotel, the New Jefferson, will undoubtedly be crowded to the roof and other St. Louis hotels will enjoy a splendid business.

The St. Louis merchants are cooperating in providing entertainment for the ladies. The Golf Tournament arrangements have been perfected and in fact, every detail has now been cared for.

The St. Louis Convention and Publicity Bureau, under the able direction of F. H. Rein, general manager has rendered every possible assistance. All in all, this Nineteenth Annual Convention promises to be a most successful one.

Following is a complete list of the St. Louis broadcasters' committees:

General Chairman

Merle S. Jones, KMOX.

General Committee

Chairman, Merle S. Jones, KMOX; L. A. Benson, WIL; George M. Burbach, KSD; Rev. W. A. Burk, WEW; Robert T. Convey, KWK; John C. Roberts, Jr., KXOK; William H. West, WTMV.

Entertainment and Reception Committee

Chairman, William H. West, WTMV; Robert T. Convey, KWK; Nicholas Pagliara, WEW; Chester G. Renier, KMOX; Bart Slattery, WIL.

Exhibits Committee

Chairman, Clarence G. Cosby, KXOK; L. A. Benson, WIL; Edward W. Hamlin, KSD.

Golf Committee

Robert Richardson, Jr., KWK, and J. Roy Stockton, KSD.

Housing Committee

Chairman, Ray E. Dady, KWK; Rev. W. A. Burk, WEW; Arthur Casey, KMOX; Frank Eschen, KSD; Elzey Roberts, KXOK.

Publicity and Public Relations Committee

Chairman, George M. Burbach, KSD; Luther L. Hill, KSO; John C. Roberts, Jr., KXOK; Vernon H. Smith, KOWH.

DISTRICT 5 MEETING

With the holding of the District 5 meeting at Jacksonville on Friday, April 11, the series of District meetings required by the By-Laws was completed.

All three of the states in the Fifth District, Florida, Georgia and Alabama, were well represented. Unfortunately none were present from Puerto Rico which also is within that District.

A most interesting discussion of industry problems, including music was held. Carl Haverlin of BMI led the discussion on the music problem and C. E. Arney, Jr., represented the NAB staff.

Frank King, WMBR, Jacksonville, was chosen for the two-years Director's term succeeding Walter Tison of WFLA, Tampa. The meeting heartily endorsed the work of BMI and urged continued support of it by the broadcasters.

Following the election, the Sales Managers of the Fifth District held an interesting meeting presided over by Norman MacKay, WQAM, Miami, Chairman of the Fifth District Sales Managers Committee.

The following attended the meeting:

Don Ioset, Maurice C. Coleman, WAGA; Ed Lord, WALB; Thad Holt, Ed Norton, WAPI; J. M. Comer, Jr., WATL; Jack Williams, John J. Tobola, WAYX; J. C. Bell, WBRC; H. G. Wells, Jr., WCOA; Bill Covington, R. B. Raney, WCOV; Ralph Nicholson, L. S. Mitchell, WDAE; L. J. Duncan, WDAK; Harold P. Danforth, WDBO; Walter Tison, WFLA; Glenn Marshall, Jr., WFOY; J. W. Woodruff, Jr., WGPC; Harry E. Cummings, WIOD; John Hopkins, Evelyn Boote, WJAX; H. G. Wells, Jr., WJHP; George A. Hazlewood, WLOF; "Red" Cross, WMAZ; Frank King, WMBR; W. Wright Esch, WMFJ; John F. Pidcock, WMGA; H. Wimpy, WPAX; Fred Mizer, Norman MacKay, WQAM; J. W. Woodruff, Jr., J. A. Davenport, WRBL; W. R. Ringson, WRDW; Happy Quarles, WRGA; Francis Kearney, WRUF; John M. Outler, Jr., WSB; Howard E. Pill, John B. DeMotte, WSFA; Henry Johnston, WSGN; Jerry A. Wigley, WSUN; Marjorie Willis, Weldon Heiner, WTOC.

C. O. Langlois, John Langlois, Lang-Worth Feature Programs, Inc.; D. A. Reesor, RCA; Herbert Denny, Standard Radio; Carl Haverlin, BMI; H. R. Mason, Associated Press; Leonard D. Callahan, SESAC; Andrew W. Bennett, Attorney.

OHIO STATE EDUCATION CONFERENCE MAY 4-7

Ohio State University's Twelfth Institute for Education by Radio will be held at the Deshler-Wallick Hotel, Columbus, May 4-7, with "radio in the current crisis" the theme of the meeting.

A record number of broadcasters attended last year's institute, and were enthusiastic about it. The NAB hopes that an even larger number can attend this year.

George V. Denny, Jr., moderator of Town Hall of the Air; Dorothy Lewis, vice chairman of the Radio Council on Children's Programs; Paul White, director of news broadcasts for CBS; Leonard Power of the FREC; Walter G. Preston, Jr., manager of NBC's Public Service Program Division; Ed Kirby, War Department, and Neville Miller are a few of the many prominent radio authorities scheduled to speak or conduct meetings.

A complete program may be had on request at the NAB.

CONSUMER MEETING

The Third National Conference on Consumer Education held at Stephens College in Columbia, Missouri, April 7-9.

Since the conference was purely educational, most of the discussions were confined to ways and means of disseminating Consumer material and the use of "National Defense," as the means to an end. Advertising methods were discussed very little, but when they were brought up, they were attacked not from the "over" Advertised angle, but the "under" Advertised angle; E. I. a breakfast food advertises protein content, but a human would have to eat one-tenth of his weight of this breakfast food to get enough proteins for a normal day.

It was the concensus in the radio discussions that a Consumers' program must be sustaining, that any attempt to commercialize a Consumer's program would completely destroy it's value.

Exclusive of the above, the conference attempted to set up machinery to spread Consumer information. "Since radio stations devote approximately 50% of their time to programs of a public service nature, the Institute for Consumer Education should use a great percentage of that." Daily and weekly market reports should be broadcast both on networks and local stations informing the public of the unwarranted rise in prices, reports on the National Defense Program, and the broadcasts of unethical business practices and principles in the line of National Defense. New techniques should be found to reach the listeners in the lower income bracket, possibly thru the "Soap Opera" medium. Material from the Institute of Consumer Education should be organized nationally and sent to local groups interested in such material. These local groups, Federated Women's Clubs, Better Business Bureaus, etc., would, in turn, request time on local stations for broadcasts in the Institute interest.

Charles Berry's National Defense talk on the National Farm and Home Hour was commended, and it was suggested in the Keith Tyler discussion that the National Broadcasting Company should be approached and requested to use more Consumer Material, and incorporate market reports on commercial products during the National Farm and Home Hour.

In the consumer group, radio is recognized as the best medium for Consumer Education, and on the strength of the programs now on the air of the General Federated Women's Clubs, the further use of independent radio stations for consumer education programs is urged.

ALUMINUM DISCS

In the NAB Reports (p. 265), reference was made to the possible effect of defense priorities upon available aluminum for the making of radio transcriptions. Some stations express apprehension lest this problem may become acute if proper steps are not taken.

One forward looking operator writes:

> "Would it not be appropriate to appeal to advertising agencies to go through their piles of transcriptions that stations have sent them as samples of different programs, air checks, and so on, and ask their return to the respective stations as determined by the labels thereon. The stations can get an equal number of new recording blanks for the old ones they send in to the disc manufacturers. In this way the supply to the stations is assured, without interfering with defense needs for aluminum. This, of course, would only apply to the acetate type of blank which has an aluminum base. If stations can get their used blanks back we can probably keep going indefinitely, but with a constant outgo and no new stock available, we are all going to suffer from this shortage."

This is a good suggestion and we commend it to the attention of all station managers.

Labor

JOB CHANGES

The NAB Labor Committee believes that stations employing members of other stations' staffs should require them to give due notice to their old employers before leaving.

The committee emphasizes that it believes broadcasting employees should have absolute and unrestricted opportunity for self-advancement. Nevertheless, it appears to be only fair that due notice be given by employees before leaving their jobs—and that this notice be required by the new employers.

The Labor Committee expresses this opinion in the light of information that some stations have been hard hit when their employees left for better jobs without adequate notice, to fill jobs made vacant in other stations by the departure of men for selective service or reserve officer duty.

Sales

SALES MANAGERS' MEETINGS

In all districts where they have not already been held, meetings of the Sales Managers' Division have been scheduled for some date before the NAB convention.

Station managers are urged to be represented, either in person if they direct sales, or by their sales manager.

Under the general chairmanship of E. Y. Flanigan of WSPD, Chairman of the Sales Managers' Executive Committee, an agenda has been supplied to each division chairman listing a number of topics of the greatest concern to executives in charge of sales. Your presence is required not only for the contributions you can make to the discussions of these serious problems, but also for the good you can derive from them.

AVIATION SCHOOLS GOOD PROSPECTS

If you are not now getting your share of business from trade and mechanical schools that can prepare young men for jobs as aviation mechanics, we suggest that you lay the groundwork for some of this business as soon as possible.

Through the cooperation of many radio stations, thousands of recruits were secured for the flying corps of the army and navy. Congress has appropriated money for the construction of thousands of planes. Now the chief need is for mechanics and ground crews. At present the navy is soliciting aviation machinists for their 10,000 ships already appropriated for, and requires that such recruits be "graduates of an aviation vocational or aviation trade school."

The need for machinists will soon be even greater, both by the army and navy, as well as by aviation manufacturing companies. One such company is already using radio to solicit workers, undoubtedly an outgrowth of the success radio stations have had in providing national defense agencies with 300,000 skilled workers through Civil Service up to March 1, 1941.

Numerous aviation trade schools already exist, and most of them already use radio to secure students. However, many other types of trade and mechanical schools, such as diesel engine, air-conditioning, radio and television, etc., could be converted into aviation training schools and swell their enrollments thereby. Radio stations can suggest and cooperate in this effort, and thereby increase commercial revenue.

SEARS-ROEBUCK BUYS BASEBALL

A departure from usual advertising practice by a Sears-Roebuck store is the sponsorship of baseball re-creations over KROY, Sacramento, Calif., for road games of the Sacramento team, and scores by innings of home games.

RADIO CHECKING SERVICE

Many stations may already be familiar with the newly organized "National Radio Checking Service, Inc.", soliciting business from radio advertisers and offering to check the performance of stations to show the advertiser whether he is getting the service he is buying or not.

In a promotion piece soliciting shut-ins and others to do this checking, the company wrote:

> "We work for the advertisers and that is what we need you for—to see that the advertiser gets the service he has paid for. Advertisers are interested only in the commercial part of their programs. They want and insist that this must be right and just as ordered. Our job is to see that there are no mistakes made by the station or the announcer."

It is not within the province of NAB or its member stations, of course, to deny this company the right to solicit business from advertisers. But why there should be any need for such an outside agency, charging a separate fee to the advertiser, is what concerns broadcasters.

This service is available to advertisers without extra charge from the broadcasters themselves, who keep official logs and furnish affidavits of performance, as required by the FCC.

If there have been any abuses in commercial broadcasting such as to require advertisers to engage an outside checking service, the stations should act immediately to correct them. If errors are reported immediately by the station, and not charged for or make-goods scheduled, their interests will best be served in the long run. Other abuses, such as doubling-up or "backing" of spot announcements unless sold on that basis, should also be corrected.

Money that the advertiser spends for checking up on radio's performance of its contract obviously cannot be spent for more time, and the very need for such a service (which we deny exists) would constitute a black eye for the broadcasting industry. Remember that checking copies of printed media are furnished and need no check-up at additional expense.

SUCCESS STORIES NEEDED

An important aim of the NAB Department of Broadcast Advertising is to serve as a national clearing house for success stories in all types of business, as well as for all other effective sales helps. The cooperation of every broadcaster is required, and this service in turn will be made freely available to any NAB member whenever requested.

Therefore please send all available success stories now, and place this Department on your mailing list to receive all future success stories and other promotion mailings.

PER-INQUIRY and FREE OFFERS

The moral in the following exchange of correspondence is, we think, obvious. The matter concerns the Mendenhall Mfg. Co., makers of women's hosiery, previously reported in these columns. Every station manager, sales manager and credit manager should read it.

The following letter was received this week by the NAB Department of Broadcast Advertising:

Dear Mr. Pellegrin:

In the NAB Reports of April 11, 1941, page 335, there appears an article headed "Advertiser Threatens Suit."

I think that our experience with this same advertiser, the Mendenhall Mfg. Company, might prove of interest to NAB and to all NAB member stations. We would ask, however, that all references to this station be omitted if you see fit to publicize our experience.

About January 16th or 17th, we were approached by the Mendenhall Mfg. Company for rates and available spot time. There was no least hint that this company desired P. I. rates and we had no suspicion that it sought time on a P. I. basis. In our reply of January 17th, we quoted our rates and available time on a strictly card rate basis. Replying on January 24th, the Mendenhall Company wrote as follows:

Dear Mr. ————:

Replying to your favor of January 17th, please enter our order for 300 announcements of the enclosed continuity at $6.60 each, to begin at your earliest convenience and to run daily on your 7:40 a. m. spot and Sunday on the 12:59 p. m. spot. Thanking you, I am,

Very truly yours,
(Signed) Spurgeon Pickering,
Mendenhall Mfg. Company."

We were not content with this blanket order for the spots and under date of January 29th, we sent our regular contract with the times and number of spots clearly stated together with the unit price. One paragraph of this letter was as follows:

"We are enclosing our contract form made out in duplicate in accordance with provisions in your letter. Will you please sign and return both copies; the duplicate will be accepted by this station and returned to you for your files. Although your letter is considered our authority to run the announcements, it is a station policy in all cases to have our contract forms duly signed in order that we have a permanent record of our mutual understanding in our files."

We have had a large number of complaints about the non-delivery of hosiery to those who sent in letters with the requisite price and which were forwarded to the Mendenhall Company. Again and again we urged them to be more prompt in delivery, at the same time sending our regular weekly bills for their indebtedness to us. After six weeks, we ceased broadcasting the spots as we had not been paid. Finally, about two weeks ago, our manager succeeded in getting Mr. Spurgeon Pickering on the telephone and told him that unless we had a check within the next three days we would short-rate him and institute suit. Mr. Pickering promised faithfully that we would have the check. But no check has been forthcoming. Finally, on April 9th, we wired him as follows: "Holding legal summons forty-eight hours. Stop. Must have check in full for account. Advise Western Union." Back came the following answer: "What in the H—— do you mean legal summons. Your city is not place for a summons. I am not any novice in business. In the first place you had no right to run my announcements without pulling four returns for each dollar."

It scarcely seems worthwhile to institute suit as the case would have to be tried in Mississippi and the court costs, attorney's fees, etc., would amount to more than Mendenhall's indebtedness to this station, namely $277.20. I suppose, therefore, that we shall have to take the beating.

It seems to me that these and similar cases of bad faith and crookedness on the part of advertisers should be handled by some appropriate department of NAB. If some sort of insurance plan under which stations would pay NAB a definite premium were set up for the conduct of such cases and the prosecution of wrongdoers, it would be for the benefit of the whole industry and, at the same time, estop such practices on the part of unscrupulous individuals. Had this station management ever suspected that Mendenhall was a P. I. account, it would not, of course, have even considered taking the Mendenhall spots.

We would be very much interested in knowing what may be the ultimate outcome of the case you published in the April 11th NAB Reports, page 335. Likewise, we would like your advice as to procedures other than prosecution by which we might obtain a part, at least, of what this firm owes us.

Respectfully yours,
(Signed).

NAB replied as follows:

Dear ——:

Your letter of April 14 regarding the Mendenhall Co. poses some interesting problems which have had the serious study of our staff members here. Russell Place, NAB Counsel, advises that legal action would have to be instituted by your attorneys in Mississippi; that the likelihood of your recovering would be slight, and that the expenses of legal action would entail further loss. Nevertheless, you would like to obtain at least part of the money Pickering owes you, and the only practical suggestion we can offer at this time is for you to take your record of response on this account, and submit a bill to Pickering based on four returns per dollar, since he has already admitted his indebtedness to you on that basis. Although this would not cover the full amount of your bill, and although you definitely did not understand this to be a P-I account, that is one practical way for you to recover at least part of your costs without further expense.

We cannot emphasize too strongly the necessity for stations to secure credit ratings on unknown accounts of this type, to avoid sad experiences such as this. One station to my knowledge handled the Pickering proposal as follows:

On receipt of his original offer, the station replied that announcements could be bought only at card rates, and quoted its price for a month's service. Pickering accepted and authorized the station to proceed. Unable to learn his credit rating, however, the station requested payment for the month's service in advance. This was never received—and the announcements never went on the air. The station did not lose any money; its listeners were not disgruntled by slow delivery of merchandise ordered, and Pickering did not get the benefit of "free" radio advertising. Procedure similar to that should, we think, be followed in all such cases.

A slight amount of "business" may be lost by rigorous adherence to such procedure, but in the long run collections will be higher, expenses less, listeners better served, legitimate advertisers protected, per-inquiry dealers and outright chiselers effectively discouraged, and the ultimate best interests of the radio industry and advertising in general better served.

Your suggestion for the establishment of some sort of insurance plan is being referred to the NAB Board of Dirctors, to be considered at their next meeting.

Sincerely yours,
Frank E. Pellegrin,
Director,
Dept. of Broadcast Advertising.

A request for free time has been reported by several members from the "Society of Inter-American Relations, Sociedad Panamericana, Quito, Equador." This organization, capitalizing on a "good neighbor" approach, seeks free announcements to promote the sale of Equadorean seeds at 10¢ per package "to cover handling and mailing costs." The announcement says that "with the seeds will come a list of Ecuadorean trade and merchandise offerings designed to increase business between the Americas . . ."

We believe that since broadcasters get regular rates to promote the sale of seeds and nursery products of regular advertisers, it would hardly be fair nor good business practice to give time free to this applicant, and the follow-up mentioned seems to us to be an effort to secure mail-order business, another type of business for which broadcasters are entitled to regular rates.

The Hicks Advertising Agency of Dallas, Tex., is seeking contingent deals on behalf of the Breedlove Nurseries. Stations are advised to adhere to regular rates if approached by this advertiser.

It is confidentially reported by an NAB member that the President of the Eastern Wire Corporation made the statement that he had never bought anything at card rates and that he was not going to start now.

Commented our member: "I simply send this along to show how stations that do not observe their rate cards do have an effect upon and hurt the whole industry."

BMI

"BMI HAS THINGS IN CONTROL"

That is the conclusion of a reporter for the *Charlotte News* (Charlotte, North Carolina) after making inquiries. The article reads in part as follows:

Reporter on Assignment

The Assignment:

Whatever happened to the ASCAP-BMI row? Is Jeannie still wearing her hair light brown?

And The Report

By Pete McKnight, Reporter

Apparently the lady hasn't changed the tint of her locks. It's just that we don't hear so much about it now. And that's the whole story behind the present status of the BMI-ASCAP deadlock. BMI has things in control.

* * * * * * *

BMI is new, you know. Its first song was published early in 1940. . . . At first, the available songs were limited and your radio and mine played *Jeannie* until the poor gal was worn out. But it wasn't long before the nation's previously-suppressed young songwriters started things humming. ASCAP hadn't given them a look-in. BMI was a God-send. Thus, such tunes as *You Walk By, So You're The One, I Hear A Rhapsody, High On A Windy Hill,* and dozens of other acceptable ones went out over the air, started selling sheet music and phonograph records.

* * * * * * *

The fight seems to be over, and ASCAP will have to meet BMI's terms (*sic*) which originally were simple—charge us for using your music on the radio on the basis of the frequency each tune is played.

NEW HIT MAKERS TO THE FORE

Hit songs by newcomers are a specialty with BMI. The two numbers from the BMI catalogue which lead in the best selling sheet music list this week, *Wise Old Owl* and *Walkin' by the River,* are the works of writers whose names have not appeared among the hit makers.

The story of Una Mae Carlisle, who wrote *Walkin' by the River,* is so striking that it was the feature of this week's *We, the People* program. The gifted young colored girl told the audience that she took her first piano lessons from her mother, a school teacher, and was later graduated from the music department of Wilberforce University. She had two great ambitions, one to write music and the other to go to Europe. A trip to England started her on the road to success in music. The way she electrified friends in England with her American music led to opportunities for appearances in public and before the war began she had made a sensation in Paris which could probably be compared to nothing except the place which Josephine Baker made for herself in the entertainment world in Paris. At the moment when war broke, Miss Carlisle was appearing at Shepard's in Cairo, Egypt, one of the most famous resorts of international society.

She returned to New York with the manuscript of a song which had been inspired by memories of peaceful evenings along the Thames in England, and *Walkin by the River* has now landed among the lists of hit song writers the name which she had already put into bright lights as a singer and orchestra leader.

Both words and music of *Wise Old Owl* were written by Joe Ricardel, a New York boy, who first set out to become a concert violinist. He was the pupil of one of New York's greatest violin teachers, Ferdinand Carri, and his career was radically changed by Carri's death. Arrangements had been made for Mr. Ricardel's debut at Town Hall in New York when Carri died and plans for the debut were thrown into confusion and ultimately abandoned.

Joe Ricardel, crushed by the loss of the master to whom he had been so deeply devoted, could find no inspiration in the various efforts he made to carry on his studies under other teachers. He gave up his plans for the concert field and went into work with dance orchestras. The violin was no longer in much demand among the dance bands so he bought himself a saxophone and learned to play that as well as the clarinet and trumpet. Before long he had organized his own dance band and for several years has been building his reputation as band leader up and down the Atlantic Coast from Maine to Florida. His band has also been heard throughout the country in broadcasts originating from WOR in New York. Meanwhile, he was studying singing at the Mackie School of Music and also with Mlle. Liazza, formerly of the Metropolitan Opera. He does the vocal work with his own band. Last summer his band was at the Claremont Inn, which overlooks the Hudson River from the heights of upper Manhattan, and he is scheduled to return there for the summer of 1941.

The idea for his current hit, *Wise Old Owl,* grew out of an episode at the Claremont last summer. "About 1 o'clock one morning," he says, "I was on the open terrace when a young boy and girl strolled by. In the course of the conversation the young man asked the girl whether she loved him. The girl answered Yes rather hesitantly. Just at this point a tug went by on the river and hooted just like an owl. Immediately I began to wonder what it was that did say Hoo. When I finally remembered it was an owl, I had a song title."

BMI's second year begins auspiciously with this evidence that the company continues its policy of holding the door wide open to new talent.

BMI FEATURE TUNES

April 21-27

1. MY SISTER AND I
2. WALKIN' BY THE RIVER
3. WISE OLD OWL
4. FRIENDLY TAVERN POLKA
5. G'BYE NOW
6. WHAT D'YA HEAR FROM YOUR HEART
7. HIGH ON A WINDY HILL
8. YOU WALK BY
9. HERE'S MY HEART
10. IT ALL COMES BACK TO ME NOW
11. MAY I NEVER LOVE AGAIN
12. LOAFING ON A LAZY DAY
13. TALKING TO THE WIND
14. BREAKFAST FOR TWO
15. WITH A TWIST OF THE WRIST
16. WHERE'S THE CAPTAIN'S HAT

SEVEN MONTHS' CHANGE

Variety for April 16th announces in headlines, "ASCAP NUMBER 7TH ON LIST," meaning thereby that an ASCAP publication reaches 7th place on *Variety's* list of the fifteen best sheet music sellers for the past week. The fact that *Variety* regards this as an item of news becomes particularly significant after a glance back through the files. On August 21st *Variety* announced in two-column headlines, "BMI LANDS 2 AMONG 'MOST PLAYED' LEADERS, BUT NONE IN 25 'BEST-SELLERS.'" On August 28th *Variety* carried a two-column box with the headline, "BMI'S 'PRACTICE' MOVES UP." The item reported that *Practice Makes Perfect* was tied for first place in network performances and had made the Lucky Strike Hit Parade the week before in 9th place. "Also for the first time since the song was introduced the sheet sales on *Practice* started Monday (26th), according to jobbers, to show they were going some place." It was not, however, until the issue of the following week, September 4th, that the BMI initial appeared for the first time on the *Variety* list of best-sellers. Now, just over seven months later, *Variety* finds it worth a headline when the other team scores.

The general proportion of numbers from BMI and affiliated publishers on the best-seller lists remains about what it has been for some weeks. The current sensation is the behavior of the Marks tune, *Amapola,* which heads the lists of best-selling records and sheet music as well as the *Variety* list of network plugs. Sheet sales on the number are reported to approach the 300,000 mark and the Jimmy Dorsey record heads the lists throughout the country.

Amapola was written in 1924 by Joseph McCalle, who was for twenty-five years music director and critic for the Columbia Phonograph Company. It was originally published by Master Music. Several years later G. Schirmer bought it and successfully featured it as a semi-classical selection. In 1933 the copyright was acquired by Marks who published it as a concert number and also as a tango. Late in 1940, Marks brought it out as a foxtrot with new lyrics by Albert Gamse, and the song soon began to find favor with band leaders. To date, some twenty *Amapola* recordings have been made, including those by Sammy Kaye, Les Brown, Chick Bullock, Xavier Cugat, Henry Horlick, Nano Rodrigo, Connie Boswell, Deanna Durbin, and Jimmy Dorsey. The Dorsey recording, featuring two vocals in different tempo by Bob Eberly and Helen O'Connell, is the one now heading the best-seller lists.

In addition to *Amapola,* McCalle also wrote a number of military marches and tangos. A native of Spain, he studied at the Paris Conservatory before coming to America where he spent most of his life. In 1924, McCalle returned to Spain and so inspired by the beauty of his native land, it is reported, that he composed *Amapola.*

FEDERAL COMMUNICATIONS COMMISSION

CONSOLIDATION OF FOUR BROOKLYN STATIONS AUTHORIZED

Voluntary consolidation of four Brooklyn, N. Y., broadcast stations, now sharing time on 1430 kilocycles, into a single station for more effective operation is made possible by action of the FCC in approving assignment of the license of Station WARD from the United States Broadcasting Corporation to the Unified Broadcasting Corporation of Brooklyn and, at the same time, modifying the license of the latter to permit unlimited time operation and move studios to 554 Atlantic Avenue, that city.

Under this authorization, the new operating company will absorb the facilities of WLTH, licensed to WLTH-New York, Inc.; WVFW, Paramount Broadcasting Corporation, and WBBC, Brooklyn Broadcasting Corporation, and operate with equipment of WARD, with 250 watts power as heretofore.

The move was pursuant to suggestion made by the Commission in its decision in the so-called "Brooklyn cases" October 22 last. At that time, in renewing licenses of WLTH and WARD and denying the application of WBBC for the facilities of WLTH and WARD, the Commission stated that it would "entertain any feasible proposal for the consolidation of the four present licensee corporations into a new organization to operate one station under a single management and control for the purpose of supplanting the four existing stations. In this connection, however, such new corporation or other organization must be prepared to demonstrate to the satisfaction of the Commission that the management selected will consist of persons who are highly responsible and fully qualified to operate the new station."

CAIRO TREATY

The United States Government Printing Office, Washington, D. C., now has available for immediate distribution 5,000 copies of Treaty Series No. 948, which contain the General Radio Regulations adopted at Cairo in 1938.

A copy of this publication may be obtained from the Public Printer at a price of fifty cents. All orders should be accompanied by a remittance as the rules of the United States Government Printing Office require payment before delivery.

Attention is invited to Item 7, Part A, Appendix 10 of the General Radio Regulations, Cairo Revision 1938 Annexed to the International Telecommunication Convention in Force (Madrid 1932), which requires that "Ship Stations" on board ships compulsorily equipped with radiotelegraph installation must provide themselves with these Regulations.

Also other stations whose operations involve international aspects should provide themselves with these regulations.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, April 21. They are subject to change.

Monday, April 21

Consolidated Hearing

NEW—The Yankee Network, Inc., Boston, Mass.—C. P., **44300 kc.,** 19,230 square miles.

NEW—The Outlet Company, Providence, R. I.—C. P., **44300 kc.,** 16,370 square miles, unlimited time.

Tuesday, April 22

NEW—Camden Broadcasting Co., Camden, N. J.—C. P., **800 kc.,** 500 watts, daytime.

Wednesday, April 23

NEW—Columbia Broadcasting System, Inc., Boston, Mass.—C. P., **43500 kc.,** 20,200 square miles, unlimited time.

Friday, April 25

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., **1500 kc.,** 250 watts, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast and television cases. They are subject to change.

April 29

Television

W1XG—General Television Corporation, Boston, Mass.—Modification of license (considered as C. P.), **50000-56000 kc.,** 500 watts visual, emission A-5, Sec. 4.4(a). Present assignment: **42000-56000, 60000-86000 kc.,** 500 watts visual, emission A-5, Sec. 4.4(a).

W1XG—General Television Corporation, Boston, Mass.—C. P., **42000-56000, 60000-86000 kc.,** 500 watts aural and visual. Emission A-3 and A-5, Sec. 4.4(a). Present assignment: **42000-56000, 60000-86000 kc.,** 500 watts visual only, emission A-5, Sec. 4.4(a).

May 1

To Be Held in U. S. Court of Appeals Court Room, Old Post Office Building, in Atlanta, Georgia.

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **890 kc.,** 1 KW night, 5 KW LS, unlimited time.

May 5

Hearing To Be Held in Pensacola, Florida, Beginning May 5 and Continued Thereafter in Panama City, Florida, and Ocala, Florida, as Follows:

Pensacola, Florida, in Court Room, County Court Building.

Panama City, Florida, in Court Room, County Court House.

Ocala, Florida, in U. S. Court Room, 2nd Floor, U. S. Post Office Building.

WTMC—Ocala Broadcasting Company, Inc., Ocala, Florida.—In the Matter of Revocation of License of Station.

WDLP—Panama City Broadcasting Company, Panama City, Fla. —In the Matter of Revocation of License of Station.

May 16

KMA—May Broadcasting Company, Shenandoah, Iowa—Renewal of license, **930 kc.,** 1 KW night, 5 KW day, unlimited time.

May 28

KRBC—Reporter Broadcasting Company, Abilene, Texas.—C. P., **940 kc.,** 1 KW, unlimited, DA night and day. Present assignment: **1420 kc.,** 250 watts, unlimited time.

May 29

WRDW—Augusta Broadcasting Company, Augusta, Georgia.—C. P., **1450 kc.,** 500 watts night, 1 KW day, unlimited time. Present assignment: **1500 kc.,** 250 watts, unlimited time.

June 2

NEW—Symons Broadcasting Company, Ellensburg, Wash.—C. P., **1110 kc.,** 1 KW, unlimited time.

Consolidated Hearing

WPAY—Chester A. Thompson (Transferor) and The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Transfer of control of corp., **1370 kc.,** 100 watts, unlimited time.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Renewal of license, **1370 kc.,** 100 watts, unlimited time.

June 4

KFRO—Voice of Longview, Longview, Texas.—Modification of C. P., **1340 kc.,** 5 KW, unlimited time, DA night. Present assignment: **1340 kc.,** 1 KW, unlimited time, DA night.

June 12

WQBC—Delta Broadcasting Company, Inc., Vicksburg, Miss.—Modification of C. P., **1360 kc.,** 500 watts night, 1 KW day, unlimited time. Present assignment: **1360 kc.,** 1 KW daytime.

June 16

Television Broadcast

W2XD—General Electric Company, Schenectady, N. Y.—For license to cover C. P., **162000-168000 kc.,** 40 watts, emission A-5, Sec. 4.4(a).

W2XI—General Electric Company, New Scotland, N. Y.—For renewal of license, **162000-168000 kc.,** 10 watts, emission A-5, Sec. 4.4(a).

W2XB—General Electric Company, New Scotland, N. Y.—For renewal of license, **60000-86000 kc.,** A. 3 KW, V. 10 KW, Sec. 4.4.

June 18

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—C. P. to erect a synchronous station, **1310 kc.,** 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

NEW STATIONS GRANTED

Inter-City Advertising Co., Charlotte, N. C.—Granted construction permit for new standard broadcast station to operate on **610 kc.,** 1 KW unlimited, subject to approval of directional antenna design (B3-P-2878).

Ruben E. Aronheim, Fitchburg, Mass.—Granted construction permit for new standard broadcast station to operate on **1340 kc.,** 250 watts night and day, unlimited time; exact site and antenna system to be determined with Commission's approval (B1-P-3061).

NEW FM STATIONS

St. Louis University, St. Louis, Mo.—Granted construction permit for new high frequency (FM) broadcast station to operate on **45100 kc.;** coverage of 13,000 sq. mi.; with more than 1,500,000 population (B4-PH-37).

APPLICATIONS GRANTED

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted construction permit to change frequency from **1290 kc. (1320 kc.** under NARBA) to **740 kc.,** increase power from 1 KW night, 5 KW day, to 50 KW, move transmitter site, install new transmitter, and directional antenna for day and night use, subject to engineering approval (B3-P-3011).

KXYZ—Harris County Broadcast Co., Houston, Tex.—Granted construction permit to move transmitter to Deepwater, Tex., use KTRH transmitter, increase power from 1 KW day and night to 5 KW day and night, change frequency from **1470 kc.** (NARBA) to **1320 kc.** (NARBA), install directional antenna for night use; antenna system to comply with Commission's requirements (B3-P-3016).

KAND—Navarro Broadcasting Assn., Corsicana, Tex.—Granted construction permit to increase power from 100 watts unlimited to 250 watts night and day, and make changes in equipment; station operates on **1340 kc.** (B3-P-3121).

W9XZY—The Pulitzer Publishing Co., St. Louis, Mo.—Granted renewal of license of facsimile broadcast station W9XZY for the period March 1, 1941 to March 1, 1942; granted upon an experimental basis only and upon the express condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing (B4-FRB-5).

WARD—United States Broadcasting Corp. (assignor), Unified Broadcasting Corp. of Brooklyn (assignee), Brooklyn, N. Y.—Granted consent to the assignment of license of Station WARD from United States Broadcasting Corp. to Unified Broadcasting Corp. of Brooklyn, to effect a consolidation of four Brooklyn stations (WARD, WLTH, WVFW, and WBBC), now sharing time, into operation of a single station (WARD) (B1-AL-302).

WARD—Unified Broadcasting Corp. of Brooklyn, Brooklyn, N. Y.—Granted modification of license to increase hours of operation from sharing with WLTH, WVFW, WBBC, to unlimited, and change studio location to 554 Atlantic Ave., Brooklyn, N. Y. (requests facilities of WBBC, WVFW and WLTH) (B1-ML-1054).

DESIGNATED FOR HEARING

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Application for construction permit to change frequency from **1400 kc.** to **1060 kc.,** increase power from 250 watts to 10 KW night and day, install new transmitter, install directional antenna for day and night use and move transmitter (B3-P-3036).

WDAE—Tampa Times Co., Tampa, Fla.—Application for construction permit to change frequency from **1250 kc.** to **740 kc.,** increase power from 5 KW unlimited (using directional antenna) to 10 KW; move transmitter site from Tampa, Fla., to Thonotosassa, Fla.; install new transmitting equipment and install directional antenna for night use (B3-P-2841).

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Application for construction permit to change frequency from **1290 kc.** to **590 kc.** and install directional antenna for day and night use (B5-P-2906).

KVFD—Northwest Broadcasting Co., Fort Dodge, Iowa.—Application for modification of license to increase hours of operation from specified to unlimited. (Requests facilities of KFGQ.) Joint hearing with KFGQ (B4-ML-1052).

MISCELLANEOUS

WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla., and WDLP—Panama City Broadcasting Co., Inc., Panama City Fla.—Granted motions filed by Harry W. Reinstine, Jacksonville, Fla., to permit his appearance on behalf of Ocala Broadcasting Co., Inc., Ocala, Fla., and Panama City Broadcasting Co., Inc., Panama City, Fla., in re hearing on revocation of licenses of Stations WTMC and WDLP; granted petitions of John H. Perry, Palm Beach, Fla., to intervene in above causes; granted motions filed by Ocala Broadcasting Co., Inc., Panama City Broadcasting Co., Inc., and John H. Perry, for postponement of hearings on revocation of licenses of Station WTMC now scheduled for April 14 and of Station WDLP now scheduled for April 17, to May 5, 1941, said hearing to be held at Pensacola, Fla., on such date and thereafter be transferred to Panama City and Ocala, Fla., as may be directed.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m. to the conclusion of Fifth Annual Convention of the California Young Farmers Association program on April 8, 1941, in order to broadcast said program only, and from 7:45 p. m. to approximately 9:30 p. m., PST, April 11, 1941, in order to broadcast presentation of Stainer's "Crucifixion", only.

WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate a minimum of nine hours daily for the period April 9, 1941, to not later than April 14, 1941, in order to observe the Easter vacation period at the University of Iowa.

Sears, Roebuck & Co., Philadelphia, Pa.—Granted petition to intervene in the hearing on New Jersey Bell Tel. Co.'s application for authority to acquire capital stock of Imperial Securities Co.

WPAY—Chester A. Thompson (Transferor) and The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Granted petition for continuance of hearing until June 2, on application for consent to transfer control of Vee Bee Corp., licensee of station WPAY, and application for renewal of license of WPAY.

WPAY—Vee Bee Corp., Portsmouth, Ohio.—Granted petition for continuance of hearing until June 2, on application for consent to transfer control of Vee Bee Corp., licensee of station WPAY, and application for renewal of license of WPAY.

W1XG—General Television Corp., Boston, Mass.—Granted petition to continue hearing now scheduled for April 15 to April 29, on applications for construction permits to change frequencies.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Texas.—Granted authority to install automatic frequency control equipment on **1490 kc.** under NARBA (B3-F-205).

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted authority to install automatic frequency control equipment on **1150 kc.** under NARBA (B3-F-207).

KYW—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Granted authority to install automatic frequency control equipment on **1060 kc.** under NARBA (B2-F-185).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted authority to determine operating power by direct measurement of antenna input on **1240 kc.** (NARBA) (B1-Z-755).

KOL—Seattle Broadcasting Co., Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna input on **1300 kc.** (NARBA) (B5-Z-749).

WHN—Marcus Loew Booking Agency, New York, N. Y.—Granted authority to determine operating power by direct measurement of antenna input on **1050 kc.** (NARBA) (B1-Z-743).

WFBG—The Gable Broadcasting Co., Altoona, Pa.—Granted authority to determine operating power by direct measurement of antenna input on **1340 kc.** (NARBA) (B2-Z-757).

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted authority to determine operating power by direct measurement of antenna input on **1400 kc.** (NARBA) (B4-Z-747).

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted authority to determine operating power by direct measurement of antenna input on **1250 kc.** (NARBA) (B3-Z-754).

WGAU—J. K. Patrick & Co., Athens, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-756).

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted modification of construction permit for installation of new transmitter and directional antenna for night use, change in hours of operation and increase in power, move of transmitter, for **970 kc.** under NARBA and changes in directional antenna (B1-MP-1237).

W8XCT—The Crosley Corp., Cincinnati, Ohio.—Granted modification of construction permit which authorized new television broadcast station, for extension of completion date from April 28, 1941 to October 28, 1941 (B2-MPVB-39).

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted license to cover construction permit as modified, to install new equipment, change frequencies and increase power; **9670, 17780 kc.**; 50,000 watts; shares time on **17780 kc.** with Station WBOS; unlimited time on **9670 kc.** (B1-LIB-14).

WCSH—Congress Square Hotel Co., Portland, Maine.—Granted modification of construction permit which authorized installation of directional antenna for day and night use and increase in power, for changes in directional antenna on **970 kc.** under NARBA (B1-MP-1231).

WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Granted modification of construction permit for new station, for extension of completion date from April 17, 1941 to May 17, 1941 (B1-MP-1246).

KEYS—Earl C. Dunn and Chas. W. Rossi, d/b as Nueces Broadcasting Co., Corpus Christi, Tex.—Granted license to cover construction permit as modified for new station, specifying **1490 kc.** under NARBA (B3-L-1354). Also granted authority to determine operating power by direct measurement of antenna power on **1490 kc.** (NARBA) (B3-Z-730).

WFCR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Granted license to cover construction permit which authorized increase in power and equipment changes; **1400 kc.** (NARBA), 250 watts, unlimited time (B3-L-1368).

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted license to cover construction permit as modified for changes in equipment, antenna changes, increase in power, change in frequency and move transmitter; **1420 kc.** under NARBA, 1 KW, unlimited time (B5-L-1366). Also granted authority to determine operating power by direct measurement of antenna input on **1420 kc.** NARBA (B5-Z-744).

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Granted license to cover construction permit as modified for increase in power, installation of new transmitter and directional antenna, and move transmitter; **950 kc.** (NARBA), 5 KW, unlimited time, directional antenna (B5-L-1370). Also granted authority to determine operating power by direct measurement of antenna power (B5-Z-762).

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted license to cover construction permit which authorized installation of new transmitter; **550 kc.**, 1 KW, unlimited time (B5-L-1369).

Essex Broadcasters, Inc., Detroit, Mich.—Granted special temporary authority to transmit to radio station CKLW for broadcast by that station program in connection with The Lutheran Charities in Detroit from 4:30 p. m. to 5 p. m. EST, May 4, 1941.

Western Mass. Broadcasting Co., Pittsfield, Mass.—Granted motion for indefinite postponement of hearing on application for construction permit to operate on **1500 kc.—1490** under NARBA—100 watts; unlimited time.

WNAX—So. Dakota Broadcasting Corp. (Transferor), and Iowa Broadcasting Co. (Transferee), Yankton, So. Dak.—Granted petition for leave to withdraw without prejudice application for transfer of control of station WNAX, scheduled for hearing April 16.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from 4:30 to 5:30 a. m., CST, on April 13, in order to broadcast the Pope's Message, only (B4-S-924).

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted special temporary authority to operate on **1390 kc.** with power of 500 watts, during hours vacated by WGES (6 to 7 a. m., 12 to 3 p. m. and 8 to 12 midnight, CST) for period not to exceed 30 days to broadcast non-sponsored programs only, pending completion of construction for unlimited time operation (B4-S-557).

KFUO—Evangelical Lutheran Synod, etc., Clayton, Mo.—Granted special temporary authority to operate from 2 to 4 a. m., CST, on April 26, in order to broadcast DX program only.

KGIW—E. L. Allen, Alamosa, Colo.—Granted special temporary authority to remain silent until April 10, 1941, pending installation of new equipment.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted special temporary authority to operate simultaneously with Station WBAL from 5 a. m., CST, to local sunrise (April 5:45 a.m., CST), April 13, 1941, in order to broadcast Sunrise Services only.

District Radio Broadcasting Co., Murray, Utah.—Granted motion for leave to amend petitioner's application for construction permit (Docket 6003) relating to stockholders.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Continued hearing for renewal of license now scheduled for April 16 to May 4, 1941.

KLX—Tribune Building Co., Oakland, Calif.; WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.; KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.; KVOR—Out West Broadcasting Co., Colorado Springs, Colo.—Dismissed applications for modification of licenses to be classified as a "III-A" station and reiterated that station classification as I, II, III-A, etc., is merely for administrative convenience and is not a part of any license nor a source of any right in the licensee.

WCAO—The Monumental Radio Co., Baltimore, Md.—Denied petition for reconsideration and grant filed by Lewis M. Milbourne and Clarence W. Miles for transfer of control of The Monumental Radio Co. (WCAO), from themselves, as voting trustees, to themselves and L. Waters Milbourne as voting trustees under a Voting Trust Agreement dated April 16, 1941; set aside action of the Commission of April 8, 1941, designating said application for hearing, and granted said application upon the condition that the voting trust agreement, dated April 16, 1941, be modified in accordance with the applicants' letter of April 14, 1941; form of consent (Form No. 727) to specify 60 days rather than the usual 30 days, as the period within which the transfer may be completed thereunder.

KXL—KXL Broadcasters, Portland, Ore.—Granted application to change frequency from **1450 kc.** to **750 kc.**, increase power from 250 watts to 10 KW, change hours of operation from sharing with KBPS to limited time, and install a directional antenna.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted application to increase power from 250 watts to 1 KW, on **860 kc.**, unlimited time provided a directional antenna is installed, subject to approval of the Commission, for the protection of other stations; granted upon condition that applicant file with the Commission within 30 days an appropriate application for the installation of a directional antenna; alternative, daytime operation.

Butler Broadcasting Corp., Hamilton, Ohio.—Adopted order denying petition of Butler Broadcasting Corp. to reconsider and grant application for construction permit for new station to operate on **1450 kc.**, with power of 250 watts, unlimited time.

Brookdale Civic Association, Bloomfield, N. J.—Dismissed formal protest filed March 29, 1941, and letter filed February 7, 1941, by Brookdale Civic Association, directed against the action of the Commission January 9, 1941, granting the application of North Jersey Broadcasting Co., Inc. (WPAT), Paterson, N. J., for approval of antenna, studio and transmitter sites, inasmuch as the North Shore Broadcasting Co., Inc., has given the Commission written assurance that station WPAT will correct all reasonable complaints of blanketing or external cross modulation with the 250 mv/m contour of station WPAT.

APPLICATIONS FILED AT FCC

590 Kilocycles

WMBS—Fayette Broadcasting Corp., Uniontown, Penna.—Authority to determine operating power by direct measurement of antenna power.

WMBS—Fayette Broadcasting Corp., Uniontown, Penna.—License to use old RCA 250-D transmitter for auxiliary purposes.

WMBS—Fayette Broadcasting Corp., Uniontown, Penna.—License to cover construction permit (B2-P-2711) as modified for installation of new transmitter, change in frequency, increase in power and directional antenna for night use.

690 Kilocycles

KGGF—Hugh J. Powell, Coffeyville, Kansas.—Authority to determine operating power by direct measurement of antenna power.

740 Kilocycles

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Construction permit to change frequency from **1010 kc.** to **740 kc.**, increase power from 5 KW to 50 KW, install new transmitter and make changes in directional antenna for day and night use. Amended: re changes in directional antenna.

930 Kilocycles

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Construction permit to install directional antenna for night use. Amended: re changes in directional antenna and move transmitter.

960 Kilocycles

KMA—May Broadcasting Co., Shenandoah, Iowa.—Authority to determine operating power by direct measurement of antenna power.

1160 Kilocycles

WJJD—WJJD, Inc., Chicago, Ill.—Authority to install automatic frequency control equipment.

1190 Kilocycles

KEX—Oregonian Publishing Co., Portland, Oregon.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1180 kc.** to **1160 kc.**, increase power from 5 KW to 50 KW, change hours of operation to unlimited and move transmitter. Amended: re changes in directional antenna, specify **1190 kc.** under NARBA and change transmitter location.

1210 Kilocycles

NEW—Capital City Broadcasting Co., Inc., Topeka, Kans.—Construction permit for a new broadcast station to be operated on **1170 kc.**, 5 KW, daytime (Class II station). Amended: To change transmitter location and request **1210 kc.** under NARBA.

1230 Kilocycles

NEW—WFAM, Inc., Lafayette, Ind.—Construction permit for new standard broadcast station to be operated on **1230 kc.**, 100 watts power, unlimited time. Facilities of WFAM.

NEW—Southwest Broadcasters, Inc., Las Vegas, N. Mex.—Construction permit for a new standard broadcast station to be operated on **1230 kc.**, 250 watts, unlimited time.

1240 Kilocycles

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Authority to determine operating power by direct measurement of antenna power.

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—License to cover construction permit (B4-P-3087) for changes in equipment, antenna changes, increase in power and move of transmitter.

NEW—Birney Imes, Tupelo, Miss.—Construction permit for a new standard broadcast station to be operated on **1240 kc.**, 250 watts, unlimited time.

KYUM—Yuma Broadcasting Co., Yuma, Ariz.—Authority to determine operating power by direct measurement of antenna power.

1250 Kilocycles

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Modification of construction permit (B3-P-2985) to install new transmitter, directional antenna for night use, increase in power, requesting **1250 kc.**, under NARBA and changes in directional antenna system, extension of commencement and completion dates 30 and 50 days respectively.

1290 Kilocycles

KVOA—Arizona Broadcasting Co., Tucson, Ariz.—Authority to determine operating power by direct measurement of antenna power.

1300 Kilocycles

KOL—Seattle Broadcasting Co., Seattle, Wash.—Authority to install automatic frequency control equipment.

1310 Kilocycles

WCAM—City of Camden, N. J.—Authority to determine operating power by direct measurement of antenna power.

1320 Kilocycles

WATR—The WATR Co., Inc., Waterbury, Conn.—Construction permit to increase power from 250 watts to 1 KW, install new transmitter and make changes in directional antenna. Amended: To specify **1320 kc.** under NARBA.

1330 Kilocycles

WFBC—Greenville News-Piedmont Co., Greenville, S. Car.—Modification of construction permit (B3-P-1849) requesting changes in directional antenna and extension of commencement and completion dates. Amended: To make further changes in directional antenna and **1330 kc.** under NARBA.

1340 Kilocycles

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Authority to determine operating power by direct measurement of antenna power.

KWOS—Tribune Printing Co., Jefferson City, Mo.—Authority to determine operating power by direct measurement of antenna power.

KARM—KARM, The George Harm Station, Fresno, Calif.—Authority to determine operating power by direct measurement of antenna power.

WLAV—Leonard A. Versluis, Grand Rapids, Mich.—Authority to determine operating power by direct measurement of antenna power.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Authority to determine operating power by direct measurement of antenna power.

1390 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of construction permit (B4-P-3063) requesting change in type of transmitter, changes in directional antenna system for day and night use on **1390 kc.** under NARBA, and extension of commencement and completion dates.

1410 Kilocycles

WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of construction permit (B1-P-2723) as modified, requesting changes in directional antenna, **1410 kc.** under NARBA, increase in power from 1 KW night, 5 KW day to 5 KW day and night, using directional antenna day and night and extension commencement and completion dates to 30 days after grant and 180 days thereafter respectively.

1450 Kilocycles

KMYC—Marysville-Yuba City Broadcasters, Inc., Marysville, Calif.—Authority to determine operating power by direct measurement of antenna power.

1470 Kilocycles

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Authority to determine operating power by direct measurement of antenna power.

1490 Kilocycles

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Construction permit to install new transmitter, make changes in antenna, change frequency from **1490** to **560 kc.**, increase power from 250 watts to 500 watts night, 1 KW day.

KYCA—Southwest Broadcasting Co., Prescott, Ariz.—Authority to determine operating power by direct measurement of antenna power.

FM APPLICATIONS

NEW—Columbia Broadcasting System, Inc., Boston, Mass.—Construction permit for a new high frequency broadcast station to be operated on **44100 kc.**; coverage, 16,230 square miles; population, 5,972,246. Amended: To request **43500 kc.**; coverage, 20,200 square miles; population, 5,384,179, change type of antenna and location of transmitter to Summit of Mt. Asnebumskit, Paxton, Mass.

NEW—Hughes Productions, Division of Hughes Tool Co., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on **44500 kc.**; coverage, 7,315 square miles; population, 2,575,558.

NEW—Hughes Productions, Division of Hughes Tool Co., San Mateo County, Calif.—Construction permit for a new high frequency broadcast station to be operated on **44500 kc.**; coverage, 10,790 square miles; population, 1,893,802.

NEW—Columbia Broadcasting System, Inc., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.**; coverage, 10,950 square miles; population, 1,708,332.

NEW—McNary and Chambers, Washington, D. C.—Construction permit for a new high frequency broadcast station to be operated on **47500 kc.**; coverage 2,610 square miles; population, 762,485.

W63SY—Central New York Broadcasting Corp., Syracuse, N. Y.—Modification of construction permit (B1-PH-50) for new high frequency broadcast station requesting changes in antenna, change in transmitter site from Sentinel Heights Road, Onondaga, New York, to Pompey, New York, population, 827,879.

NEW—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Construction permit for a new high frequency broadcast station to be operated on **45300 kc.**; coverage, 13,640 square miles; population, 1,017,471.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Alvi Company—Charging dissemination of false advertisements in the sale of a hair dye cosmetic a complaint has been issued against Casimiro Muojo, trading as Alvi Co., and as Alvi, Inc., 158 Grand St., New York. According to the complaint, the respondent sells his preparation as "Vitale Instantaneous Hair Dye" and under other designations containing the word "Vitale".

The complaint charges that in newspaper and other advertisements the respondent represents that his preparation is scientific, safe, and free from harmful, dangerous and injurious chemicals; will end premature gray hair; will produce a permanent, natural, uniform shade; will give the hair the warmth, color, luster and glint of youth, and will have no ill effects upon the body. However, the complaint further alleges that the respondent's product is a chemical dye incapable of affecting the hair in any way other than as a dye, and will not accomplish the results claimed.

According to the complaint, the respondent's preparation contains paraphenylene-diamine, a toxic coal tar derivative, in sufficient quantity to cause in some cases skin irritation and other harmful effects. if used under the conditions prescribed in the advertisements, or under customary and usual conditions.

The complaint charges that the advertisements disseminated by the respondent contain neither warnings against the use of the preparation on the eyelashes or eyebrows, nor adequate warnings as to the necessity of a proper skin patch test before each application so as to determine the user's toxic reaction. Consequently, the complaint alleges, the respondent's advertisements constitute false advertisements in that they fail to reveal that use of the preparation under customary conditions or under conditions prescribed in the advertisements may result in injury to health (4484).

Mumm, Romer, Robbins & Pearson, Inc.—A complaint has been issued charging W. K. Sterline, Sidney, Ohio, distributor of preparations for treating hay fever and asthma, and Mumm, Robbins & Pearson, Inc., Columbus, Ohio, an advertising agency handling the Sterline advertisements, with misrepresentation in the sale of such preparation.

The complaint alleges that by means of circular matter distributed in various States, the respondents advertised that "W. K. Sterline's Compound", sometimes referred to as "Double Strength Hay Fever Compound", and by other similar names, is a cure, remedy or effective treatment for hay fever; will fortify one's system against that ailment and enable one to avoid it, and will check sneezing and discharging from the nose, when such are not the facts.

According to the complaint, the respondents also represented that "Sterline's Combination Home Treatment" is a cure, remedy or competent treatment for asthma and that it will restore one to health and prevent the return of asthma. The respondents, according to the complaint, further represented that this treatment is a cure or remedy for bronchitis when that disease is associated with asthma.

The complaint alleges that the respondent's combination asthma treatment and the individual preparations which constitute it ("W. K. Sterline's Compound", sometimes referred to as "Sterline's Asthma Compound"; "W. K. Sterline's Elixir", sometimes referred to as "Sterline's Bronchial Elixir"; and "Korona" or "Asthma Powder"), used separately or in any combination, have no generally recognized therapeutic value in the treatment of asthma or bronchitis in excess of affording temporary relief from the paroxysm usually associated with asthma.

The complaint further charges that W. K. Sterline's Compound contains the drugs potassium iodide and fluid extract of lobelia and that its use as thus constituted may be harmful to those suffering from active or latent tuberculosis; that this product also contains sodium bromide and that use of the preparation as thus constituted over a long period is likely to cause mental derangement; that the advertisements disseminated by the respondents contain no warnings concerning the safe and proper use of this preparation under the circumstances; and that consequently such advertisements constitute false advertising in that they fail to reveal that use of this preparation under customary conditions or under conditions prescribed in the advertisements may result in serious injury to health (4485).

Pioneer Mattress Company—A complaint has been issued charging William E. Evans, trading as Pioneer Mattress Co., 980 Church St., Spartanburg, S. C., with misrepresentation.

According to the complaint, the respondent has represented on advertising letters and cards bearing the signatures of certain purported women's clubs, namely, "American Good Housekeepers Club" and "The Great Northern Women's Club," and by other means, that his mattresses are approved or recommended by various women's clubs; that they are designed, sponsored or recommended by a physician and made of new and unused materials; that the prospective purchaser's name has been specially selected and that by reason thereof he is given an opportunity to obtain a mattress at a special or reduced price which represents the actual cost of manufacture. The complaint further alleges that the respondent also advertised that his offer was open for a limited time only, and was made in connection with a special advertising campaign.

However, the complaint charges that the respondent's mattresses have not been recommended as advertised, either by physicians or by women's clubs; that the names of women's clubs advertised are wholly fictitious; that names of prospective purchasers are not chosen on a particular basis but merely from a part of general mailing lists used by the respondent and his advertising agency, and that the prices advertised are not special but the regular prices. The complaint further alleges that in many instances the respondent's products are not made entirely of new materials but of used or second-hand materials.

The complaint also charges the respondent with the use of fictitious price markings and with use of the name "Simmons" to designate certain of his mattresses, misleadingly giving the impression that such products are made by the Simmons Co. (4483).

Reed-Harlin Grocer Company—Charging violation of the brokerage provision of the Robinson-Patman Act a complaint has been issued against the Reed-Harlin Grocer Co., West Plains, Mo., which operates branch warehouses in Missouri and Arkansas; against John R. and Orr M. Reed, trading as West Plains Brokerage Co., West Plains, Mo., and against six companies which allegedly sell merchandise to Reed-Harlin Grocer Co. through the brokerage firm.

The respondent seller companies are: Ady and Milburn, Inc., Denver, Colo.; Arkansas State Rice Mill Co., Abbeyville, La.; William D. Wright and Frank E. Hockensmith, trading as Midwest Bean Co., Denver; The Great Western Sugar Co., Denver; Inness Bros., Inc., Kansas City, Mo., and Louis S. Taube, Theodore Taube and Lloyd B. Holden, trading as L. S. Taube & Co., Kansas City, Mo.

According to the complaint, the respondents, John R. Reed and Orr M. Reed, who control the West Plains Brokerage Co., are stockholders and officers of Reed-Harlin Grocer Co., John R. Reed being a majority stockholder and active manager of the grocery company.

The complaint further alleges that the respondent sellers pay to the respondents John R. Reed and Orr M. Reed, trading as West Plains Brokerage Co., and acting on behalf of the Reed-Harlin Grocer Co., substantial brokerage fees and commissions on purchases of the grocery company, particularly foodstuffs. Such amounts, according to the complaint, represent a percentage of the quoted sales prices agreed upon between each of the respondent sellers and the respondents Reed, trading as West Plains Brokerage Co. These fees and commissions, according to the complaint, have been received by the respondents Reed and by the Reed-Harlin Grocer Co. through the respondent brokerage firm.

The complaint further charges that the transmission and payment of the brokerage fees or commissions by the seller respondents and their receipt and acceptance by the respondents Reed, trading as West Plains Brokerage Co., upon the purchases of the Reed-Harlin Grocer Co., and the receipt and acceptance of such fees or commissions by the Reed-Harlin Grocer Co., upon its own purchases, constitutes violation of the brokerage provision of the Robinson-Patman Act (4486).

Scientific Manufacturing Co., Inc., 426 Prescott Ave., Scranton, Pa., and Howard J. Force, the corporation's president, have been served with a complaint alleging misrepresentation in the sale of medicinal preparations.

According to the complaint, the respondents disseminate false advertisements in which they represent that their preparations "Pheno-Isolin" and "Pheno-Isolin Ointment" constitute competent and effective antiseptics and germicides, and possess substantial therapeutic value in treating skin infections generally, and about 20 specific ailments or conditions including ulcers, carbuncles, abscesses, athlete's foot, eczema, gangrenous conditions, diphtheria and influenza. The complaint alleges that the respondents' claims exceed actual accomplishments.

The complaint further charges the respondents with representing that their preparation "Dialin" constitutes a remedy and effective treatment for diabetes; effects a chemical change in the blood so as to reduce the quantity of sugar in the blood; assists the pancreas to produce insulin in the natural way; eliminates the unnatural thirst of diabetes victims, and corrects other abnormal conditions caused by diabetes, when such are not the facts.

According to the complaint, the respondents circulated leaflets captioned "What the Profession is Doing with Pheno-Isolin" and "What They Say About Dialin", such literature containing purported testimonials of physicians recommending the respondents' preparations. The complaint alleges that the respondents' preparations are not used or recommended by the medical profession generally (4482).

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Hyral Distributing Co., and Wallace G. Clark and Norman A. Dodge, of Fort Worth, Texas, have been ordered to cease and desist from misrepresentations in the sale of "Hyral", a dental preparation.

Commission findings are that prior to 1937, when Hyral Distributing Co., a corporation, obtained a license to do business in Texas, the respondents Clark and Dodge conducted a business as a co-partnership under the trade name of Hyral Distributing Co.; that some of the representations involved in the Commission proceeding were made by the respondent co-partnership during its existence, and that others were made subsequently by the respondent successor corporation.

The Commission order directs the respondent corporation and the respondents Clark and Dodge as individuals to cease and desist from representing that the preparation "Hyral" is a new discovery, has germicidal properties, is a cure or remedy for bleeding gums or other mouth disorders, or constitutes an effective treatment for such conditions in excess of that afforded by a mild antiseptic.

These respondents also are ordered to cease representing that their preparation is a cure or remedy for trench mouth or an effective treatment therefor in excess of temporarily inhibiting the growth of the bacteria causing trench mouth.

The order further prohibits the representation that Hyral has therapeutic value in the treatment of pyorrhea or is a remedy for pyorrhea; that it will make the gums firm, hard or healthy; that its use will prevent loss of teeth; that the preparation will remove tobacco stains or tartar formations, or that it will have any effect on unpleasant breath odors in excess of temporarily masking them.

The Commission order further directs the respondent corporation and the respondents Clark and Dodge, both individually and as its officers and directors, to cease disseminating advertisements which represent that their preparation is a new or different dentifrice or has any special properties which would be effective in making or keeping the gums firm. (3726)

Kongo Chemical Company, Inc.—A cease and desist order has been amended which, as announced January 5, was issued against Kongo Chemical Co., Inc., 66 East 131st St., New York, manufacturer and distributor of "Kongolene", a cosmetic preparation for the hair.

The original order had directed the respondent to cease and desist from disseminating advertisements of its product which represented, among other things, that its use was safe and harmless, and which advertisements failed to reveal that use of the preparation may result in severe caustic action upon the skin and scalp, with resulting burns.

The modified order is the same as the original order in prohibiting such dissemination, but adds the proviso that the advertisement need contain only a statement that the preparation should be used only as directed on the label when such label contains a warning that use of the product may result in severe caustic action upon the skin and scalp with resulting burns, and certain directions for the safe and proper use of the preparation which are detailed in the Commission order. (4193)

STIPULATIONS

The Commission has entered into the following stipulations:

Adlerika Co., 98 South Wabasha Street, St. Paul, Minn., entered into a stipulation in which it agrees to cease representing that "Adla Tablets" will bring about neutralization of hyperacidity, bring relief from "acid stomach", protect irritated parts or membranes of the stomach in any manner, or form a protective coating over the stomach parts or membrane. (02767)

Buel Company—S. D. Cates, operating as Buel Co., 800 North Clark St., Chicago, has entered into a stipulation in which he agrees to cease representing that his preparation "Buellene" is effective in the treatment of falling hair or dandruff, unless the representation is limited to assistance in the removal of accumulated dandruff scales; that his "Hot Oil Treatments" make the hair healthy or stop brittle, breaking hair, or that any of his products will increase the growth of hair or is a hair grower. (02770)

Arnold Constable & Co., Inc., Fifth Ave. at Fortieth St., New York, operating a department store, has entered into a stipulation in which it agrees to cease certain representations in the advertisement and sale of ladies' shoes. The respondent corporation agrees to discontinue employing the word "Alligator" or other similar word to describe shoes not made from alligator hide, provided that the word "Alligator" may be used to describe the finish of shoes which are made from materials other than alligator leather and are finished or embossed to resemble it, when this word is immediately accompanied by other words clearly indicating that the designation refers only to the pattern embossed on such materials. (3060)

Diatest Laboratories—Alfred Muller, trading as Diatest Laboratories, 1133 Broadway, New York, has entered into a stipulation in which he agrees to cease advertising that a device known as "Diatest Tester" is the only tester for determining the sugar content of urine which does not use or require flame, and that it is the most accurate tester available for determining such sugar content. (02768)

Burton G. Feldman and Associates Incorporated, 540 North Michigan Ave., Chicago, an advertising agency, stipulated that it will cease disseminating advertisements on behalf of Gellman Manufacturing Co., Rock Island, Ill., which represent that that company's vapor-electric bath cabinets known as "Beauty Builder and Beauty Fount" have a direct value in the permanent reduction of excess weight; that such cabinets, by means of vapor-heat, infra-red, or ultra-violet rays, help eliminate excess fat, or that the use of the cabinets will "cure", "banish" or "erase" fatigue. (02765)

Frohlich Laboratories—A Seattle, Wash., group has entered into a stipulation to cease certain representations in the sale of "Dr. Frohlich's Z'Out Hair Destroyer". The respondents are Louis B. Frohlich, trading as Frohlich Laboratories; Frohlich Laboratories, Inc., and David F. Griff, trading as Frohlich Distributing Co., with offices in the Peoples Bank Building, Seattle. They agree to cease representing that their preparation will permanently destroy hair or prevent the regrowth of hair, or that its use will result in the permanent removal of hair. They also agree to cease employing statements which have the capacity to cause the impression that their preparation possesses any marvelous qualities or that its development is the result of seven years work or of any amount of work, effort, experimentation or research greater than that actually used or performed in its development. (3061)

Helix Co., Inc., 79 Fifth Ave., New York, and four other textile merchandise corporations having executive offices at that address, have entered into a stipulation to cease certain representations in the sale of their products which include men's and women's wearing apparel and sheets and pillowcases.

The Helix Co., Inc., according to the stipulation, purchases the merchandise used by each of the four other companies which are a New Jersey, a Massachusetts, a Michigan and an Illinois corporation each operating under the name Royal Crown Hosiery Co., Inc.

The respondents agree to cease using the words "Silk," "Satin" or other words connoting silk in advertisements or trade literature to describe fabrics or merchandise not composed of silk; and to properly qualify the descriptions when the products consist in part of silk and in part of other fiber material. They also stipulate that they will discontinue employing the term "Lisle" as descriptive of goods not made of lisle.

The respondents further agree to cease employing the word "Bemberg" or other name or word, alone or with other words, as descriptive of the rayon content of garments, fabric or material, unless such name or word is immediately accompanied by the word "Rayon" in letters or type of equal conspicuousness, as "Bemberg Rayon." They also agree to cease advertising, branding, labeling, invoicing or selling any product composed in whole or in part of rayon without complete disclosure of the fiber content by naming each constituent fiber in the order of its predominance by weight.

In the case of goods which are not shrinkageproof or nonshrinkable, or which have not been fully shrunk or "pre-shrunk" to the extent that no residual shrinkage remains in them, the respondents agree to cease employing the term "Pre-Shrunk" or similar descriptive words. If, according to the stipulation, the term "Pre-Shrunk" or other similar terms are properly used to indicate that goods have undergone a shrinking process, but there still remains in them a certain amount of residual shrinkage, such terms shall be accompanied by a statement of percentages clearly indicating the amount of remaining residual shrinkage.

The respondents also agree to desist from using statements which tend to cause the impression that sheets, pillowcases or other textile products to which starch has been added contain no starch. (3062)

Inspire, Incorporated, 552 Mission St., San Francisco, and Edgar D. Sloat, its president, has entered into a stipulation in which they agree to cease advertising that their device designated

"Deep-Skin Electro-Mask," will re-establish natural functions of the underskin, glands, circulation or nervous system; will normalize the skin or revitalize the tissues; is an effective remedy for wrinkles, crow's feet, lines, enlarged pores, pimples, blackheads, dry skin or oily skin, and that the device accomplishes all the benefits of the most extravagant salon facial and is a sure means of attaining beauty. The respondents also agree to cease using the words "Deep Skin" as part of the brand name for their product; to cease representing in any manner that the effect of the device extends deeply into the skin; that it has any effect directly upon the dermis, or that it acts from the inside outward. (02763).

Kaucky's Pharmacy—Agreeing to discontinue certain representations in the sale of a medicinal preparation designated "Kaucky's Formula Herb Tea", Emanuel Kaucky, trading as Kaucky's Pharmacy, 6348 West 26th St., Berwyn, Ill., entered into a stipulation. The respondent agrees to cease advertising that the use of his product will cause one to have a clean body or a clear mind; will cause the system to return to normal; will relieve rheumatism, and will have any therapeutic value in the treatment of headaches in excess of affording relief from headaches due to constipation. The respondent also stipulates that he will cease representing that his preparation has any therapeutic value in the treatment of constipation or stomach, intestinal, bladder or kidney ailments in excess of that afforded by a laxative and diuretic. (02764)

Knox-All Company—Trading as The Knox-All Co., W. C. Stewart, of 18 West Exchange St., Freeport, Ill., stipulated that in connection with the sale of poultry and animal preparations he will desist from advertising that "K-A Poultry Spray" prevents or eliminates cold, roup or other poultry diseases; keeps the flock or the poultry house free from mites or bluebugs; penetrates to all parts of the poultry house; aids in killing germs before they attack the birds, and is endorsed by leading hatcheries. The respondent also stipulates that he will cease representing that "K-A Fur Farm Fluid" destroys vermin which infests animals; is effective against fleas, lice or ticks on fur-bearing animals, and effectively combats earmites; that "K-A Neptol Tablets" is effective against symptoms of diarrhea, sour crop, poor appetite or temporary constipation, and that "K-A Alroc Tablets" is effective in the control of cholera, or typhoid, in chickens, turkeys, geese or ducks. (02769)

Paxton and Gallagher Co., Omaha, Nebr., entered into a stipulation in which it agrees to cease advertising that a pound of its "Butter-Nut Coffee" makes more cups of coffee than a pound of any other coffee; that it has discovered a new or extraordinary process of maturing coffee and that its maturing method eliminates all trace of harshness or coffee acids. (02762)

Potts-Turnbull Co., 912 Baltimore Ave., Kansas City, Mo., an advertising agency stipulated that it will cease advertising, on behalf of Gooch Feed Mill Co., Lincoln, Nebr., that favorable results in egg production or chick raising depend solely on using Gooch's chicken feeds; that a low feeding cost or a balanced egg making ration is insured by using "Gooch's Best Laying Mash"; that mash will enable hens to lay more eggs, have better body weight or condition, or be more vigorous or resistant to disease than any other product, and that the use of "Gooch's Best Starting Feed" insures healthy chicks or a certain weight within a specified time. (02766)

FTC CASE DISMISSED

The Federal Trade Commission dismissed without prejudice a complaint which had charged Consolidated Book Publishers, Inc., 537 South Dearborn St., Chicago, with violating the Federal Trade Commission Act in the sale of books. This case involved certain representations concerning the quality of the bindings of books sold by the respondent corporation.

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 17, April 25, 1941

THE WEEK IN WASHINGTON

Convention plans progressing. (p. 365).

BMI makes film for NAB Convention. Embassy Music Corporation in BMI. (p. 366).

Alternative plans of copyright and libel insurance outlined. NAB Insurance Committee makes preliminary report on insurance rates. (pp. 367-368).

Code Committee makes important recommendation. Broadcast Advertising Department suggests careful survey of advertising accounts. Radio to participate in AFA convention. (p. 370).

Daylight Saving legislation summarized. Chairman Fly comments on monopoly report and defense. Newspaper owned stations organize. (p. 372).

NAB Convention

With the convention opening date but slightly more than two weeks distant, the plans which have been in the making for a number of months are fast coming to a head. Under the able direction of Merle Jones, KMOX, General Chairman, St. Louis broadcasters have perfected arrangements which assure the careful handling of all details essential to the comfort and proper entertainment of all who attend.

The Housing Committee, of which Ray Dady, KWK, is Chairman, has nearly completed its task. More than 500 advance reservations have been made. There are still plenty of available rooms in St. Louis hotels and even the headquarters hotel, the Jefferson, is capable of accommodating some additional guests.

The response to the Promotional Exhibits Committee's activities, has been most encouraging and the big Crystal Room of the Jefferson is certain to be crowded with a most interesting and enlightening display of all types of promotion material which has proven effective to stations large and small.

Twelve equipment manufacturers and transcription companies, all associate members of NAB, will conduct exhibits during the convention. All of these headquarters have been definitely established and prior announcement of their locations in the hotel will be made.

Splendid entertainment in connection with the banquet is assured. The production heads of CBS, MBS and NBC are cooperating, and William Bacher, WGN, Chicago, has been named as manager of production of the show which will be put on in connection with the banquet. Every facility of writing and production in the three network departments has been placed at the disposal of Mr. Bacher.

The program for the business sessions promises to introduce subjects which are of transcendent importance to broadcasters at this time; questions which deeply and vitally effect every person engaged in the radio broadcasting industry. It may well be predicted that this St. Louis meeting will go down as one of the most important the broadcasting industry has ever had.

Present indications are that it will be one of the largest from standpoint of attendance. In next week's REPORTS we hope to publish a full outline of the tentative program. Those who have not made their reservations at St. Louis should do so at once.

You Can't Afford to Miss the NAB Convention

May 12, 13, 14, 15

New Jefferson Hotel **St. Louis**

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

BMI

BMI AT WORK

A crew of cameramen from the William H. Wells Productions headed by Henry M. Lester, authority on photography and co-author of "Leica Manual," systematically interrupted work in the various BMI departments last week to photograph members of the staff steaming under the hot Klieg lights. The picture is for exhibition at the NAB Convention in St. Louis. Head director is Julian Roffman who made a name for himself as the producer of *And So They Live,* a documentary film of conditions in the Kentucky hills made for the Sloan Foundation of New York University. Mr. Roffman is also the producer of *Getting Your Money's Worth,* a series of theatrical shorts which received wide spread attention.

The crew is working from a prepared script which narrates what happens between the time a composer submits a manuscript to BMI and the music is shipped out to BMI member stations. The script details the process by which BMI's Music Production Department, the largest in the world, prepares arrangements for all musical instruments and tests the arrangements in actual performance. The picture offers the next best thing to actually visiting BMI and observing minutely the significant work of the Department. The purpose in making it is to give each owner of BMI an opportunity to see for himself what has been accomplished in the creation and operation of the new music company.

BMI ACQUIRES NEW HIT TUNES

BMI has acquired the performing rights, effective at once, of all music published by Embassy Music, Corp. Through the transaction, BMI licensees receive a catalogue of some seventy-five dance and rhythm numbers, including perhaps the best prize winning song from the "Fame and Fortune" contest sponsored by Tommy Dorsey. Among the most popular of the Embassy selections are, *Oh, Look At Me Now, Everything Happens To Me, Let's Get Away From It All,* and the rhythm number *Quiet, Please.*

In addition to the Dorsey catalogue, M. E. Tompkins, BMI's Vice President and General Manager, is calling attention to the fact that the following numbers in the recently acquired catalogue of Cooper Music, Inc., are exceptionally good:

Down Where the Delta Begins
  Larry Wynn and Jerry Bresler
The Clock Song
  Salzman, Wynn and Bresler
The Night Was Given To You
  Ashley Miller
Five Guys Named Moe
  Wynn and Bresler

All the lists reveal that many new publishers have come into being since the first of the year. During 1940, applications filed with the Secretary of State of New York for chargers to conduct a music publishing business averaged two a month. Since January 1, 1941, they have averaged ten a month.

MOTHER'S DAY SONG

Dana Merriman, alias Danial Sibley, has met the challenge again for a timely song, offering *Mother of Men* as a BMI special for Mother's Day on Sunday, May 12th. Copies for distribution to member stations will be available on or about May 1st. Both words and music were written by Mr. Merriman who from long years of experience has learned not to wait on inspiration but to seek it.

Lyrics follow:

When as a child—whose watchful care
Followed and guided me everywhere
Who always heard my "Goodnight" prayer?
When, as a youth, I often strayed
Whose trust and faith held fast, unafraid,
E'en tho' that trust and faith were oft betrayed?
Who always hoped—tho' beset with fears—
Who always smiled through blinding tears—
Who always loved through all the years?
Who always forgave—again and again
Tho' meek—who had the strength of ten?
Her name, you ask? She's the MOTHER OF MEN!

Copyrighted, BMI, 1941.

MUSIC FOR THE ARMY

A BMI campaign of cooperation is making available to army camps professional copies of BMI songs which lend themselves to group singing in the barracks. The most recent of these is *I'm In The Army Now* by Frank Luther. The music is much appreciated judging by the letters BMI is receiving and the requests for dance and choral arrangements.

In WRVA's broadcast, *Okay, America,* which is presented each week from Camp Lee situated between Petersburg and Hopewell, Virginia, the band warms up each morning by playing BMI's *Military Maestro* by Richard D. Becker.

Not forgetting the need of keeping spirit's high in London, BMI is making arrangements to distribute bundles of its professional music to Britain's bands. This last came as the result of a suggestion from Dorothy Kilgallen, newspaper and radio columnist.

BMI FEATURE TUNES

April 28-May 5

1. MY SISTER AND I
2. WALKIN' BY THE RIVER
3. WISE OLD OWL
4. FRIENDLY TAVERN POLKA
5. G'BYE NOW
6. WHAT D'YA HEAR FROM YOUR HEART
7. HERE'S MY HEART
8. TALKIN' TO THE WIND
9. WITH A TWIST OF THE WRIST

Billboard's music popularity chart gives BMI a 100% rating in top money making records for automatic phonographs. The four tunes listed under "Going Strong" are: *High On A Windy Hill, There'll Be Some Changes Made, It All Comes Back To Me Now* and *Amapola.* Prominent among those "coming up" are: *Wise Old Owl, Friendly Tavern Polka, and G'Bye Now. Amapola* continues to lead all lists of national and regional best selling retail records and best sheet music sellers. In it's column *On the Records, Billboard* points to *G'Bye Now* as a song "pointing for a hit" and gives high praise to the growing popularity of *The Friendly Tavern Polka.* In *Variety's* fifteen best sheet music sellers, BMI's *Walkin' By the River,* is second only to *Amapola,* while *My Sister and I, Wise Old Owl* and *G'Bye Now* rank high in the list. In addition to those songs mentioned above, network plugs feature, *With A Twist Of the Wrist, You Walk By, I Hear A Rhapsody, Because Of You, Keep An Eye On Your Heart, So You're the One,* and *Let's Dream This One Out.*

NEW LYRICS FOR FAMILIAR MUSIC

Fulfilling a long-felt need in the music world, BMI's Public Domain Lyric Department has won much praise in the few short months of its existence. This department, headed by Irving Weill, was created to make available to BMI licensees new lyric settings for familiar melodies of the past.

The lyrics of many public domain selections previously used have been unsatisfactory to vocalists in several aspects. Among the shortcomings cited are: imperfect "wedding" of lyric and melody, with incorrect accentuation, improper placing (in high and low registers) of words and vowels that are difficult to sing, and "unpoetic" translations. New lyrics now being written at BMI meet these objections as they are done by writers having musical as well as lyric training, who avoid the pitfalls. Among those who have been commissioned by BMI to do lyric settings are Margaret Munzen, Gertrude Forster and James Ballister, all of whom are highly regarded for their work in this field.

In numbers for new lyrics, BMI has chosen not only those that are familiar as songs, but also many compositions which have hitherto been known only as instrumental selections. Included among these instrumental numbers which now have BMI lyric settings are *The Scarf Dance* (Chaminade), Raff's *Cavatina* and Rubenstein's *Melody in F.* To date, some 160 ever-popular selections have been sent to BMI stations, with hundreds more scheduled for release in the future.

BMI TUNES SUNG BY MOVIE AUDIENCES

BMI numbers are being performed rather generally in motion picture theaters. Most of the recently popular songs are BMI so that in theaters where songs are sung by the audience, exhibitors have found it necessary to play BMI tunes in order to hold the interest of the audience and to attain the full enthusiasm for group singing.

Among the larger New York theaters featuring BMI hits are the Strand Theatre where Jimmy Dorsey is playing *I Hear A Rhapsody* and others, and the Paramount where Siggy Lane, vocalist, is featuring *My Sister and I.*

BMI officials see closer cooperation between radio and the film industry as a result of the effective promotion done by BMI stations of the film *Pot O' Gold* starring Jimmy Stewart and Paulette Goddard and featuring Horace Heidt. Three of the numbers from the score are published by BMI and the exploitation campaign put on by member stations is credited with greatly boosting audience attendance of the film.

COPYRIGHT INFRINGEMENT AND LIBEL INSURANCE

Two proposals to insure broadcasters against liability for copyright infringement and radio defamation have recently been brought to the attention of the NAB. One, on which it is our understanding stations have been circularized by John C. Paige & Company of Boston, Massachusetts, is written by The Employers' Liability Assurance Corporation, Limited; the other, still in the formative stage, is expected to crystallize into a definite proposition within the week.

Both propositions will be submitted to the NAB Insurance Committee for their analysis and possible recommendation to the members. Believing that station managers will be interested in a brief outline of the two propositions, we print below our understanding of the respective coverages.

Under the policy offered by John C. Paige & Company the insurance company obligates itself to defend all suits on claims covered by the policy in both Federal and State courts. Such suits for damages claimed by reason of the infringement of copyright through dramatic as well as non-dramatic performances of musical and dramatico-musical compositions, as well as musical arrangements, are covered. The insurance applies to copyrights protected at common law as well as by statute.

The insurance against liability for defamatory broadcasts is based upon the principle that the station need only exercise due care in programming, which means that the insurance company undertakes to free the broadcaster from the doctrine of absolute liability without fault which prevails generally in libel cases.

The company assumes the payment of 85% of all judgments against broadcasters in both copyright and defamation actions within the aggregate limit of the policy. The judgments for damages covered by the policy include such amounts as may be awarded for attorney's fees and costs to victorious plaintiffs. In the case of copyright infringement the company's liability is limited to single claims of $5,000.00 each, whereas in the case of defamatory broadcasts the company's liability is restricted to single claims of $10,000.00.

There is no deductible amount in this policy for which the station may be solely liable without contribution by the company, as is the case in excess insurance contracts. The policy submitted obligates the insurance company to pay 85% of every dollar within the policy limits. For example, if the judgment is $5,000.00, the company is obligated to pay $4,250.00 and the broadcaster only $750, whereas if a claim is settled for $250.00, the company is obligated to pay $212.50 and the broadcaster only $37.50.

In its coverage against liability for copyright infringement the company protects the station for infringements committed through live talent as well as recordings, including electrical transcriptions. Infringing material in transcriptions is covered provided it has been determined by an experienced musician to be free for broadcast. This would include bridge music, theme songs and similar works. The policy extends protection to the broadcast of all musical programs of copyrighted works and, in addition, insures the station against any errors in making reasonable determinations as to the public domain status of music. In practice, the company insures the station's use of the catalogues of licensing organizations in exchange for subrogation of the company to the station's claims against such licensing organizations. In connection with material not included within the licensed catalogues, the station is required to make a reasonable investigation of the copyright status of such works and to obtain a license to broadcast same. Where the station through the assistance of experienced musicians, and after reasonable inquiry as to the ownership of each musical composition and as to the membership of the authors and composers in the various performing rights organizations, determines that a given work requires no performing license, such determination by the station is insured by the policy.

The broadcaster is required to conform to existing practices of refraining from deliberate infringement and malicious defamation, cessation of broadcasting after notice, and obtaining indemnity obligations from advertisers or agencies for material supplied by the latter. The policy requires the broadcaster to obtain an indemnity from licensing organizations, which is offered by BMI and SESAC. In the defamation coverage the station is required to examine program scripts to delete defamatory matter. Where no scripts are available, as in the case of extemporaneous programs, the station is merely required to establish rules and regulations for speakers and others to avoid defamation.

Under the other plan of coverage which is in prospect, broadcasters would be protected against all claims for infringement of copyright, common law intellectual property rights, invasion of rights of privacy and radio defamation, without any condition that they exercise any degree of care or make any investigations. They would be covered up to $25,000 for any one claim, with an over-all coverage for all who go into the plan of $1,000,000. The company would pay 80% of all claims and would defend any and all suits at its own expense.

Essentially the plan is self-insurance with 20% of the liability retained by each broadcaster and the purchase of excess insurance with a responsible company.

At the present stage of negotiations and based upon 200 stations coming in, the figures are as follows:

Each station would pay a gross premium of $350 and is it the expectation that $175 would be returnable or applied as a credit against the next year's premium. If 300 stations came in the gross premium would remain at $350 but the net premuim, it is anticipated, would be reduced to $100.

The Report of the Insurance Committee on this form of coverage and these two proposals will be released as soon as available.

INSURANCE RATES

The NAB Insurance Committee met on March 24 in New York. Roger Clipp, chairman, has indicated that the work of the committee is progressing satisfactorily and as a result of the meeting the committee has the following to report.

Preparation of a manual is well under way. This manual will contain definitions of every type of insurance coverage available to broadcasters which are itemized in the questionnaire which was previously submitted by the Committee to the membership with the purpose of gathering information on the amount of insurance carried by individual stations.

Negotiations are proceeding through insurance carriers, cooperating with the Central Traction and Lighting

Bureau, with the establishment of a uniform fire insurance policy for the broadcasting industry which will contain a more comprehensive lightning and electrical damage clause. The form of fire policy now available to Broadcasting Stations does not adequately protect broadcasting stations, against damage to equipment by lightning or by electrical break-down in equipment.

Through the National Bureau of Casualty and Surety Underwriters, the Committee has secured complete information for individual States, on compensation insurance as applicable to broadcasting stations. The Committee suggests that all stations check the rate of their compensation insurance and recommends that if any broadcaster is securing a less favorable rate under their compensation insurance policy that they consult their insurance broker or their compensation board and request an adjustment.

Follwing are the compensation rates for the respective states under the respective code numbers which are hereby defined:

RADIO BROADCASTING OR COMMERCIAL WIRELESS STATIONS

Transmitter or Field Employees—including Drivers, Chauffeurs and their Helpers	Code #7609
Salesmen	Code #8742
All other employees—including control operations confined to studio exclusively, announcers, players, entertainers, musicians or clerical office employees	Code #7610

STATE	*Code #7609*	*Code #8742*	*Code #7610*
Alabama	.59	.32	.07
Arizona	(N) 4.91	.56 (O)	.35 (T) .35 (M) 1.09
Arkansas	1.25	.48	.17
California	.89	.49	.14
Colorado	.99	.47	.15
Connecticut	.72	.29	.13
Delaware	* 1.15	**.13	***.14
District of Columbia	.96	.43	.15
Florida	.66	.39	.12
Georgia	.62	.34	.09
Idaho	.72	.31	.11
Illinois	.68	.30	.10
Indiana	.65	.36	.11
Iowa	.67	.41	.11
Kansas	.74	.52	.12
Kentucky	.70	.41	.12
Louisiana	.88	.35	.14
Maine	.77	.33	.09
Maryland	.89	.33	.17
Massachusetts	.49	.14	.13
Michigan	.88	.08	.14
Minnesota	.90	.08	.16
Mississippi	3.33	.20	.36
Missouri	.88	.37	.14
Montana	1.21	.53	.18
Nebraska	1.08	.49	.17
New Hampshire	.69	.21	.11
New Jersey	1.15	.48	.18
New Mexico	.73	.31	.11
New York	1.57	.47	.22
North Carolina	.79	.41	.13
Oklahoma	1.02	.31	.17
Oregon	1.36	.45	.15
Pennsylvania	* 1.70	**.24	***.28
Rhode Island	.70	.29	.12
South Carolina	2.61	.57	.13
South Dakota	.70	.52	.11
Tennessee	.59	.24	.09
Texas	1.15	.78	.16
Utah	1.13	.62	.18
Vermont	.52	.19	.09
Virginia	.61	.27	.10
Washington	1.07	.33	.12
Wisconsin	1.08	.52	.17

Delaware & Pennsylvania—*Telegraph or Telephone Operator, including maintenance, extension and construction offices.

**Salesmen (outside) Collectors and (Code No. 951) Messengers (and making of service connections—Code No. 757).

***Theaters—all employees including office—Code No. 967.

Arizona (N)—Telephone or Telegraph Companies operation, maintenance, extension offices and making of service connections—Code No. 7600.

(O)—Theaters:

Managers (not stage managers)—box office employees, ushers and others not employed upon the stage, excluding care, custody and maintenance of premises—Code No. 9154.

(T)—Players, Entertainers or Musicians—Code No. 9156.

(M)—Stage Hands (not players or entertainers) motion picture machine operators and employees engaged in care, custody and maintenance—Code No. 9150.

FOLLOWING ARE COMPENSATION BOARDS TO WHICH RATE QUESTIONS SHOULD BE REFERRED:

The National Council on Workmen's Compensation Insurance, Mr. William F. Rober, General Manager, 45 East 17th Street, New York City calculates the base rates in the States of Alabama, Arizona, Arkansas, Colorado, District of Columbia, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Missouri, Montana, New Hampshire, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Utah and Vermont.

The Delaware Compensation Rating and Inspection Bureau, 938 Public Ledger Building, Philadelphia, Pennsylvania, Gregory C. Kelly, General Manager calculates the compensation base rates for the State of Delaware.

The California Inspection Rating Bureau, 500 Sansome Street, San Francisco, California; R. A. Whittaker and J. A. Froberg, Managers, calculates the base rates for the state of California.

The Massachusetts Rating and Inspection Bureau, 89 Broad Street, Boston, Massachusetts, Mr. McGoone, Manager, calculates the base rates for the State of Massachusetts.

The New Jersey Compensation Rating and Inspection Bureau, 60 Park Place, Newark, New Jersey, Mr. A. R. Lawrence, Chairman and General Manager and Deputy Insurance Commissoiner, calculates the base rates for the State of New Jersey.

The Minnesota Compensation Rating Bureau, 523 Marquette Avenue, Minneapolis, Minnesota, Mr. J. F. Reynolds, General Manager, calculates the base rates for the State of Minnesota.

The Compensation Insurance Rating Board, 125 Park Avenue, New York City, Henry D. Sayer, General Manager, calculates the base rates for the State of New York.

The Pennsylvania Rating and Inspection Bureau, 938 Public Ledger Building, Philadelphia, Pennsylvania, Gregory C. Kelly, General Manager, calculates the base rates for the State of Pennsylvania.

The Workmen's Compensation Division, State Fire Insurance Commission, calculates the base rates for the State of Texas.

The Compensation Insurance Rating Bureau of Virginia, 323-325 Broad-Grace Arcade, Richmond, Virginia, E. E. Cadmus, Manager, calculates the base rates for the State of Virginia.

The Wisconsin Rating and Inspection Bureau, 312 E. Wisconsin Avenue, Milwaukee, Wisconsin, Mr. G. F. Hayden, calculates the base rates for the State of Wisconsin.

The National Bureau of Casualty and Surety Underwriters, 60 John Street, Mr. William Leslie, General Manager, calculates the base rates for the States of Connecticut, Illinois, Iowa, Nebraska, Rhode Island and South Dakota.

The following are Monopolistic State Funds, rates calculated by and administered by the Departments listed:

Nevada Industrial Commission, Carson City, Nevada.
Harry H. Lee, Auditor.
North Dakota Workmen's Compensation Bureau,
Bismarck, N. D.
P. B. Sullivan, Chairman.
J. E. Pfeifer, Secretary.
Ohio—Industrial Commission of Ohio,
65 S. Front St., Columbus, Ohio.

Thomas M. Gregory, Chairman.
E. I. Evans, Actuary.
Mart. T. Christensen, State Treasurer,
Cheyenne, Wyoming.

For employments under the acts in the States of Oregon and Washington, coverage may only be secured in the State Funds administered as follows:

Oregon—State Industrial Accident Commission.
L. O. Arens, Chairman.
L. R. White, Assistant Commissioner,
Salem, Oregon.

Washington—Department of Labor and Industry
J. W. Hoover, Treasurer.
Ed. S. Franklin, Special Assistant, Attorney General,
Olympia, Washington.

Sales

CODE COMMITTEE

With reference to commercial copy for an "enriched bread" announcement, the Code Committee this week expressed the following opinion:

> "It is felt that stations should guard against undue capitalization of the defense program and against misrepresentation, bad taste and any inference of government endorsement. While undue exploitation of national defense would obviously be ill-advised, references to national defense in commercial copy, properly handled as to type of copy and manner of presentation, may be thoroughly acceptable."

DEVELOP REPLACEMENT REVENUE

The national defense effort and expenditures, a substantial stimulus to business, employment and consumption of advertised products, should have a marked effect on increasing radio advertising revenue. Despite the general and over-all increase, some types of business, however, will be adversely affected due to priorities and curtailment of production.

Radio stations now getting a substantial percentage of their revenue from these few sources should plan now to build sources of replacement in other types of business.

Through the cooperation of NAB with the Canadian Association of Broadcasters, valuable information has been secured based on advertising experiences in England and Canada in connection with the war effort. Recent announcements by U. S. national defense agencies and by industry indicate we are approaching similar conditions in business here.

A voluntary reduction by 20 per cent in automobile production, announced last week and to be effective August 1, may serve to reduce automotive advertising in the new car field, where already a seller's market exists. The used car field, however, should consequently become more important. Similar reductions may be expected in other fields, where priorities of materials and requirements for machines, factories and skilled labor for national defense will be a factor in curtailment of production.

In England during the first half of 1940:

Automotive advertising decreased 80 per cent.
Household equipment advertising decreased 60 per cent.
Radio goods advertising decreased 41 per cent.

Whether these experiences will be repeated here remain to be seen, but informed quarters advise that advertising media should be prepared. Revenue thus lost should be replaced without undue delay by increased activity in other lines and by development of new sources. Drugs, toilet goods, food products, clothing and other staples suffered little or no decline in England and Canada, NAB was informed.

SAVINGS AND LOAN GAINS

An opportunity for radio to develop revenue from the real estate and building fields and from savings and loan association is indicated in a report from Paul Endicott, president of the U. S. Savings & Loan League.

Ample home-owner credit will continue to be available to Americans. Savings and loan associations whose credit transactions are solely on residential real estate received $99,871,000 in February, a 17 per cent increase over the same month a year ago, and January had shown a 14.8 per cent increase. More of this money came from new savers than any time in the past two years.

"Many of these people had never heard of savings, building and loan associations when last they had money to save, but now they are aware of them because of the several-times expanded advertising programs of these institutions," Mr. Endicott said.

AMERICAN MEAT INSTITUTE

The NAB Department of Broadcast Advertising has succeeded in interesting the American Meat Institute of Chicago in considering radio as a national advertising medium for its future campaigns. Specific proposals for the effective use of radio are being drafted and will be presented to the Institute within the next three weeks. As part of this presentation, any contributions from NAB member stations will be welcomed, showing the effectiveness of our medium in the advertising and selling of food products.

AFA CONVENTION, MAY 25-29

Plans for radio's participation in the annual convention of the Advertising Federation of America are being made by the Department of Broadcast Advertising. The convention, to be held in Boston May 25-29, will be attended by important agency executives, time buyers and advertising managers, and a wide representation from radio stations is expected.

Entertainment of the delegates at a Cabaret Party May 27 will be furnished by Boston stations in cooperation with the networks, with Kingsley Horton, sales manager of WEEI, as chairman of the committee.

Radio's departmental program will be held Wednesday morning, May 28, followed by an international short-wave discussion at the general luncheon between the American and British Advertising Federation presidents.

INVITATION TO CUT RATES

NAB members are advised to proceed with caution in dealing with the Golden Glint Co., Inc., of Seattle, Wash., currently querying stations for rates. While nothing has yet been reported to indicate that this company will not purchase advertising at established rates if stations adhere to them, it appears to be seeking special deals, writing one station in part as follows:

"If you want to make us a proposition for the time on your stations more closely in line with what we can get from other stations, we would be interested, but otherwise not!"

FREE TIME REQUESTED

Efforts are being made by its advertising agency on behalf of the Forstmann Woolen Co. to secure free radio time for interviews with a travelling representative of the company "on an extensive trip covering leading cities throughout the country. While in these cities she will visit the leading department stores and put on shows for the stores' personnel featuring the Forstmann spring line of fabrics and costumes made in these fabrics . . ."

It is the opinion of NAB that such broadcasts, if carried, should be paid for at established rates either by the Forstmann Co. or by the department stores in each city featuring those products. Encouragement by stations of such free time practices will tend to make similar abuses more widespread, and set precedents that ultimately may decrease advertising revenue.

Stations have reported the request from World Broadcasting System for free announcements promoting the sale of the "You Can Defend America" booklets, available at news stands for 10 cents. Unless stations feel that they are not now devoting sufficient time to the national defense, it is the opinion of NAB that this may be considered a commercial venture, since there is sufficient margin in the price of the booklet to return a profit to the printer and news vendor. NAB is also advised that the booklet has sold in very large quantities withou free help from radio.

The Fish and Wildlife Service of the Department of the Interior is furnishing fish market news to radio stations, often of genuine value in home economics programs. However, under the direction of Don Bloch, "Informational Service Representative," many stations have also been asked to broadcast free plugs promoting the sale of fish.

It is NAB's opinion that this is a request for time and service that should be paid for by local fish markets and dealers. If this service is given by broadcasters free to the fish industry, stations are vulnerable to similar requests for free time from the food industry, the coal industry, and so on without end.

NAB has discussed this with Mr. Bloch, who insists that he is rendering a publicity service of value in the national defense program. He disclosed the list of stations and the free services they are now giving him, as a result of a skilfully worded request that implied governmental sanction and cooperation with the national defense program.

A careful check of the rates of all stations carrying these free plugs, as published in Standard Rate & Data, with all frequency discounts figured, show that if purchased at regular rates this service should cost the fish industry $1,886.08 per week, or $98,076.16 per year.

One hundred and thirteen stations have been giving a total of 458 free plugs per week, or 23,816 free plugs per year.

As long as this service is given free in cooperation with Mr. Bloch's publicity efforts, it is the opinion of NAB that stations will find it difficult indeed to develop commercial revenue from fish markets, dealers, processors or distributors. This campaign has no more official connection with the national defense program, we believe, than the efforts of coal dealers to sell coal (and thereby "develop national resources") or the efforts of wool growers to sell suits. All phases of the national defense program are receiving the close cooperation of NAB, and member stations will be kept advised as to the part radio should fairly be expected to play through the contribution of time and services. No broadcaster need have any fear that he will be considered "non-cooperative" if he declines to accept publicity material of the sort mentioned.

Free time from radio stations is being sought by Selvage & Smith, public relations firm in New York City, on behalf of their client, the Investment Bankers Association of America. Free quarter-hour programs called "Men, Money and Ideas" are being offered. Investigation by NAB shows no reason why these should not be considered commercial programs, and paid for at regular rates.

Legislation

FEDERAL LEGISLATION

HOUSE

H. R. 4486 (Collins, D-Miss.) COPYRIGHT—To create five regional national libraries and to amend section 12 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, and for other purposes. Referred to Committee on the Library.

SENATE

S. Res. 97 (Truman, D-Mo.) COMMUNICATIONS ACT—Relating to the prevention of unauthorized or unlicensed communications and the protection of the privacy of communications. Referred to Committee on Interstate Commerce.

STATE LEGISLATION

Delaware:

H. 237 (Rhodes) EYEGLASSES—Relating to licensing of the business of dispensing eyeglasses. Referred to Committee on Public Health. Reported on its merits in House April 9.

Miscellaneous

DAYLIGHT SAVING

This week Representative McLean (R-N. J.), author of the national daylight saving bill (H. R. 3789), issued the following statement:

"Because of these wartime activities," he said, "conditions are today comparable to those during the last war and all measures adopted then are needful now and should be enacted at once, including the daylight saving time act.

"The original act proved its usefulness and remained in effect until the end of the war. Its benefits were so manifest that when it was repealed, permissive or mandatory State laws were enacted, being in effect last summer in all or part of 16 States.

"Daylight is free. Artificial light is costly. Daylight saving will reduce the industrial, commercial and domestic expenditures for artificial light. Imagine the saving in fuel and electric current if all the lights of the country were turned out for one hour each day.

"Based on the statistics available from the experience during the World War, the estimated saving of fuel during the daylight saving period would be upwards of 5 per cent, which is an enormous amount in volume of materials and energy when the total consumption is considered. These resources could be advantageously diverted to the national defense program.

"The measure is fairly calculated to accomplish valuable economies in our national life; it will be of special value in the present emergency; it will contribute to the comfort, convenience and unity of the home life of many millions of our people."

Another national daylight saving bill, (H. R. 4206) introduced by Representative Keogh (D-N. Y.), is also in the legislative hopper.

In this connection, President Miller wrote to Mr. Knudsen on April 8, as follows:

"Honorable William S. Knudsen
National Defense Commission
Washington, D. C.

My dear Mr. Knudsen:

There have been introduced in Congress two bills to provide for daylight saving time on a nation-wide basis,—one H. R. 3789 by Representative McLean (R-N. J.) and the other H. R. 4206 by Representative Keogh (D-N. Y.). Our Board of Directors has voted unanimously to support national daylight saving time for the reason that it will solve the broadcasting industry's semi-annual programming problems arising out of the fact that some states operate on daylight saving time and others do not. The Association of American Railroads through its Board of Directors has also, I am informed, voted to support national daylight saving time.

I do not know what consideration, if any, the Defense Commission has given to the question of the desirability of national daylight saving time as a defense measure. Our Association, and others, deem it of transcendent importance. If you concur in our view, we urge that you make a public statement to that effect.

Very truly yours,
NM/hml
Neville Miller"

No reply has been received to date, nor has any public statement been noted.

AD CLUB TO HONOR WBAL

Neville Miller, NAB president, will address the Advertising Club of Baltimore on Wednesday, May 28, on the subject "Radio and National Defense." This will be the Advertising Club's meeting in honor of Baltimore's new 50,000 watt station, WBAL, which will take the air with 50,000 watts power Sunday, May 25.

NEWSPAPER OWNED STATIONS ORGANIZE

The following report contained in the New York "Herald-Tribune" outlines the developments which have occurred in the organization of the newspaper owned stations to prepare themselves for the pending hearing on the question of newspaper ownership of radio stations:

"Mark Ethridge, general manager of 'The Louisville Courier Journal' and 'The Louisville Times' presided in the Jansen suite of the Waldorf-Astoria at a meeting of a committee of publisher broadcasters, organized several weeks ago when the Federal Communications Commission announced forthcoming hearings to inquire into the joint ownership of newspapers and radio broadcasting stations. At the end of a two-hour session, Mr. Ethridge announced the formation of a sub-committee of nine to study the situation, outline a program and report back to a general meeting of all the 292 publishers who operate radio stations on Tuesday afternoon.

"Members of the sub-committee are: Harold Hough, 'Fort Worth Star Telegram', chairman; Walter Damm, 'The Milwaukee Journal', vice-chairman; James M. Cox, Jr., 'The Atlanta Journal'; Guy Hamilton, general manager, the McClatchy Newspapers and station KERN, Bakersfield, Calif.; Gardner Cowles, Jr., 'The Des Moines Register and Tribune'; D. Tennant Bryan, 'The Richmond News-Leader'; John E. Person, 'The Williamsport (Pa.) Sun Gazette'; Nelson Poynter, 'The St. Petersburg (Fla.) Times', and Jack Howard, the Scripps Howard Newspapers."

891 STATIONS

During the month of March, 1941, the Federal Communications Commission issued operating licenses to three stations and granted five permits for the construction of new stations. Two stations were deleted. A comparative table by months follows:

	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1
Operating	775	779	783	791	799	806	810	816	825	831	835	836	837
Construction	48	47	53	56	58	57	54	52	51	51	46	54	54
	823	826	836	847	857	863	864	868	876	882	881	890	891

NAB PUBLICATIONS

Just off the press is the revised edition of HOW TO USE RADIO, edited by Professor Kenneth G. Bartlett of Syracuse University. This new edition is an improvement over the first issue and radio broadcasters are urged to use it in an effective manner. Copies may be obtained upon request at the modest price of 6 cents a copy.

Now in process of preparation is the revised edition of HOW TO USE RADIO IN THE CLASSROOM and the ABC OF RADIO. We should like to hear from member stations as to their possible uses of these two publications in order that we may order a sufficient number to supply the demand. They will be furnished at the cost price of 6 cents each.

MONOPOLY REPORT AND DEFENSE

Monopoly report will not be made public by FCC this week or next Chairman James Lawrence Fly told newsmen at a press conference early this week in answer to a specific question.

Mr. Fly said that no dates have yet been set for hearings on newspaper FM ownership. Asked about appointment of the new head for the listening post set up the chairman explained that just a handful of top-notch men are available for this job and he has not yet succeeded in getting one. He said that he does not want to make any compromise in his selection of the right man.

The chairman discussed the work of the Defense Communications Board generally during the course of which he was asked about the broadcasting aspect of this defense work. He said that the broadcasters wanted to delay the program by themselves taking over last summer. He agreed that broadcasting would have to be considered in war but there are relatively more important elements in the whole defense communications program.

Asked about short wave broadcasting and its relationship to the defense work the chairman said that this is one of the problems but how important it is he was reluctant to say.

Defense Job Training

The U. S. Office of Education has prepared a chart which lists complete information concerning government sponsored training courses.

To train unskilled men to fill defense jobs, training courses in public schools and other locations have been established throughout the country. They are intended to aid persons to get jobs in aircraft, shipbuilding, welding, sheet metal, machine shop, electricity, mechanics, forging, radio and other occupations.

The department is mailing a copy to all stations to enable them to answer questions that may be put to them by local listeners.

Here are questions the chart answers:

What are the wages—or fees—, if any, in training? What wages may you earn on the job? What is the purpose of training? What age must you be? What education or work experience must you have? What are the requirements for enrolling in a course? How many weeks do the courses run? How many hours a day? Where are the courses offered? Where should you apply? What types of jobs does the training qualify you for?

Interested persons may secure copies of the chart by sending 5 cents in cash to the Superintendent of Documents, Government Printing Office, Washington. Ask for "Defense Job Training" compiled by the U. S. Office of Education, Federal Security Agency.

FROM THE FCC MAIL BAG

The defense committee of a certain Massachusetts municipality contemplates the purchase, with town funds, of radio apparatus which is intended to be given or loaned to local amateurs for use in emergencies. The committee wants to know whether such service is compatible with Federal Communications Commission rules pertaining to amateurs. The Commission makes reply:

> "It appears that ownership of the equipment would remain in the—Defense Committee and that the procedure outlined in your letter is contemplated to circumvent the prohibition in Section 12.62 of the Amateur Rules against issuance of amateur licenses to corporations or associations. From the information submitted it does not appear that acceptance of the radio equipment by local amateurs would constitute remuneration for their service in emergencies within the contemplation of Section 12.102 of the Amateur Rules. Attention is called, however, to the fact that it would be necessary for the amateur or amateurs operating this equipment to be in complete control thereof. In order that control may be vested in such operators, it is suggested that the equipment be leased to the amateurs at a nominal sum for a definite period of time, such as one year. Such lease agreements should contain, among others, a statement to the effect that sixty days' notice will be given to this Commission in the event of their termination, and copies thereof should be submitted with applications for station licenses. Operation of such apparatus must, of course, be carried on strictly in accordance with the Commission's Rules Governing Amateur Service.
>
> "It is believed that police radio or special emergency radio stations licensed in the Town of —— in its own name would possibly be of more benefit to the town in cases of emergency than would amateur stations furnished to individuals or organizations, as no control could be maintained by the town of the apparatus thus operated."

Several letters addressed to the Commission object to a particular language not being among those recognized for use in telegraph messages. This is not due to any action by the Commission; it arises out of precedent of long standing in international telegraph practices. No "discrimination" is intended. The carriers long ago found it impossible to handle all languages, and agreed to use the chief ones, eliminating in particular those with characters which cannot be transmitted on the machines in regular use for telegraphic purposes.

A Cincinnati resident questions the reasonableness of advertising expenditures by the American Telephone and Telegraph Co. The Commission is without statutory authority to pass on advertising costs. It can only determine whether such expenditures are properly allowable in ascertaining the reasonableness of operating expenses as a factor in fixing telephone rates.

A Missourian is informd that the Commission has no jurisdiction over the collection of damage claims or rental for use of right-of-way by telephone companies. He is referred to the local courts for possible action.

A Wisconsin sheriff is advised that interception and use of police radio communications by a private garage for the purpose of getting towing and repair jobs on wrecked autos is a violation of Section 605 of the Communications Act.

A New York firm writes the Commission about its differences with a broadcast station resulting from a sponsored program. The Commission has no say with respect to the rates charged for broadcast time, hence it can not litigate difficulties between program sponsors and station licensees arising through the use of commercial time.

Because it functions largely as a licensing authority, the Commission cannot entertain an Idaho suggestion that radio sponsors who offer prizes be heavily taxed, or grant the appeal of a Texan organizing "prayer bands" that national networks broadcast his program, or meet a Pennsylvania listener's urge that important national programs be presented over the facilities of a single major network.

A North Carolina fan who is interested in daylight saving time for broadcast stations generally is informed that this is not in the province of the Commission, but is being considered by the broadcasters as a group. The National Association of Broadcasters is on record as favoring universal daylight saving to eliminate the present time confusion.

Broadcasts of baseball games may be rebroadcast by high frequency experimental stations, an inquirer is told, subject to provisions of Section 4.113 of the Commission's rules which prohibits charge, directly or indirectly, for such rebroadcasts, and further stipulation about identifying the originating station or stations.

"There is no rule or requirement of the Commission that individual applicants before it be represented by an attorney," a Seattle resident is advised, "and it is not possible or appropriate for the Commission to advise you whether or not you should employ counsel."

Many inquiries have been received as to opportunities for employment with the Commission. It is pointed out that this agency is required to obtain new personnel and to fill vacancies from registers of the United States Civil Service.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled to be held before the Commission in broadcast and television cases during the week beginning Monday, April 28. They are subject to change.

Monday, April 28

WRDO—WRDO, Incorporated, Augusta, Maine.—Renewal of license, **1370 kc.,** 100 watts, unlimited.

Tuesday, April 29

Television

W1XG—General Television Corporation, Boston, Mass.—Modification of license (considered as C. P.), **50000-56000 kc.,** 500 watts visual, emission A-5, Sec. 4.4(a). Present assignment: **42000-56000, 60000-86000 kc.,** 500 watts visual, emission A-5, Sec. 4.4(a).

W1XG—General Television Corporation, Boston, Mass.—C. P., **42000-56000, 60000-86000 kc.,** 500 watts aural and visual, emission A3 and A-5, Sec. 4.4(a). Present assignment: **42000-56000, 60000-86000 kc.,** 500 watts, visual only, emission A-5, Sec. 4.4(a).

Wednesday, April 30

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—C. P., **1410 kc.,** 1 KW, unlimited, DA-night.

Thursday, May 1

To be held in U. S. Court of Appeals court room, old post office building, in Atlanta, Georgia.

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **890 kc.,** 1 KW night, 5 KW LS, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following tentative hearing and oral argument dates for broadcast cases. They are subject to change.

May 15

Oral Argument Before the Commission

WCY—Radiomarine Corporation of America, West Dover, Ohio.—C. P., **2182 kc.,** calling; **2514, 2550, 2582 kc.,** working; **2738 kc.,** distress and emergency; 600 watts day, 500 watts night; emission A2, A3. Time: unlimited. Pts. of Comm.: radiotelephone equipped ships operating on the Great Lakes.

WCY—Radiomarine Corporation of America, West Dover, Ohio.—C. P., **2182 kc.,** calling; **2738 kc.,** distress and emergency; **4282.5, 6470, 8585 kc.,** calling and working; 600 watts day, 500 watts nights, emission A2, A3. Time: unlimited. Pts. of Comm.: radiotelephone equipped ships operating on the Great Lakes.

WBL—Radiomarine Corporation of America, Buffalo, N. Y.—C. P., **2182 kc.,** calling; **2738 kc.,** distress and emergency; **2514, 2550, 2582 kc.,** working; **4282.5, 6470, 8585 kc.,** calling and working; 600 watts day, 500 watts night; emission A2, A3. Time: unlimited during season of Great Lakes navigation. Pts. of Comm.: with ships operating on the Great Lakes.

WCY—Radiomarine Corporation of America, West Dover, Ohio.—C. P., **2182, 4282.5 kc.,** calling; **2514, 2572, 2738, 4282.5 kc.,** working; 600 watts day, 400 watts night; emission A2, A3. Time: unlimited during season of Great Lakes navigation. Pts. of Comm.: with ships operating on the Great Lakes.

WMI—The Lorain County Radio Corp., Lorain, Ohio.—C. P. for change in equipment and additional frequency, **8585 kc.,** (1) 750 watts, (2) 500 watts, (3) 400 watts, (4) 500 watts; emission, A1, A2, A3. Time: continuous. Pts. of Comm.: ships in Great Lakes area. Present assignment: **2550, 6470, 11370 kc.**

WMI—The Lorain County Radio Corp., Lorain, Ohio.—Renewal of license, **2550, 6470, 11370 kc.,** (a) 750 watts, (b) 500 watts, (c) 400 watts, (d) 500 watts; emission, A1, A2, A3. Time: continuous. Pts. of Comm.: ship stations in Great Lakes area.

WMI—The Lorain County Radio Corp., Lorain, Ohio.—C. P. for additional frequency and change time of operation, **4282.5 kc.,** (1) 750 watts, (2) 500 watts, (3) 400 watts, (4) 500 watts; emission, A1, A2, A3. Time: from daybreak on Great Lakes to sundown on Pacific Coast. Pts. of Comm.: ships in Great Lakes area. Present assignment: **2550, 6470, 11370 kc.**, time: continuous.

WAD—The Lorain County Radio Corp., Port Washington, Wisc.—Modification of C. P. for adidtional transmitter and frequency, **4282.5 kc.**, 500 watts, emission A1, A2, A3. Time: from daybreak on the Great Lakes to sundown on the Pacific Coast. Pts. of Comm.: Great Lakes vessels. Has C. P. for **2514 kc.**, 400 watts. Time: unlimited.

WAS—The Lorain County Radio Corp., Duluth, Minn.—Modification of C. P. for additional transmitter and frequency, **4282.5 kc.**, 500 watts, emission A1, A2, A3. Time: from daybreak on Great Lakes to sundown on Pacific Coast. Pts. of Comm.: Great Lakes vessels. Has C. P. for **2550 kc.**, 400 watts. Time: unlimited.

May 19

WHB—WHB Broadcasting Company, Kansas City, Mo.—C. P., **710 kc.**, 5 KW, DA night and day; unlimited time.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—C. P., **710 kc.**, 10 KW, unlimited, DA night.

May 20

NEW—Camden Broadcasting Co., Camden, N. J.—C. P., **800 kc.**, 500 watts daytime.

May 26

Consolidated Hearing

WCAM—City of Camden, Camden, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WTNJ and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WTNJ and WCAM.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WCAM and WCAP.

WTNJ—WOAX, Incorporated, Trenton, N. J.—C. P., **1230 kc.**, 1 KW night, 1 KW day, unlimited, DA day and night.

NEW—Trent Broadcast Corporation, Trenton, N. J.—C. P., **1230 kc.**, 1 KW, unlimited, DA day and night.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—C. P., **1260 kc.**, 1 KW night, 5 KW day, DA night, unlimited.

June 6

NEW—Butler Broadcasting Corporation, Hamilton, Ohio.—C. P., **1420 kc.**, 250 watts, unlimited time.

June 23

WFNC—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., (Assignor), and W. C. Ewing and T. K. Weyher, tr/as Cumberland Broadcasting Co. (Assignee), Fayetteville, N. C.—Voluntary assignment of license, **1340 kc.**, 250 watts, daytime.

WFNC—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Renewal of license, **1340 kc.** (**1370 kc.** under NARBA), 250 watts, daytime.

June 25

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Bros., Sedalia, Mo.—C. P., **800 kc.** (under NARBA), 1 KW, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

John & Marcia Arrington, d/b as Arrington and Arrington, Covington, Va.—Granted construction permit for new standard broadcast station to operate on **1340 kc.**, 250 watts, unlimited time (B3-P-3066).

Columbia Broadcasting System, Inc., New York City.—Granted construction permit for new developmental broadcast station to operate on **330400, 333400, 336400 kc.** on an experimental basis only, and upon the condition that this authorization is subject to change or cancellation by the Commission at any time without advance notice or hearing; power 25 watts; special emission for frequency modulation with a maximum frequency swing not to exceed **200 kc.**; to operate as a developmental broadcast station for the development of an experimental program circuit between the studios and transmitter of International Broadcast Stations WCBX and WCRC; operation to be conducted in accordance with Sections 4.151, 4.153, 4.154, 4.156 and 4.157 (B1-PRE-384).

Columbia Broadcasting System, Inc., New York City.—Granted construction permit for new developmental broadcast station to operate on **330400, 333400, 336400 kc.** on an experimental basis only, and upon the condition that this authorization is subject to change or cancellation by the Commission at any time without advance notice or hearing; power 25 watts; special emission for frequency modulation with a maximum frequency swing not to exceed **200 kc.**; to operate as a developmental broadcast station for the development of an experimental program circuit between the studios and transmitter of International Broadcast Stations WCBX and WCRC; operation to be conducted in accordance with Sections 4.151, 4.153, 4.154, 4.156 and 4.157 (B1-PRE-385).

Columbia Broadcasting System, Inc., New York City.—Granted construction permit for new developmental broadcast station to operate on **330400, 333400, 336400 kc.** on an experimental basis only, and upon the condition that this authorization is subject to change or cancellation by the Commission at any time without advance notice or hearing; power 25 watts; special emission for frequency modulation with a maximum frequency swing not to exceed **200 kc.**; to operate as a developmental broadcast station for the development of an experimental program circuit between the studios and transmitter of International Broadcast Stations WCBX and WCRC; operation to be conducted in accordance with Sections 4.151, 4.153, 4.154, 4.156 and 4.157 (B1-PRE-386).

The Journal Company (The Milwaukee Journal), Portable-Mobile (area of Milwaukee County, Wis.).—Granted construction permit for new television broadcast station to operate on frequencies of **300000-312000 kc.** on an experimental basis only, and upon condition that this authority is subject to change or cancellation by the Commission at any time without advance notice or hearing; A5 emission, power 6.5 watts; to communicate as a television relay broadcast station in accordance with Sections 4.71, 4.72, 4.74, 4.76, 4.77 and 4.78; portable mobile in the Milwaukee area; to be used in conjunction with television broadcast station W9XMJ (B4-PVB-81).

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted authority to transfer control of corporation (Lake Region Broadcasting Co. license of WLAK), from J. P. Marchant, D. J. Carey, Melvin Meyer, W. Walter Tison and The Tribune Company to Bradley R. Eidmann (100 shares of capital stock, par value $100 per share) and to assign a mortgage in the amount of $5,000 upon the property of station WLAK to the transferee for a consideration of $10,000 cash, upon condition that neither the Tribune Company (WFLA, Tampa, Florida) nor any of its officers, directors, stockholders, agents or employees shall have any stock interest in, security interest against, or part in the management of the licensee of Station WLAK, Lakeland, Florida.

WATR—The WATR Co., Inc., Waterbury, Conn.—Granted construction permit to install a new transmitter, make changes in directional antenna and increase power from 250 watts to 1 KW, using directional antenna; **1320 kc.**, unlimited time (B1-P-3032).

DESIGNATED FOR HEARING

WENY—Elmira Star Gazette, Inc., Elmira, N. Y.—Application for construction permit to change frequency from **1200 kc.** to **590 kc.**, increase power from 250 watts to 1 KW, unlimited time; install new equipment and directional antenna with different adjustments for day and night use (B1-P-3070).

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Application for construction permit to change frequency from **1380** to **680 kc.**; increase power from 5 to 50 KW; move transmitter site from Conduit & Logan Streets, St. Louis, Mo., to 10 miles So. of St. Louis, Bixby, Ill.; install new equipment and directional antenna for day and night use (2 patterns).

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Application for construction permit to increase power from 500 watts night, 2½ KW LS to 5 KW, increase hours of operation from day to local sunset at San Francisco, to unlimited time; move transmitter site; install new transmitter and install directional antenna with different adjustments for day and night use; **680 kc.** (B4-P-2477).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Application for construction permit to increase power from 1 KW day, 500 watts night, to 5 KW; install new transmitter and directional antenna for night use; move transmitter site; **690 kc.**, unlimited time (B4-P-2883).

Scripps-Howard Radio, Inc., Houston, Tex., and Texas Star Broadcasting Co., Houston, Tex.—Joint hearing on applications of Scripps-Howard Radio, Inc., and Texas Star Broadcasting Co., for new stations at Houston, Tex., to operate on **1230 kc.**, 250 watts night and day, unlimited time (B3-P-2962 and B3-P-3006).

Herald Publishing Co., Klamath Falls, Ore.—Application for construction permit for new station to operate on **1370 kc.** with 250 watts, unlimited time (B5-P-2932).

Dorman Schaeffer, Klamath Falls, Ore.—Application for construction permit for new station to operate on **1400 kc.** with 250 watts, unlimited time (B5-P-2951).

The Metropolis Company, Ocala, Fla.—Application for license to operate a new station on **1490 kc.**, 100 watts, unlimited time requesting the facilities of WTMC (hearing to include record in the pending revocation proceedings of WTMC) (B3-L-1382).

WLAK—J. P. Marchant, D. J. Carey, Melvin Meyer, W. Walter Tison, and The Tribune Company (Transferors), Russell E. Baker (Transferee), Lake Region Broadcasting Co., Lakeland, Fla.—Application for authority to transfer control of Lake Region Broadcasting Co. (licensee of station WLAK), from the present stockholders—Marchant, Carey, Meyer, Tison and The Tribune Co., to Russell E. Baker (B3-TC-260).

Bay County Publishers, Inc., Panama City, Fla.—Application for license to operate a new station on **1320 kc.**, 100 watts night, 250 watts LS, unlimited time, requesting facilities of WDLP (hearing to include record in pending revocation proceedings of WDLP), (B3-L-1383).

John C. Scripps, Ventura, Calif.—Application for new station to operate on **1460 kc.** with 1 KW power, unlimited time. Exact transmitter site and antenna system to be determined with Commission's approval (B5-P-2583).

MISCELLANEOUS

WNBI—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate international station WNBI on frequency **17780 kc.** in order to permit simultaneous operation of stations WNBI and WRCA on frequency **17780** and **9670 kc.** for the period April 16, 1941, to not later than May 15, 1941.

W2XAG—Carman R. Runyon, Jr., Yonkers, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **117190 kc.**, 5000 watts, special emission, for frequency modulation, with transmitter located at 544 N. Broadway, Yonkers, N. Y., described as Composite, maximum rated carrier power 5000 watts for the period May 1, 1941, to not later than June 29, 1941.

W8XVH—WBNS, Inc., Columbus, Ohio.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43000 kc.**, 250 watts, special emission for frequency modulation with transmitter located at 50 W. Broad St., Columbus, Ohio, described as General Electric, Type 4GF1A1, maximum rated carrier power 250 watts, for period May 1, 1941, to not later than June 29, 1941, pending completion of construction of new FM station.

W1XSN—Westinghouse Radio Stations, Inc., E. Springfield, Mass.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts, special emission for frequency modulation, with transmitter located at 625 Page Blvd., E. Springfield, Mass., described as Westinghouse, Type HE, maximum rated carrier power 1000 watts, for period May 1 to not later than June 29, 1941, pending completion of new FM station.

W1XK—Westinghouse Radio Stations, Inc., Hull, Mass.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts, special emission for frequency modulation, with transmitter located at Newport Road, Hull, Mass., described as Westinghouse, Type HE, maximum rated carrier power 1000 watts for period May 1 to not later than June 29, 1941, pending completion of new FM station.

W8XAD—WHEC, Inc., Rochester, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts, special emission for frequency modulation, with transmitter located at 979 Mt. Read Blvd., Rochester, N. Y., and described as R.E.L. Type 519, for period May 1, 1941, to not later than June 29, 1941, pending completion of new FM station.

WOR—Bamberger Broadcasting Service, Inc., New York City.—Granted special temporary authority to rebroadcast over station WOR and other stations of the Mutual System, signals from a Navy airplane between 10 and 11 a. m., EST, April 18, in connection with program "Flying with the Navy Cadets" in cooperation with the U. S. Navy to promote enlistments in Naval Aviation (B1-S-177).

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Granted authority to determine operating power by direct measurement of antenna input on **1450 kc.** under NARBA (B1-Z-778).

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Granted authority to determine operating power by direct measurement of antenna input on **1450 kc.** under NARBA (B1-Z-776).

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Granted authority to determine operating power by direct measurement of antenna input on **1490 kc.** under NARBA (B3-Z-779).

KOMO—Mission Broadcasting Co., San Antonio, Texas.—Granted authority to determine operating power by direct measurement of antenna input on **1400 kc.** under NARBA (B3-Z-782).

WHAM—Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted authority to determine operating power by direct measurement of antenna input on **1180 kc.** under NARBA (B1-Z-780).

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA (B2-Z-769).

WPAX—H. Wimpy, Thomasville, Ga.—Granted authority to determine operating power by direct measurement of antenna power on **1240 kc.** under NARBA (B3-Z-721).

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted authority to determine operating power by direct measurement of antenna power on **1130 kc.** under NARBA (B4-Z-767).

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted authority on a temporary basis, conditionally, to install automatic frequency control equipment on **1600 kc.** under NARBA (B1-F-210)

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted modification of construction permit (B3-P-2766) for changes in directional antenna, requesting **1150 kc.** under NARBA, and extension of completion date to 60 days after grant (B3-MP-1217).

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted modification of construction permit (B5-P-2701) which authorized installation of directional antenna for night use and increase in power) for frequency **790 kc.** under NARBA and extension of completion date to 90 days after grant (B5-MP-1194).

WNBC—State Broadcasting Corp., New Britain, Conn.—Granted modification of construction permit (B1-P-2723) as modified, for changes in directional antenna, requesting **1410 kc.** under NARBA, and extension of commencement and completion dates to 60 and 180 days after grant respectively (B1-MP-1225).

WFLA—The Tribune Co., Tampa, Fla.—Adopted order further extending authorization to conduct its program tests for a period not exceeding 10 days beyond April 21, 1941.

KOMA—KOMA, Inc., Oklahoma City, Okla.—Granted authority to install automatic frequency control equipment on **1520 kc.** under NARBA (B3-F-209).

KXRO—KXRO, Inc., Aberdeen, Wash.—Granted authority to install automatic frequency control equipment on **1340 kc.** under NARBA (B3-F-208).

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted authority to install automatic frequency control equipment on **850 kc.** under NARBA (B1-F-212).

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Granted authority to install automatic frequency control equipment on **990 kc.** under NARBA (B3-F-211).

WJJD—WJJD, Inc., Chicago, Ill.—Granted authority to install automatic frequency control equipment on **1160 kc.** under NARBA (B4-F-215).

KOL—Seattle Broadcasting, Co., Seattle, Wash.—Granted authority to install automatic frequency control equipment on **1300 kc.** under NARBA (B3-F-214).

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted authority to install automatic frequency control equipment on **1490 kc.** under NARBA and for auxiliary transmitter (B2-F-213).

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted authority to determine operating power by direct measurement of antenna power on **1240 kc.** under NARBA (B3-Z-748).

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA (B1-Z-781).

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted authority to determine operating power by direct measurement of antenna power on **1030 kc.** under NARBA (B3-Z-775).

KWIL—Central Willemette Broadcasting Co., Albany, Ore.—Granted authority to determine operating power by direct measurement of antenna power on **1240 kc.** under NARBA (B5-Z-783).

WDWS—The Champaign News-Gazette, Inc., Champaign, Ill.—Granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA (B4-Z-760).

KFRU—KFRU, Inc., Columbia, Mo.—Granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA (B4-Z-768).

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to move transmitter and studio 500 feet northeast from the boundary line of Red Bank, N. J., at River Plaza, Middletown, Twp., Bldg. 2 May Court, due to fire, pending determination of permanent site. Radiating system in compliance with Sec. 3.45 and operate at same location (B1-S-185).

WHB—WHB Broadcasting Co., Kansas City, Mo.—Granted motion for authority to take depositions in re application of WHB for construction permit to operate on **710 kc.,** 5 KW, DA night and day, unlimited time, and WTCN same except to use 10 KW.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Denied petition to enlarge the issues in re above.

WHB—WHB Broadcasting Co., Kansas City, Mo.; WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted motion of applicants to postpone hearing in re above from May 14 to May 19.

The Outlet Company, Providence, R. I.—Granted motion for leave to amend application, provided amendment is filed within 2 weeks from this date, and ordered that consolidated hearing previously ordered upon this and Yankee Network application be and it is hereby severed. Hearing on Outlet Co. application cancelled and application removed from hearing docket.

God's Bible School and College, Cincinnati, Ohio.—Granted motion for extension of time, 30 days from April 9, in which to file exceptions to Commission's Proposed Findings in re application for new international broadcast station.

WGAL—WGAL, Inc., Lancaster, Pa.—Granted petition for leave to intervene in the hearing on application of WTEL, Philadelphia, for construction permit to operate on **1500 kc.,** 250 watts, unlimited time.

Camden Broadcasting Co., Camden, N. J.—Granted alternative motion for orders to postpone hearing date to May 20, and authorize the taking of depositions in re application for new station to operate on **800 kc.,** 500 watts, daytime.

WMEJ—The Metropolis Co., Portable-Mobile, area of Jacksonville, Fla.—Granted license to cover construction permit (B3-PRY-219) for a new relay broadcast station to be used with applicant's standard broadcast station WJHP; frequencies **1622, 2058, 2150** and **2790 kc.,** 40 watts (B3-LRY-223).

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m. to the conclusion of Governor Olson's speech on State and National Defense under auspices American Brotherhood Protestant, Catholic, and Jews, in order to broadcast said speech only on April 19, 1941.

W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.,** 40000 watts power, special emission for frequency modulation, with transmitter located at North of Alpine, N. J., described as Composite, Type RCA, maximum rated carrier power 40000 watts, for the period May 1, 1941, to not later than June 29, 1941, pending completion of new FM station W31NY. Granted extension of special temporary authority to retransmit the transmission of experimental high frequency broadcast stations W2XAG, W1XPW and W1XPJ for the period May 1, 1941, to not later than June 29, 1941, in order to continue rebroadcasting experiments. Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **117430 kc.,** power of 40 KW, using special emission for frequency modulation with a maximum band width not to exceed **200 kc.,** subject to the condition that no interference is caused to other stations on same or adjacent channels, from May 12, 1941, to not later than July 10, 1941, in order to conduct tests, pending completion of new FM station W31NY.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Granted modification of construction permit (B3-P-2525) for installation of DA for night use, new transmitter, change in frequency from **1310** to **1360 kc.,** increase in power to 1 KW day and night, for **1390 kc.** under NARBA and changes in DA, extension of completion date to 180 days after grant. This authority is granted conditionally and is not to be construed as a finding by the Commission upon the application for renewal of license of WTJS when it is filed with the Commission, nor upon any of the issues which may be involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms hereof (B3-MP-1232).

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Granted construction permit to increase day and night power to 10 KW, install new transmitting equipment and directional antenna for both daytime and nighttime use, subject to approval by Chief Engineer (B3-P-2839).

WRCA—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate on **9670 kc.** with effective power of 100 KW, using separate power amplifiers feeding separate directional antenna for the period April 20, 1941, to not later than May 19, 1941.

W8XVB—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.,** 1000 watts, special emission for frequency modulation, with transmitter located at 89 E. Ave., Rochester, N. Y., described as R.E.L., Type Cat. No. 519, maximum rated carrier power 2000 watts, for period May 1, 1941, to not later than July 1, 1941.

KDKA—Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—Granted special temporary authority to broadcast the transmissions of a United States Army plane on Friday, April 10, 1941, in conjunction with a trial blackout of Allegheny County.

W1XTC—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted extension of special temporary authority to operate high frequency broadcast station W1XTC on **43400 kc.,** 1000 watts, special emission for frequency modulation, maximum band width not over **200 kc.** for the period May 1, 1941, to not later than August 1, 1941, at Shrewsbury St., Worcester, Mass., pending action on application for new FM station.

WKEU—Radio Station WKEU, Griffin, Ga.—Denied request for special temporary authority to operate from 7 p. m. to 9:30 p. m., CST, April 20 through May 17, 1941, in order to broadcast revival program only.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 1 p. m. to 2:30 p. m. and from 3:30 p. m. to 4:30 p. m. and from 5:30 p. m. to 6:30 p. m., CST, April 22, 1941, in order to broadcast double header baseball game with Carleton College only.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted extension of special temporary authority to remain silent for the period April 20, 1941, to not later than May 20, 1941, pending completion of adjustments made necessary by fire.

KWLC—Luther College, Decorah, Iowa—Granted special temporary authority to sign off at 6 p. m., CST, during the month of April, 1941.

WMAM—W & M Broadcasting Co., Marinette, Wisc.—Granted special temporary authority to operate from local sunset (April, 6:30 p. m., CST) to the conclusion of special events from the Marinette and Menominee Smelt Festival on April 19 and 20, 1941, in order to broadcast said programs only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with 100 watts power from 7:30 p. m. to 10 p. m., CST, on April 17, 1941, in order to broadcast an address by Bishop Wallace A. Conkling, Episcopal Bishop of Chicago, only and from 7:30 p. m. to 10 p. m., CST, on April 21, 1941, in order to broadcast a civic and patriotic program of Geneva Community High School only.

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with Station WJBO from 8 p. m. to midnight, CST, May 2, 1941, in order to broadcast program in connection with the annual Cotton Ball and Pageant celebration of the A. and M. College Agronomy Society, only.

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with Station KRKO from 4 p. m. to 6 p. m., April 25, May 1, 3, 9, 12, 15, 16, 23, 1941, PST, in order to complete broadcasts of special Seattle High School Track Meets, only.

KEVR—Evergreen Broadcasting Corp, Seattle, Wash.—Granted special temporary authority to operate simultaneously with Station KRKO from 4 p. m. to 6 p. m., PST, May 27 and 29, 1941, in order to complete broadcasts of special Seattle High School Track Meets only.

Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to pick up program from Army Aircraft April 20 or April 27, 1941, from 5:15 to 5:30 p. m., EST, in connection with demonstration of defense maneuvers originating at Mitchell Field, L. I., and retransmit same to WABC and the CBS in New York.

WSGN—Birmingham News Company, Birmingham, Ala.—Granted petition to reconsider and grant without a hearing application for renewal of license for WSGN, **1340 kc.,** 250 watts, unlimited time, and cancelled the hearing heretofore scheduled on this application (B3-R-420).

Natchez Broadcasting Co., Natchez, Miss.—Adopted order granting unconditionally the application for a new station to operate on **1490 kc.,** 250 watts, unlimited time. On March 18, 1941, this application was granted upon condition that applicant file a properly certified copy of its corporate charter, and this condition has now been complied with (B3-P-2999).

KLUF—KLUF Broadcasting Co., Inc., Galveston, Texas.—Granted application for renewal of license to operate on **1400 kc.,** 250 watts, unlimited time.

KOA—National Broadcasting Co., Inc., Denver, Colo.—Denied petition of National Broadcastingg Co., Inc. (KOA), Denver, for stay of Commission order of April 7 granting application of Matheson Radio Co., Inc. (WHDH), Boston, Mass., for construction permit to increase power from 1 KW to 5 KW, and hours of operation from daytime to sunset at Denver, to unlimited time, using directional antenna at night, on **850 kc.;** suspended April 7 order pending filing by National Broadcasting Co., Inc. (KOA), within time allowed by statute, of petition for rehearing and determination thereon by the Commission or until further order of the Commission.

APPLICATIONS FILED AT FCC

570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y. —Modification of license to increase power from 1 KW night 5 KW day to 5 KW day and night and changes in directional antenna for day and night use.

WNAX—WNAX Broadcasting Co., Yankton, S. D.—Authority to install automatic frequency control equipment.

610 Kilocycles

WCLE—United Broadcasting Co., Cleveland, Ohio.—Authority to install automatic frequency control.

620 Kilocycles

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wisc.—Modification of construction permit (B4-P-2696) to extend completion date from 5-6-41 to 6-6-41.

710 Kilocycles

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Modification of construction permit (B5-P-2804) for approval of transmitter site, approval of directional antenna for day and night use, installation of new transmitter and increase in power from 5 to 10 KW.

770 Kilocycles

WLB—University of Minnesota, Minneapolis, Minn.—Authority to determine operating power by the direct method.

810 Kilocycles

KOAM—The Pittsburgh Broadcasting Co., Inc., Pittsburgh, Kans. —Authority to determine operating power by the direct method.

860 Kilocycles

NEW—Paducah Broadcasting Co., Inc., Paducah, Ky.—Construction permit for a new broadcast station to be operated on **860 kc.,** 250 watts, daytime hours.

930 Kilocycles

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Authority to determine operating power by the direct method.

940 Kilocycles

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Authority to determine operating power by direct method.

950 Kilocycles

KPRC—Houston Printing Corp., Houston, Texas.—Modification of construction permit (B3-P-2791) to install directional antenna for night use, and increase in power from 1 KW night, 5 KW day to 5 KW day and night, requesting changes in directional antenna and **950 kc.** under NARBA and extension of completion date from 6-22-41 to 120 days after grant.

WWJ—The Evening News Assn., Detroit, Mich.—Modification of construction permit (B2-P-2880) as modified, for changes in directional antenna and to specify **950 kc.** under NARBA, extend completion date from 9-28-41 to 120 days after grant.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified, for extension of completion date from 5-5-41 to 6-5-41.

970 Kilocycles

WAAT—Bremer Broadcasting Corp., Jersey City, Ala.—Modification of construction permit (B1-P-2704) as modified, for new transmitter, install directional antenna, change hours of operation from day to unlimited time, increase power from 500 watts to 1 KW and move transmitter, for extention of completion date from 4-25-41 to 5-25-41.

WICA—WICA, Inc., Ashtabula, Ohio.—Construction permit to install new transmitter, install directional antenna for night use, increase power from 1 KW to 1 KW night, 5 KW day and change hours from daytime to unlimited time. Amended: to request **970 kc.** under NARBA and changes in directional antenna.

1030 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. M.—Modication of construction permit (B5-P-2783) as modified, for new transmitter, increase in power from 10 to 50 KW, requesting extension of completion date from 5-7-41 to 7-6-41.

1050 Kilocycles

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Authority to determine operating power by direct method.

1070 Kilocycles

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Authority to determine operating power by direct method.

1110 Kilocycles

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Authority to determine operating power by direct measurement of antenna power.

1230 Kilocycles

KFDA—Amarillo Broadcasting Corp., Amarilla, Tex.—Authority to determine operating power by direct method.

KPOW—Albert Joseph Meyer, Powell, Wyo.—License to cover construction permit (B5-P-2593) as modified for a new broadcast station.

KPOW—Albert Joseph Meyer, Powell, Wyo.—Authority to determine operating power by direct measurement of antenna power.

NEW—Bay County Publishers, Inc., Panama City, Fla.—License for a new broadcast station to be operated on **1230 kc.,** 100 watts night, 250 watts day and unlimited time. Facilities of Station WDLP.

WAIM—Wilton E. Hall, Anderson, S. C.—License to cover construction permit (B3-P-2935) as modified, to install new transmitter, new antenna and increase in power.

KFXJ—R. G. Howell & Charles Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Authority to determine operating power by the direct method.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Authority to determine operating power by the direct method.

1240 Kilocycles

KIUL—The Garden City Broadcasting Co. (Homer A. Ellison and Frank D. Conard), Garden City, Kans.—Authority to determine operating power by the direct method.

KWAT—Midland National Life Insurance Co., Watertown, S. C.—Authority to determine operating power by the direct method.

1280 Kilocycles

WDSU—WDSU, Incorporated ,New Orleans, La.—Modification of construction permit (B3-P-2923) for changes in directional antenna and specify **1280 kc.** under NARBA.

1290 Kilocycles

KGVO—Mosby's, Inc., Missoula, Mont.—Authority to install new automatic frequency control equipment.

KGVO—Mosby's, Inc., Missoula, Mont.—Construction permit to increase power from 1 KW night 5 KW day to 5 KW day and night, install directional antenna for day and night use, move transmitter and make equipment changes. Amended to make changes in directional antenna.

WKNE—Twin State Broadcasting Corp., Keene, N. H.—Voluntary assignment of license from Twin State Broadcasting Corporation to WKNE Corporation.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Construction permit to increase power from 500 watts night, 1 KW day to 1 KW day and night, install directional antenna for day and night use. Amended to make changes in directional antenna.

1300 Kilocycles

WWNY—The Brockway Co., Watertown, N. Y.—License to cover construction permit (B1-P-937) as modified, for a new broadcast station.

WWNY—The Brockway Co., Watertown, N. Y.—Authority to determine operating power by the direct method.

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Authority to determine operating power by direct method.

1310 Kilocycles

KLS—S. W. Warner & E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—License to cover construction permit (B5-P-2826) as modified for installation of new transmitter, changes in antenna and increase in power.

KLS—S. W. Warner & E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—Authority to determine operating power by direct measurement of antenna power.

1320 Kilocycles

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Modification of construction permit (B5-P-2721) for installation of directional antenna for day and night use, increase in power to 5 KW, for changes in directional antenna system and requesting **1320 kc.** under NARBA.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Modification of construction permit (B2-P-2947) to increase power from 1 KW night, 5 KW day to 5 KW day and night, install directional antenna for night use, for **1320 kc.** under NARBA, and changes in directional antenna and extension of commencement date to 30 days after grant and completion date to 180 days thereafter.

1340 Kilocycles

KHUB—John P. Scripps, Watsonville, Calif.—Authority to determine operating power by the direct method.

NEW—WBAM, Incorporated, Birmingham, Ala.—Construction permit for a new broadcast station to be operated on **1340 kc.,** 250 watts, unlimited time, facilities of WSGN when vacated.

1370 Kilocycles

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Authority to determine operating power by direct method.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification of license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

1380 Kilocycles

KIDO—Frank L. Hill & C. G. Phillips, d/b as Boise Broadcasting Station, Boise, Idaho.—Authority to determine operating power by the direct method.

1390 Kilocycles

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Authority to install automatic frequency control.

1400 Kilocycles

KOBH—Black Hills Broadcast Company of Rapid City, Rapid City, S. D.—Authority to determine operating power by the direct method.

KIUP—San Juan Broadcasting Co., Durango, Colo.—Authority to determine operating power by direct measurement of antenna power.

WKMO—Kokomo Broadcasting Corp., Kokomo, Ind.—License to cover construction permit (B4-P-2842) as modified, for a new broadcast station specifying **1400 kc.** under NARBA.

KELD—Radio Enterprises, Inc., North of El Dorado, Ark.—Construction permit to change tubes in last radio stage from four RCA 203-A to two RCA 805.

WJAC—WJAC, Inc., Johnstown, Pa.—Authority to determine operating power by the direct method.

WKMO—WJAC, Inc., Johnstown, Pa.—Authority to determine operating power by the direct method.

WEOA—Evansville On The Air, Inc., Evansville, Ind.—License to cover construction permit (B4-P-3079) for move of transmitter.

1410 Kilocycles

WALA—W. O. Pape, tr. as Pape Broadcasting Co., Mobile, Ala.—Modification of construction permit (B3-MP-932) requesting change in type of transmitter, changes in directional antenna for night use and specify **1410 kc.** under NARBA.

1420 Kilocycles

KUJ—KUJ, Inc., Walla Walla, Wash.—Authority to determine operating power by the direct method.

WHK—United Broadcasting Co., Cleveland, Ohio.—Authority to install automatic frequency control equipment on **1420 kc.** under NARBA.

1440 Kilocycles

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—License to cover construction permit (B3-P-2969) for increase in power and installation of new transmitter.

1450 Kilocycles

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Authority to transfer control of corporation from W. B. Greenwald to O. L. Taylor, 50% capital stock, Wm. Wyse, 49.9% capital stock and Wesley E. Brown, .1% capital stock. Amended to change transferees from Taylor, Wyse and Brown to Stanley Marsh, 50%, Wm. Wyse, 49.9% and Wesley E. Brown, .1%.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—License to cover construction permit (B2-P-2900) as modified for move of transmitter and new antenna, specifying **1450 kc.** under NARBA.

WMVA—Wm. C. Barnes & Jonas Weiland, d/b as Martinsville Broadcasting Co., Martinsville, Va.—Authority to determine operating power by direct method.

WMVA—Wm. C. Barnes & Jonas Weiland, d/b as Martinsville Broadcasting Co., Martinsville, Va.—License to cover construction permit (B2-P-2226) as modified for a new broadcast station.

WAOV—Vincennes Newspapers, Inc., Vincennes, Ind.—Authority to determine operating power by the direct method.

KGLU—Gila Broadcasting Co., Safford, Ariz.—Authority to determine operating power by direct method.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Authority to determine operating power by the direct method.

1490 Kilocycles

KGKY—L. L. Hilliard, Ruth K. Hilliard and R. M. Stewart, d/b as Hilliard Co., Scottsbluff, Nebr.—Authority to determine operating power by the direct method.

WMRF—Lewistown Broadcasting Co., Lewistown, Pa.—Modification of construction permit (B2-P-2977) for a new broadcast station, requesting installation of new transmitter, changes in antenna system, move studio and extension of completion date from 10-25-41 to 180 days after grant.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Authority to determine operating power by direct method.

NEW—The Metropolis Co., Ocala, Fla.—License for a new broadcast station to be operated on **1490 kc.**, 100 watts, unlimited time. Facilities of Station WTMC.

NEW—Hennessy Broadcasting Co., Butte, Mont.—Construction permit for a new broadcast station to be operated on **1490 kc.**, 250 watts, unlimited hours.

WBAB—Press-Union Publishing Co., Atlantic City, N. J.—Authority to determine operating power by the direct method.

KPAB—M. M. Valentine, Laredo, Tex.—Authority to determine operating power by direct method.

1600 Kilocycles

WCNW—Arthur Faske—Construction permit to install new transmitter and increase power from 100 watts night, 250 watts day to 1 KW day and night.

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Construction permit to install new transmitter, new antenna system, change frequency from **1500 kc.** to **1600 kc.** (under NARBA), increase power from 250 watts to 5 KW and move transmitter from Woodside (L. I.), to New York, N. Y. Amended: To specify transmitter site as Brooklyn, N. Y.

1520 Kilocycles

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Authority to determine operating power by the direct method.

FM APPLICATIONS

NEW—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Construction permit for a new high frequency broadcast station to be operated on **43500 kc.**; coverage, 19,622 square miles; population, 4,099,385.

NEW—William G. H. Finch, New York, N. Y.—Modification of construction permit (B1-PH-42) for a new high frequency broadcast station, requesting change in transmitter location and approval of antenna system.

NEW—Everett L. Dillard, tr. as Commercial Radio Equipment Co., Kansas City, Mo.—Construction permit for a new high frequency broadcast station to be operated on **44900 kc.**; coverage, 2,995 square miles; population, 673,759. Amended: To change coverage to 4,410 square miles, population to 730,869, and make changes in antenna and transmitter.

MISCELLANEOUS APPLICATIONS

WBAU—Press Union Publishing Co., Atlantic City, N. J.—Modification of construction permit (B1-PRE-363) which authorized new relay broadcast station, for extension of commencement date and completion date from 11-6-40 and 5-6-41 to 5-6-41 and 8-6-41, respectively.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Maurice J. Engel, 146 West 29th St., New York, has been charged with misleading representation in the sale of knife blades used by the fur industry.

According to the complaint, the respondent advertises such knife blades as being "Tri-Forged" and "Tungsten Surgical Steel" and through these and other assertions represents that they are made of the finest tungsten alloy steel, are highly tempered, and are capable of taking and holding a fine edge and of being re-sharpened if necessary.

The complaint alleges that the respondent's knife blades for use in the fur industry are neither tri-forged nor made of tungsten surgical steel but of rolled carbon steel, a product much inferior to tungsten steel both in price and quality (4490).

Norfolk Mattress Co., Inc., Norfolk, Va., has been served with a complaint alleging misleading representations in the sale of its products.

According to the complaint, the respondent furnishes to its retail trade advertising matter in which its products are collectively referred to as "Dr. Ezera Storm's Supreme Quality Sleep Products," while mattresses, springs, studio couches and pillows are given specific trade names containing the abbreviation "Dr.".

The complaint alleges that through its use of the term "Dr." the respondent has represented, either directly or through implication, that the products so designated are made in accordance with the design of or under the supervision of a doctor, and has further represented that such products contain special or scientific features which are the result of medical advice or services, when in fact the respondent's products are not so designed or made (4488).

Pacific Fruit & Produce Exchange—Alleging price fixing and other restraint of trade practices in the interstate sale of broadleaf spinach a complaint has been issued against Pacific Fruit & Produce Co. and four other Walla Walla, Wash., shippers, four Chicago jobbers and a Minneapolis broker operating through a Chicago branch.

The other respondents are Walla Walla Gardeners' Association, Mojonnier & Sons, Inc., Walla Walla Produce Co., and Ewing M.

Stephens and Eugene Tausich, trading as Valley Fruit Co., all of Walla Walla, shippers; C. H. Robinson Co., 430 Oak Grove Ave., Minneapolis, broker, and Robert M. Steinberg, manager of its branch at 1425 South Racine Ave., Chicago, and the following Chicago jobbers: LaMantia Brothers Arrigo Co., 28-32 South Water Market; Owen T. Hill and Robert S. Hill, trading as Mark Owen & Co., 33 South Water Market; John Plennert and John Mahoney, trading as P. & M. Distributing Co., 8 South Water Market, and Arthur Applebaum and Maurice J. Missner, trading as Applebaum-Missner Co., 13 South Water Market.

Broadleaf spinach, the complaint points out, is a distinct variety grown almost exclusively in the Walla Walla region and packed and handled only by the respondent shippers. The bulk of it, according to the complaint, is sold directly to canners although large quantities are shipped fresh to the Chicago market where a sale for this particular type of spinach is readily found.

The complaint charges that the respondent jobbers, pursuant to an agreement, understanding, combination and conspiracy of all the respondents, have fixed the resale prices at which fresh broadleaf spinach purchased by them from the respondent shippers through C. H. Robinson Co., the respondent broker firm, should be sold in the Chicago market, and that such jobbers, assisted by the respondent broker firm and its manager, the respondent Steinberg, entered into an agreement with the respondent shippers whereby they shipped all of their pack of this type of spinach to the respondent jobbers exclusively through the C. H. Robinson Co.

Pursuant to the agreement and combination, the respondent shippers, according to the complaint, fixed the prices paid for broadleaf spinach to the growers and prorated the tonnage of this product throughout the season, it being handled through C. H. Robinson Co., and routed to the respondent jobbers. The complaint further alleges that the respondent jobbers purchased all of their requirements of this spinach for the Chicago market from the respondent shippers through C. H. Robinson Co., and that the respondent Steinberg actively assisted in negotiating the agreement between the respondent jobbers and shippers and cooperated in enforcing it.

The complaint alleges that the respondents' agreement, understanding, combination and conspiracy had the effect of unduly restricting competition, in the purchase and sale of broadleaf spinach in commerce, of enabling the respondents to control and monopolize such business, of preventing competing jobbers in Chicago from purchasing such product, and of enhancing the retail price of fresh broadleaf spinach in Chicago and the surrounding area, all in violation of the Federal Trade Commission Act (4487).

Thrift Sales Corporation—Alleging the use of lottery methods in the sale of sales promotion plans and of watches, clocks, luggage, and other articles used in the operation of such plans, a complaint has been issued against Thrift Sales Corporation, trading as Finance Service System and as Church Extension Bureau, 192 North Clark St., Chicago, and against Gustave Heiss, an officer of Thrift Sales Corporation.

The complaint charges that the respondents contact religious, charitable and fraternal organizations in various parts of the country and offer to conduct bazaars the proceeds of which are to be divided between an organization and the respondents on an agreed-upon basis. According to the complaint, the respondents then place in the hands of the organization's members push card devices to be used in the sale of the respondents' merchandise to the public (4489).

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Carlton Mills, Co., Inc., 241 West Wyoming Ave., Philadelphia, has been ordered to cease and desist from misleading representations in the sale of certain textile fabrics composed of combinations of ordinary wool and of cotton or of these products with rayon.

Commission findings are that the respondent has supplied to garment manufacturers and retail dealers various labels to be attached to coats and other garments manufactured from its fabrics, which are made to resemble genuine Persian lamb, Karakul and Caracul peltries; that the respondent used on these labels various trade names having the sound and appearance of names associated with Southeastern European and Southwestern Asiatic countries where the Persian lamb, the Karakul and the Caracul are found; and that the respondent's practice has tended to deceive purchasers into believing that the respondent's products and the garments manufactured therefrom are made from the peltries or wool of such animals.

The Commission order directs the respondent to cease using the words "Persian" or "Pershian" or words of similar spelling or phonetic sound to describe any textile fabric which simulates the peltry of a Persian lamb, Karakul or Caracul. The respondent is further ordered to cease using or authorizing the use of the terms "Karagora," "Pelkara," "Bashkara Lamm," or "Kosva-Lam," separately or together, with a pictorial design of a lamb or of any other wool-bearing animal, and of the terms "Pershian Royal," "Rivalamm," "Volgalam," "Persia-laine," "Lam Kurl Persian," "Russkara," "Kurl Kohvar," or "Galykurl," all in connection with any description of any textile fabric which simulates in appearance, pattern or design the peltry of a Persian lamb, Karakul or Caracul.

The order directs the respondent to cease employing the terms "Babelamm," "Lam" or "Lamm" or other similar terms to refer to fabrics or products not composed of wool obtained from lambs, provided that such terms may be used as descriptive of the wool content of fabrics or products composed in part of such wool and in part of other fibers, if words truthfully designating each constituent fiber or material are used in immediate connection and in letters of equal conspicuousness.

Under the order, the respondent is further directed to cease advertising, offering or selling fabrics or products composed in whole or in part of rayon without clearly disclosing the rayon content, and, in the case of mixed materials, setting forth the rayon and other constituent fibers or materials in immediate connection with each other and in equally conspicuous type (4341).

Evans Novelty Company—A Chicago firm selling novelty merchandise and a St. Joseph, Mo., candy distributor have been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a game of chance, gift enterprise or lottery scheme. The respondents are Mitchell A. Bazelon and Jacob L. Bazelon, who were formerly in business as copartners under the names Evans Novelty Co. and Premium Sales Co. at 946 Diversey Parkway, Chicago, and the Douglas Candy Co., St. Joseph, Mo.

According to Commission findings, the respondents Mitchell A. and Jacob L. Bazelon were copartners selling radios, fishing tackle, clocks and other merchandise under the names Evans Novelty Co. and Premium Sales Co. until the purchase of Mitchell A. Bazelon's interest in the business by Jacob L. Bazelon, who now conducts the business under the two trade names.

The respondents in each case are ordered to cease and desist from selling or distributing any merchandise so packed or assembled that sales of such merchandise to the public may be made by means of a lottery scheme, and from supplying to others push or pull cards, punch boards or other lattery devices, either with assortments of merchandise or separately, which devices are to be or may be used in selling or distributing such merchandise to the public (3711-3817).

Peterson Core Oil & Mfg. Co., 704 South Kolmar Ave., Chicago, manufacturer of core oil for use in foundries, and Henry S. and Harold A. Peterson, officers of the corporation, have been ordered to cease and desist from representing, by the use of letterheads of the corporation or otherwise, that offices or branches are owned, maintained, or operated in any city or locality when no such office or branch is so owned or operated.

Commission findings are that the respondents represented that they maintain branches in St. Louis, Buffalo, Philadelphia, Detroit, and Hamilton, Ont., when in fact no such offices are operated in those cities or elsewhere.

The Commission order also directs the respondents to cease representing, pictorially or otherwise, that the physical plant, equipment and facilities owned, used or occupied are greater than they are in fact (3989).

Ramsdell Packing Company—Thirteen sardine canning and packing firms operating in Maine have been ordered to discontinue violations of the brokerage provision of the Robinson-Patman Act.

The respondents are: Ramsdell Packing Co., Rockland, Me.;

Seaboard Packing Co., Lubec; Machiasport Canning Co., Machiasport; Holmes Packing Corporation, Eastport; R. J. Peacock Canning Co., Lubec; Jonesport Packing Co., West Jonesport; Sunset Packing Co., Inc., West Pembroke; Calvin L. Stinson, operating as Stinson Canning Co. and Addison Packing Co., Prospect Harbor, Me.; Royal River Packing Corporation, Yarmouth; Belfast Packing Co., Belfast; North Lubec Manufacturing & Canning Co., North Lubec; Union Sardine Co., Lubec; and Booth Fisheries Corporation, 309 West Jackson St., Chicago, operating through its subsidiary, Booth Fisheries Sardine Co., Eastport, Me.

Commission findings are that in some instances the respondents effect sales of sardines through brokers whom they employ as selling agents. In other instances, the findings continue, the respondents sell sardines directly to purchasers among whom are some of the respondents' brokers, who sometimes buy sardines for their own account for resale.

When, according to findings, sales of sardines are effected through brokers, the respondents pay them a brokerage fee or commission usually amounting to five per cent of the price at which the respondents invoice the sardines to the purchasers.

The Commission order directs the respondents to cease and desist from paying or granting to buyers by any means, directly or indirectly, on their own purchases of sardines, any commission, brokerage or other compensation, or any allowance or discount in lieu thereof.

The respondents are further directed to cease and desist from selling sardines to customers, the sales to whom are effected directly by the respondents, at a price reflecting a reduction from the prices at which the respondents are currently selling such sardines to other customers, such reduction being an amount equivalent to brokerage currently being paid by the respondents to their brokers for effecting sales of sardines to other purchasers.

The respondents, except Union Sardine Co., which was not found to engage in such practices, are also ordered to cease and desist from selling sardines to customers through brokers to whom the respondents do not pay the full and customary brokerage, at a price reflecting a reduction from the respondents' current prices to other customers, approximately equal to the difference between the full brokerage customarily paid and that actually paid by the respondents to such brokers for effecting such sales (4355-4362, 4410-4414).

Saks & Company—An order has been set aside to cease and desist issued April 3, 1940, against Saks & Co., New York, concerning certain representations in the sale of women's garments, and has issued a modified order to cease and desist.

The modified order is in accordance with a stipulation in which the respondent company agreed to dismiss its petition for review of the Commission order of April 3, 1940, recently pending in the United States Circuit Court of Appeals for the Second Circuit. New York, and in which the Commission agreed that upon such dismissal it would set aside its original order and issue the modified order.

Under the modified order, the respondent corporation is directed to cease and desist from representing as the customary or regular worth or value of any furs, or fur products made in whole or in part of fur, prices and values which are in excess of the regular and customary prices, and from representing as new or "brand new" any fur coat which is not in fact a new fur coat.

The respondent is further ordered to cease using the unqualified descriptive term "Satin," or any other descriptive terms indicative of silk, to designate any fabric or product not composed wholly of silk, provided that when such terms are used truthfully to designate the type of weave, construction or finish, they must be qualified by the use in connection therewith, in letters of equal conspicuousness, of words clearly naming the fibers or materials from which the products are made.

The modified order further directs the respondent to desist from using the term "Silk" or other similar terms indicative of silk, to describe any fabric or product not composed wholly of silk, provided that in the case of a fabric or product composed partly of silk and partly of materials other than silk, such terms may be used as descriptive of the silk content when immediately accompanied by words accurately designating such other materials (3456).

Frank L. Singer Fur Company—Frank L. Singer, trading as Frank L. Singer Fur Co., Peekskill, N. Y., has been ordered to cease and desist from making misleading representations in connection with the purchase or sale of raw furs.

Commission findings are that the respondent disseminated price lists and trade literature setting forth his method of purchasing raw furs from trappers and dealers, the quality and grading classification of furs, and the high prices and average prices paid for such stated grades and classifications.

According to findings, the prices quoted as those to be paid by the respondent for designated furs have been so displayed as to create the misleading impression that they would approximate the high prices in the upper grades. As a matter of fact, the findings continue, the bulk of the furs received by the respondent for grading have been of medium or low quality.

Findings are further that trappers not skilled in fur grading technique have been induced to ship their furs to the respondent as a result of the emphasis he has placed on the higher grades and prices quoted by him and in the mistaken belief that they would be paid at the highest prices quoted.

The Commission order directs the respondent to cease and desist from these practices and to discontinue representing to fur trappers or dealers that market conditions or other causes have created an unusual demand for certain types and grades of furs, and have caused or will cause an increase in prices paid to trappers and dealers for such types or grades of furs, when in fact such market conditions or demand do not exist (4189).

S. & K. Sales Company, Inc.—S. & K. Sales, Inc., St. Louis distributor of merchandise, has been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a game of chance, gift enterprise or lottery scheme. Commission findings are that the respondent corporation sells to dealers tapestries, neckties, pipes, knives, fountain pens and other articles.

The respondent is ordered to cease and desist from selling or distributing any merchandise so packed or assembled that its sale to the public is to be or may be made by means of a lottery scheme, and from supplying to others push or pull cards, pull tabs, punch boards or other lottery devices, either with assortments of merchandise or separately, which devices are to be or may be used in selling or distributing such merchandise to the public (3769).

STIPULATIONS

Following stipulations have been entered into by the Commission during the past week:

Brown Shoe Co., Inc. (3078), and Johnson, Stephens & Shinkle Shoe Co. (3080), both of St. Louis, and from Marshall, Meadows & Stewart, Inc. (3079), Auburn, N. Y., all manufacturers of shoes, have entered into stipulations.

The respondents agree to cease using the word "Alligator" or other similar words to describe shoes not made from alligator hide, provided that the word "Alligator" may be used to describe the finish of shoes which are made from materials other than alligator leather and are finished or embossed to resemble it, when this word is immediately accompanied by other words clearly indicating that the designation refers only to the pattern embossed on such materials. The Marshall, Meadows & Stewart stipulation applies to shoes "or the trim or any part thereof" (3078-3079-3080).

Carbolineum Wool Preserving Co., 528 West Highland Ave., Milwaukee, entered into a stipulation to cease certain representations in the sale of "Carbolineum," advertised for use as a wood preservative and for destruction of insects. The respondent agrees to cease representing that the United States Patent Office has recognized any advantages, exclusive or otherwise, of "Carbolineum" or "Avenarius Carbolineum" as a wood preservative, a mite killer, or for any purpose or use. The respondent further stipulates it will cease advertising that the trademark "Carbolineum" was issued in the name of Carbolineum Wood Preserving Co. by the patent office (3081).

G. S. Cheney Co., 15 Union St., Boston, stipulated that in the sale of its product known as "Cheney's Nurve Phosphates" and "Cheney's Nerve Phosphates" it will cease representing, by use of the words "nurves" or "nerve" or other similar words in the preparation's name, that it is of any value for bodily ailments caused by nervous disorders; that it is a food or stimulant for the nerves, or is beneficial in the relief of sleeplessness and fatigue, and that its lecithin content will add to the phosphorus constituent of brain and nerve substance. The respondent also agrees to cease representing that "Cheney's Vitamins Complete" is a valuable accessory to one's daily diet, unless the advertisement clearly explains that the product is valuable only in cases where there is a deficiency of the vitamins and minerals which it contains (02778).

DeLuxe Products Company—Al B. Wolf and Max Schwartz, trading as DeLuxe Products Co., and National Business Builders, 637 West Roosevelt Road, Chicago, camera distributors, has entered into a stipulation to cease and desist from use of the word "Remington" or any simulation thereof as a mark or brand for cameras, the effect of which usage tends to convey the impression that such products are manufactured by Remington Rand, Inc., or by Remington Arms Co. The respondents also agree to cease using the word "Speed," alone or in connection with the word "Super," as descriptive of the lens of their cameras, and to discontinue employing the phrase "Regular $5.00 Value" as descriptive of the value of their products when in fact that amount is in excess of the regular retail price (3073).

Donna Lo Laboratories, Inc., 603 Del Monte Way, St. Louis, has entered into a stipulation to cease advertising that Donna Lo preparations, or any one of them, provide a new kind of skin care or are effective as an aid in correcting skin ailments generally; and that they permit the skin or its pores to breathe, decrease the size of the pores, and cause the blood stream to circulate through inactive areas of the face. The respondent corporation also agrees to cease representing by use of the word "Circulation" in the brand name of "Circulation Emulsion" that that preparation stimulates circulation and to cease representing that "Domma Lo Face Powder" is made in France or from a French formula, and that face powders sold by its competitors contain ingredients which close or seal the pores of the skin (02782).

Grace Donohue, Inc., 640 Madison Ave., New York, entered into a stipulation to cease and desist from advertising that the preparation "Grace Donohue Cleanser" is a healing agent and constitutes an efficient method for preserving a clear, smooth or attractive complexion. The respondent also agrees to cease representing that the product is a remedy or cure for blackheads or whiteheads and is beneficial in the treatment of acne, crow's feet, lines under eyes, "jowls" and other skin conditions, or is beneficial to oily or dry skin. The respondent further agrees to cease stating in its advertising that excess fatty acids or waste products impede normal elimination of the skin (02776).

Alten W. Eldredge, trading as Melrose Eldredge Co., Melrose, Mass., has entered into a stipulation to cease representing, by use of the terms "Doctor", "Dr.", or "Approved", as a part of the brand name of "Dr. Eldredge's Approved Rectal Jelly", that that preparation has the official recommendation of any group of doctors or pharmacists or that it was formulated by a physician. The respondent further stipulates that he will cease advertising that the preparation is a cure for piles or has any therapeutic effect upon the symptoms of that ailment except to the extent that it may act as an astringent, provide some antiseptic action, or afford the soothing effect of an emollient (02779).

European Linen Importing Corporation, 244 Fifth Ave., New York, stipulated that it will cease using the word "Tuscany" or similar words, either with or without the explanation "Made in China," as descriptive of laces or other articles which are not in fact true Tuscany lace actually made in Tuscany of linen thread. The respondent, which, according to the stipulation, does not own or control a factory, also agrees to desist from use of the word "Manufacturers" in connection with its corporate or trade name and as descriptive of its business (3074).

L. W. Ferdinand & Co., Inc., 599 Albany St., Boston, entered into a stipulation to cease using on labels or in printed matter the word "Waterproof" or similar words as descriptive of casein glue which is not waterproof. (3075)

S. Grover Graham Co., Inc. (02781), 75 Second St., Newburgh, N. Y., has entered into a stipulation to cease certain representations in the sale of "Grover Graham Remedy" and "Graham's Butternut Pills". Also Hevenor Advertising Agency, Inc. (02775), 11 North Pearl St., Albany, N. Y., entered into a stipulation to cease certain representations in advertisements disseminated by the agency on behalf of S. Grover Graham Co., Inc., for its preparation "Grover Graham Remedy."

Both the respondent corporation and advertising agency agree to cease employing the word "Remedy" or similar words as a part of the trade name of Grover Graham Remedy or in any other manner implying that the preparation is anything more than a treatment to neutralize temporarily excessive gastric acidity and to relieve temporarily the pain caused thereby.

Hevenor Advertising Agency, Inc., further stipulates that it will cease disseminating advertisements on behalf of S. Grover Graham Co., Inc., which represent that Grover Graham Remedy will afford relief from acid indigestion in five minutes or any specified time and enable an individual to eat food without fear of stomach distress; that the preparation corrects or cures excessive stomach acidity and stops the pain or symptoms of acid indigestion, and that its formula was originated or used by a European specialist.

S. Grover Graham Co., Inc., also stipulates that it will cease advertising that the product "Graham's Butternut Pills" consists of a vegetable ingredient, without disclosing that it contains only the extract from a vegetable, and that it will discontinue representing that the product is a tonic, or is a remedy for any disease or dysfunction or for habitual constipation, headache, bibliousness, and all disorders arising from the inactivity of the liver or torpidity of the bowels. (02775-02781)

Kepner-Scott Shoe Co., a manufacturer, agrees to cease employing the word "Doctor" or the abbreviation "Dr." in connection with a name or with any other words as a trade name, brand or designation for its products so as to imply that they are made in accordance with the design or under the supervision of a physician and contain special scientific or orthopedic features which are the result of medical determination or services. According to the stipulation, the respondent corporation caused the words "Dr. Luther Nature Shape" to be stamped on the soles of the shoes and printed on the cartons when in fact the shoes so marked were neither made under the supervision of a physician nor did they contain special scientific or orthopedic features. (3072).

Eleanor H. Mack, trading as Mack Brothers Products, Hillcrest Station, San Diego, Calif., entered into a stipulation to cease using the word "Resuscitator" as a part of the brand name for the cosmetic preparation "Revel No. 9 Resuscitator Oil"; from otherwise representing that the use of this product restores life or the appearance of youth to skin, and to cease employing the phrase "Pore Cleansing" as a part of the brand name of "Revel No. 1 Pore Cleansing" or from otherwise representing that it will remove all foreign matter from the pores. The respondent also agrees to desist from representing that "Revel No. 6 Lipid Cream" is of any appreciable benefit in the treatment of aged or creepy skin, and that "Revel No. 16 Mouth Creme" is of value in treating bleeding or receding gums. (02777)

Manning, Bowman & Co., Meriden, Conn., distributor of electrical appliances including heat pads, stipulated that it will cease employing the words "Three Heats" or "3 Heat Pad," "Three Degrees of Warmth," or "Low, Medium and High Heats," implying that its electrical heating pads are capable of maintaining three distinct temperatures. (3083)

Charles Meis Shoe Manufacturing Co., which makes women's shoes at its factory at Lebanon, Ohio, agrees to cease employing the word "Doctor" or the abbreviation "Dr." or any simulation of such abbreviation in connection with a name or with any other words as a trade name, brand or designation for its products so as to imply that they are made in accordance with the design or under the supervision of a physician and contain special scientific or orthopedic features which are the result of medical determination or services. According to the stipulation, the respondent corporation stamped certain shoes with brand names owned by its customers, such as "Dr. Warren's Scientific Arch Support" and "Dr. Steward Arch Support Combination Last," and also employed other brand names in connection with the abbreviation "Dr.", when in fact shoes so marked were neither made under the supervision of a physician nor did they contain special scientific or orthopedic features. (3066)

Miko Company—Fred Miller, trading as The Miko Co., 2521 Thirty-first Ave., Long Island City, N. Y., has entered into a stipulation to cease advertising that "Circulin Garlic Pearls" are rich in body-building materials such as manganese, sodium, calcium, iodine and phosphates; that they have value in relieving symptoms of nervousness, dizziness and tiredness in excess of temporarily relieving such symptoms when associated with high blood pressure, and that they are effective in treating coughs, bronchitis or bronchial asthma. (02771)

Newby, Peron & Flitcraft, Inc., 222 West Adams St., Chicago, an advertising agency, stipulated that in advertisements which it disseminates on behalf of Albert Laboratories, Inc., Chicago, concerning that corporation's preparation "Respirine," it will cease representing that product as comprising a competent treatment or effective remedy for asthma, bronchial coughs or bronchitis, or as doing any more with respect to these conditions than affording some temporary relief from the accompanying symptoms. The respondent agency also agrees to cease representing that the preparation relieves symptoms accompanying hay fever; that it promotes healing, and that it is unique or distinctly new or represents a discovery. (02780)

Nix Cosmetics Company—Trading as The Nix Cosmetics Co., P. Edwards, of Memphis, Tenn., stipulated that he will cease advertising that "Nix Bleach Cream" affects the skin in a new way, or in a way different from that of other preparations; that he will desist from representing, by use of a headline or otherwise, that any girls are "wanted" for sales work, and that he will cease otherwise representing or implying that he has employment to offer. (02772)

Herbst Shoe Manufacturing Co., 2367 North 29th St., Milwaukee, and A. O. Keehn, T. C. L. Keehn and Leroy D. Keehn, trading as Keehn Brothers, 219 West Monroe St., Chicago, shoe wholesalers, stipulated to cease certain representations in the sale of their products.

The respondents agree to cease employing the word "Doctor" or the abbreviation "Dr." in connection with a name or with any other words as a trade name, brand or designation for their products so as to imply that they are made in accordance with the design of or under the supervision of a physician and contain special scientific or orthopedic features which are the result of medical determination or services.

The Herbst Shoe Manufacturing Co. also agrees to cease employing the term "Official Physical Health Director" or similar words which tend to convey the impression that shoes so referred to contain special or scientific features sponsored by a director of physical health.

According to the stipulations, the respondents in each case caused certain of their shoes for boys and girls to be branded as "Dr. Cross' Health Shoe." (3076-3077)

Hilly Medicinal Products—Morris W. Hillinger, trading as Hilly Medicinal Products, 2512 East Colorado St., Pasadena, Calif., has entered into a stipulation in which he agrees to discontinue representing that "H R 5," a medicinal preparation, constitutes an effective treatment for the condition caused by excessive indulgence in alcoholic liquors. The respondent further stipulates that he will cease disseminating any advertisement which fails to reveal that there is potential danger in the use of such preparation by persons afflicted with organic heart trouble or high blood pressure and that it should not be used by such persons except upon the advice of a physician. The stipulation provides, however, that the advertisement need contain only a statement that the preparation should be used only as directed on the label if and when such label either contains a statement warning of the consequences of the use of the product under certain conditions or specifically directs attention to a similar caution statement in the accompanying labeling. (3065)

Palmer Bedding Co., 2300 Eighth St., Denver, Colo., manufacturer of mattresses, box springs and bedding, entered into a stipulation to cease certain representations in the sale of its products.

The respondent corporation stipulates that it will cease representing, by inference, implication or otherwise, that its products are made of or contain all new material, when in fact they are composed, either in whole or in part, of used or second-hand materials, and that it will cease failing to clearly disclose that such products are composed, either in whole or in part as the case may be, of used or second-hand materials. (3068)

Reading Hosiery Mills, trading as Reading Hosiery Mills, Joseph A. Kitzmiller, 8 South Tenth St., Reading, Pa., stipulated that he will cease using the word "Mills" as part of his trade name. According to the stipulation, the respondent does not own, operate or control a factory in which his products are made. (3082)

Redolent Products Co., West Palm Beach, Fla., stipulated that it will cease disseminating advertisements which tend to convey the impression that the local application of its product "Cur-A-Ped," a foot treatment, would have therapeutic effects other than those resulting from the preparation's analgesic properties, or that it would be of significant value in destroying the deep burrowing fungi or ringworm or have value other than as a rubefacient or emollient to afford temporary relief for tired, aching, burning, itching, tender, perspiring feet, and sore, cracked, inflamed toes or to overcome superficial infection of athlete's foot. The respondent corporation also agrees to desist from representing that such specific bodily ailments as acute rheumatic fever, Bright's disease, diabetes, cirrhosis of the liver, and other ailments are attributable to bad feet, or that treatment of foot disorders will correct such ailments. (3067)

Requa Manufacturing Co., Inc., 1193 Atlantic Ave., Brooklyn, manufacturer of proprietary preparations, entered into a stipulation in which it agrees to cease representing that the use of its unguent product called "Requa's Oil for the Ear" will result in immediate relief for stuffed-up ears; will cause wax accumulations in the ear to quickly dissolve or almost instantly soften; will do away with ear discomforts which may result in permanent deafness, or will be of any appreciable value as a massage oil for muscular pains and congestion when applied to skin surfaces, as the neck or chest. The respondent further stipulates that it will desist from representing that irritations of the outer ear result from head colds. (3063)

Schwartz & Benjamin, Inc.—Three shoe manufacturing corporations have entered into stipulations to cease and desist from certain representations in the sale of their products. The respondents are Schwartz & Benjamin, Inc., 842 Broadway, New York; Charles Meis Shoe Manufacturing Co., 312 Vine St., Cincinnati, and J. M. Connell Shoe Co., Inc., South Braintree, Mass.

Each of the respondents Schwartz & Benjamin, Inc., which manufactures women's shoes, and J. M. Connell Shoe Co., Inc., which makes shoes for men, women and children, stipulates that it will cease using the word "Alligator" or other similar word to describe shoes not made from alligator hide, provided that the word "Alligator" may be used to describe the finish of shoes which are made from materials other than alligator leather and are finished or embossed to resemble it, when this word is immediately accompanied by other words clearly indicating that the designation refers only to the pattern embossed on such materials. The J. M. Connell Shoe Co. stipulation applied to shoes "or any part thereof". (3064 and 3069)

Selby Shoe Co., Portsmouth, Ohio, and Kepner-Scott Shoe Co., Orwigsburg, Pa., have entered into stipulations to cease and desist from certain representations in the sale of their products.

Selby Shoe Co., a manufacturer of women's shoes, stipulates that it will cease using the word "Alligator" or other similar word to describe shoes not made from alligator hide, provided that the word "Alligator" may be used to describe the finish of shoes which are made from materials other than alligator leather and are finished or embossed to resemble it, when this word is immediately accompanied by other words clearly indicating that the designation refers only to the pattern embossed on such materials. (3070)

Standard Products Company—Parisis J. Gerogian, trading as Standard Products Co., 102-104 Commercial St., Boston, has entered into a stipulation in which he agrees to cease advertising that "Gloria Pure Olive Oil (Agorelaion)", a food product, will be of appreciable benefit in preventing or remedying a lack of appetite; that this olive oil contains all of the vitamins or appreciable quantities of any of them, and that use of the preparation will insure good health. (02774)

Superior Hatchery—Mary Booth Powell, trading as Superior Hatchery, Windsor, Mo., has entered into a stipulation to cease representing that she is a "U. S. Record of Performance" poultry breeder; that she operates a poultry breeding plant under the supervision of an official State agency supervising U. S. R. O. P. work or that her chicks are R. O. P. chicks, until such time as she shall in fact become a "U. S. Record of Performance" poultry breeder and be entitled properly to represent chicks as being U. S. R. O. P. chicks in accordance with provisions of The National Poultry Improvement Plan. The respondent further stipulates that she will cease employing the words "Ozone Conditioned" or "Ozone-Vitalized" or any representation the effect of which tends to convey the impression that chicks subjected to an ozone machine thereby acquire strength, health or livability. (3071)

James J. Walker, Jr., 3614 Calumet Ave., Chicago, stipulated that he will cease advertising that "Walker's Famous Tooth Powder" stops receding or bleeding gums, makes gums firm or sound or heals them, tightens loose teeth, or makes the teeth white. The respondent also stipulates that he will desist from representing that millions of people use Walker's Famous Tooth Powder, when such is not a fact. (02773)

FTC CASES DISMISSED

The Federal Trade Commission dismissed its case against National Capital Ice Institute, Washington, D. C., seven of its officers and directors and five member companies, without prejudice to its right to take other or further action in accordance with its regular procedure whenever facts shall so warrant. The respondents had been charged with a combination to fix and maintain uniform minimum prices to be exacted by them from purchasers of ice.

Besides National Capital Ice Institute, other respondents in the case were Harry Hammond, institute president; William A. Brooks and Migiel J. Uline, vice presidents; James P. Ehrman, executive manager; Morris W. Bennett, Edward J. Smith and M. E. Thompson, directors; M. J. Uline Co., American Ice Co., Christian Heurich Brewing Co., and Consolidated Terminal Corporation, all of Washington, and Mutual Ice Co., Alexandria, Va.

The Commission's dismissal order recites that it appears from a supplemental investigation that, subsequent to the conclusion of the Commission's original investigation in the case, but before its complaint had issued, the National Capital Ice Institute, which was the central agency through which the complained of acts and practices were set in motion and directed, closed its office, discharged its officers and employees, and ceased to function or operate.

The dismissal order further recites that it appears no resumption of the association's activities has occurred up to this time, and that since some time prior to such cessation of activities and operation and up to the present time there has been substantial and sharp competition between and among the respondents.

The Commission also announced its dismissal of a complaint charging Adolph Karl and Gertrude Karl, trading as A. & G. Karl Co., Newark, N. J., with certain representations in the sale of "Never Break," a cosmetic for the fingernails.

The Commission dismissed a complaint charging J. O. Davies, trading as Baby Touch Hair Remover Co., St. Louis, with certain representations in the sale of a hair removing device.

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 18, May 2, 1941

ASCAP

ASCAP has submitted a proposal to the stations of the Mutual Broadcasting System, details of which were not available for this issue of the NAB Reports. They will appear in an early issue.

Neville Miller sent the following telegram to all member stations on Thursday, May 1:

"In order to enable NAB members to comprehend effect of Mutual-ASCAP proposal a factual analysis is being made. This will be transmitted to stations in time to be available for consideration at convention. Regards."

Convention Program

MONDAY

Morning	Meeting of various committees.
Afternoon	Golf Tournament.
Night	NAB Board meeting. (Registration all day.)

TUESDAY

Morning 10 o'clock	Opening of Convention and round table on National Defense. Speakers: Chairman Fly, General Richardson, Commander Thurber Lowell Mellett.
Luncheon	Speech by Vice President Wallace.
Afternoon	Meetings of IRNA, Independents, Clear Channels, Regionals, Local Stations, Sales Managers.

WEDNESDAY

Morning	Breakfast—Round Tables.
10 o'clock	Music Situation—BMI-ASCAP, etc.
Afternoon	Music Situation continued, Insurance Committee, Recording Standards, Daylight Saving Time.
Evening	Open Meeting on Facsimile, Television, FM and International Broadcasting.

THURSDAY

Morning	Breakfast—Round Tables.
10 o'clock	Unit Volume, Code, Radio Advertising—Col. Chevalier, speaker.
Luncheon	Mark Ethridge, speaker.
Afternoon	Labor and other industry problems, election of Directors, selection of Convention city, report of Resolutions Committee, etc.
7:30 P. M.	Annual Banquet.

FRIDAY

Morning	NAB Board meeting.

With each day there comes new evidence that the Nineteenth Annual NAB Convention, to be held in St. Louis, May 12-15, will be a most successful one.

Already reservations for accommodations at St. Louis hotels involve between six and seven hundred persons. Last year at San Francisco, when the attendance reached an all-time high of just under seven hundred registrations, the advance reservations were less than half those now on file with the NAB Housing Committee.

The New Hotel Jefferson, which is to serve as Convention headquarters, is booked to capacity, but within

(Continued on page 388)

You Can't Afford to Miss the NAB Convention

May 12, 13, 14, 15

New Jefferson Hotel **St. Louis**

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

CONVENTION PROGRAM

(Continued from page 387)

easy distance are the Statler, the Lennox, the Mayfair, the De Soto, all of which are in a position to accept additional reservations for almost any type of accommodation desired. Further removed are the Chase, Park Plaza and Coronado which offer attractive accommodations. The hotel facilities at St. Louis are adequate to accommodate all who may desire to come.

The NAB Convention Program Committee, composed of J. H. Ryan, WSPD, George H. Norton, Jr., WAVE, and Herbert Hollister, KANS, has put together a business program which promises to hold the interest of all attending. It comprehends the presentation of subjects of vital concern to all broadcasters as well as to those concerned with radio.

Vice President Henry A. Wallace heads the list of speakers. He will address the Tuesday noon luncheon session and his talk will be broadcast to the nation on all the networks. The Thursday noon luncheon is to be an executive session at which Mark Ethridge, WHAS, former President of NAB, will discuss in a most intimate manner the problems and responsibilities of the industry.

The opening business session on Tuesday morning will consist of a panel discussion of the Relation of Radio to the National Defense. Federal Communications Commission Chairman James Lawrence Fly, General Robert C. Richardson, Public Relations Director of the Army, Lowell Mellett, Special Assistant to President Roosevelt in coordinating the national defense effort, and Commander H. R. Thurber, United States Navy, will all speak.

Music, which has been a topic of paramount interest to the radio industry, will occupy the center of the stage on Wednesday. Neville Miller, President of Broadcast Music, Inc., Sydney Kaye, Vice President and General Counsel, Merritt Thompkins, General Manager, and Carl Haverlin will outline developments and an open discussion will feature the program. At the afternoon session Universal Daylight Saving will be given an airing and the problem of uniform standards for recording will be discussed.

Thursday morning's session will be devoted to the commercial aspects of radio. Colonel Willard Chevalier, Publisher of *Business Week* and one of the nation's outstanding authorities of advertising, will sound the keynote. E. Y. Flannigan, WSPD, Chairman of NAB's Sales Manager's Division, and Frank Pellegrin, Director of the NAB Department of Broadcast Advertising, will present brief talks. William Scripps, WWJ, Chairman of the Research Committee, and Paul Peter, NAB Director of Research, will present the Unit Plan of Volume Measurement and its relation to commercial radio. Edgar Bill, Chairman of the Code Compliance Committee, will discuss the commercial aspects of the Code.

Following the Thursday noon luncheon there will be a panel discussion of "Labor" with Samuel Rosenbaum, WFIL, and Joseph L. Miller, NAB Labor Relations Director, participating. Then will follow the election of Directors-at-large and the advisory vote on the Convention site for the 1942 Convention.

The banquet will be held in the spacious Gold Room of the Jefferson. Through the combined efforts of the production departments of the networks a variety show of unusual merit is assured. Adolph Opfinger, MBS, Clarence Menser, NBC, and Doug Coulter, CBS, form the committee which is directing the activity of Nat Abrahamson, WOR, who is assembling the talent. It promises to be a snappy, entertaining offering.

Group breakfast sessions will offer those attending a wide variety of choice of sessions in which topics of peculiar interest to them will be discussed.

The wives of the St. Louis broadcasters are preparing a most interesting program of entertainment for the ladies who will be in attendance.

All in all this nineteenth annual meeting gives promise of being the biggest session in every way of the broadcasting industry.

GOING BY TRAIN

Here is an abbreviated timetable for some of the principal trains between eastern cities and St. Louis:

Baltimore & Ohio

	Natl. Ltd.	Diplomat
Lv. N. Y. (42nd St.)	1.05 p. m.	2.45 p. m.
“ Phila.	3.36 “	5.14 “
“ Balt. (Mt. Royal)	5.21 “	7.05 “
“ Wash.	6.30 “	8.20 “
Ar. St. Louis	1.12 “	4.50 “

Chesapeake & Ohio

	G. Wash.	FFV
Lv. Washington	6.01 p. m.	11.00 p. m.
“ Richmond	5.30 “	10.35 “
“ Charlottesville, Va.	8.35 “	——
Ar. St. Louis	3.35 “	10.58 “

Pennsylvania

	St. Louisan	Spirit of St. L.	American
Lv. N. Y.	1.45 p. m.	5.45 p. m.	8.35 p. m.
“ North Phila.	3.04 “	7.09 “	10.02 “
“ Washington	1.50 “	5.45 “	8.30 “
“ Baltimore	2.35 “	6.30 “	9.17 “
“ Pittsburgh	9.51 “	1.53 a. m.	——
Ar. St. Louis	8.40 a. m.	12.50 p. m.	4.45 “

(All departure time shown is Eastern Standard—add an hour for "daylight")

Labor

TECHNICIANS NOT "PROFESSIONAL"

Radio technicians, as a group, are not *professional* employees within the meaning of the Wage and Hour Act, and thus cannot be exempt, as a group, from the act's overtime provisions.

This was the opinion of Harold Stein, Wage and Hour Division attorney after a field trip and conferences with Joseph L. Miller, NAB labor relations director, and Lynne Smeby, director of engineering.

Chief engineers and supervisors may be exempt as *executives,* depending upon their duties, Mr. Stein said. Both educational requirements and duties led him to believe, however, that all technicians, as a group, could not be called professionals.

Mr. Stein and the NAB representatives visited studios and transmitters of a clear channel, regional and local station in Washington, and thoroughly canvassed the whole problem.

SALESMEN—WRITERS—ANNOUNCERS

Joseph L. Miller, NAB labor relations director, addressed the following letter this week to the Wage and Hour Division regarding the classification of salesmen-writers-announcers:

> A question has arisen in the broadcasting industry in connection with Section 641.5(B) of the Wage and Hour Division's Rules and Regulations.
>
> In many radio stations, especially smaller ones, time salesmen frequently prepare (write) the commercial "copy" for use in the programs which they have sold. We consider this work "incidental to and in conjunction with the employee's own outside sales or solicitations." Are we correct in this assumption? These salesmen are undoubtedly "outside salesmen" within the meaning of the definition in all other respects. It may throw some further light on the question to point out that the writing done by these outside salesmen is of the same type as that done by other employees, many of whom are classified as "professionals" and all of whom would be classified as professionals if they met the salary qualification.
>
> The second question carries the first a step further. Some outside salesmen not only write some of their "copy" but announce the programs they sell, reading this "copy" which they have prepared. This is especially true in the case of numerous stations which devote some or most of their time to foreign language programs.
>
> A small station, for instance, in a community which has a large Polish speaking group will engage a Polish speaking salesman. He may have perhaps one hour a day for a Polish music program sponsored by a group of merchants catering to the Polish speaking population. He sells, writes, and announces these "participating" commercials.
>
> We certainly would appreciate your opinion on these questions as soon as possible. If any further information is needed, please do not hesitate to call on me.

REGULAR HOURLY RATE

An empolyee regularly works 40 hours a week for $20. Monday he gets a day (8 hours) off, sick leave. The employer's policy is not to dock employees for sick leave. Saturday, the employee's normal day off, he works 10 hours. How much does he have coming?

The Wage and Hour Division says $25.50 (40 hours at the regular rate, eight more hours at the regular rate, two hours at time and one-half). In other words, the Wage and Hour Division considers payment for sick leave as a "gift" and not a part of wages. Hence, the regular hourly rate is not changed by payment for sick leave, holidays, vacations, etc.

DISCRIMINATION

The Supreme Court upheld the Labor Relations Board this week in its contention that refusal to hire a man because of his union affiliation or activity constituted violation of the Wagner Act.

The court also held that the employer was liable for the man's salary or wages from the time he was refused employment on that ground until he was employed.

In other words, if an employer is found by the labor board to have refused employment to a union member *just because he was a union member,* then the employer is liable for the pay the union member would have received if he had been hired.

Making or helping to make a "black list," it might follow, might be held to constitute conspiracy.

COST OF LIVING

The American Federation of Labor had the following to say this week about cost of living prices:

> Memories of the last war remind us that there may be no stopping a runaway price rise. Prices started upward slowly in 1915; the rise gathered speed in 1916 and 1917, swept onward in 1918 and could not be checked until two years after the war. When prices finally reached a peak in 1920, cost of living was more than double its prewar level. The collapse which followed brought a severe depression.
>
> Fear of such price inflation led the President to set up the Office of Price Administration and Civilian Supply. This new agency has the task of stopping price increases before they go too far. It will work closely with the Division of Purchases for OPM, which buys supplies for the Army and Navy. By refusing to buy any article where the price is too high, these agencies can bring enormous pressure on anyone raising prices unduly. For they buy in huge quantities practically every kind of goods where shortages and price increases are likely to develop.
>
> *With the Price Administration to check runaway prices, experts do not expect any important general cost of living increase in the near future.* They expect no more than a very gradual rise in prices. The chart below shows that, according to government figures, living costs in March 1941 were only 1% above the last quarter of 1939, and less than 1½% above March 1940. Nevertheless, workers who go out to buy find prices up in many lines. Silks are up 9% since prewar days, woolens up 6½%, blankets 14%, furniture 10½%, foods almost 5%. Since last fall, dry goods and home furnishings are up 5%; men's suits may cost $2.50 to $5.00 more in the near future. In clothing, lower quality material is being substituted to avoid price increases, and workers find a hidden loss. These things do not appear in the living cost index because they are outweighed by other items such as staple foods and some rents, which have not risen.

Sales

COOPERATION BEING RECEIVED

Cooperation to date from stations queried in a general mailing last week by the Department of Broadcast Advertising has been extremely encouraging.

The mailing advised stations of the aims and policies of this new Department; included samples of the new standard form for success stories, and asked that current and future station promotion pieces and success stories be sent here to establish a national clearing house and centralized files upon which all NAB members may draw.

Any station that has not yet mailed its return-card is cordially invited to do so promptly, so that the record may be completed before the NAB convention.

A considerable task lies ahead in assembling and editing all material for duplication on our standard forms, but this is being attacked with as much dispatch as possible and stations will soon have a wealth of success story sales ammunition to draw upon.

TO 4-A CONVENTION

NAB will be represented at the annual convention of the American Association of Advertising Agencies May 2-3 by Paul F. Peter, Director of Research, and Frank E. Pellegrin, Director of Broadcast Advertising. Matters discussed will be routed to the proper NAB committees for discussion at the NAB convention.

AFA PARTICIPATION PLANNED

Radio will occupy one of the most prominent places it has ever held on a convention program of the Advertising Federation of America, when that body meets in Boston May 25-29.

As published in last week's REPORTS, the Boston stations and networks will furnish topflight entertainment for the cabaret party Tuesday night, and the highlight of the Wednesday luncheon program will be an international conversation via short wave radio between the presidents of the American and British Advertising federations.

Radio's group meeting Wednesday morning will be presided over by Robert Peare, Advertising Manager of the General Electric Co., prominent in AFA circles. Invitations have been extended by the NAB Department of Broadcast Advertising to two nationally known speakers, and their acceptances are awaited. Finally, Russell Place, NAB Counsel, and Frank E. Pellegrin, Director of Broadcast Advertising, will conduct a frank discussion of problems and issues, and report on action taken at the NAB convention, as well as at the 4-A meeting, as they relate to commercial broadcasting. All radio men who can are urged to attend.

NATIONAL DEFENSE BOND CAMPAIGN

Radio stations are being asked to plug the sale of National Defense bonds on a free-time basis, as a measure of cooperation with the United States government. This cooperation has been freely given throughout the nation in very creditable fashion, and is deeply appreciated by government officials in Washington. Thus far sufficient funds have not been appropriated to enable the Treasury Department to pay for advertising in any media, but NAB is assured that in the remote event that an advertising fund is made available, radio will receive its proper share.

MOTION PICTURE PLUGS REQUESTED

An unwarranted effort to capitalize on radio's desire to cooperate in the national defense movement is reported by NAB members, whereby commercial motion picture exhibitors who have scheduled the film "I Wanted Wings" are working through recrutiing offices to secure free radio advertising.

The picture, made in cooperation with the Army Air Corps, encourages the enrollment of aviation cadets. Motion picture operators are sometimes successful in persuading zealous recruiting officers to approach radio stations with the statement that "this recruiting office has been directed by the War Department to cooperate in publicity for this picture. . . . I am taking the liberty of sending you spot announcements, etc. . . ."

One appropriate answer contributed by a NAB member was to the effect that "We are quite anxious to cooperate with your office in every possible way and if any of the theaters in this territory will arrange to give free showings of this motion picture, we shall gladly do everything that we can to stimulate attendance."

We wish to repeat that NAB is working in closest harmony with national defense officials in Washington, and all worthy requests for radio's cooperation are being reported to member stations. Independent requests from scattered interested sources need place no station manager in the position of feeling that he is not cooperating adequately, and no qualms need be felt about declining such requests.

CIRCUS SEASON BEGINS

As reported in *Editor & Publisher,* Ringling Bros. and Barnum & Bailey Combined Shows will spend about $350,000 in newspaper advertising this year, according to circus executives.

Roland Butler, general press representative, wrote ANPA: "We are convinced that newspapers are doing an excellent job for us. Advance sales, which generally amount to as much as $3,500 per stand, are mentioned only in newspaper ads. It's also a fact that the steady gains we've enjoyed since 1929 have been recorded in years when our newspaper expenditures have likewise been steadily increased. . . ."

As the circus rolls this year, it's certain that radio stations everywhere will be asked to broadcast sustaining special-events programs, plugging the circus and covering such activities as the arrival and unloading, the parade, erection of the big top, etc., as well as interviews with star performers.

Usually, when asked to purchase this time, the radio advance contact man states that he has no authority to place orders for commercial advertising, but that in a few days he will be followed by an advertising man, and that evidence of cooperation on the part of stations will have a bearing, etc.

Circuses and other traveling shows will begin to use radio widely on a commercial basis, it is believed, only after stations have presented a united front for one season or two by discouraging the free-time abuse for disguised commercials. It took the newspaper industry many years to convert the circus press agent to the purchase of space, backed up by publicity; radio stations can accelerate the process by profiting from the newspapers' example.

Meantime, any success stories you may have showing an effective job done by your station on behalf of circuses or any other amusement enterprises using commercial time, will be welcomed as a valuable contribution by the NAB Department of Broadcast Advertising as it prepares radio's case for presentation to circus executives.

PER-INQUIRY EFFORT CONTINUES

The Rogers & Smith advertising agency of Dallas, Tex., continues to seek per-inquiry deals from radio stations on behalf of an unnamed nursery account. Although previously advised that it is not the policy of NAB member stations to do business on this basis, a recent letter from the agency to a station states that "eleven stations thus far have accepted it on a contingent basis. . . . All matters pertaining to any agreement that we may reach will be held in strictest confidence. . . ."

NAB is of the opinion that legitimate and ethical advertising can be carried on freely and above-board, both by the advertiser and the medium. An inference might be drawn that a more favorable deal can be secured by one station than by others. Indeed, NAB has positive proof that in a similar per-inquiry case, reported twice previously in Reports, one station received 33⅓ per cent while others, accepting the "standard" offer, received only 20 per cent. "Strictest confidence" was promised by that advertiser likewise, but nevertheless full details were quickly uncovered by an NAB investigation.

ESPERANTO REQUESTS TIME

For information of NAB members who have been approached for free time by Esperanto clubs, and who have requested data on the headquarters office of this organization in Washington, the Department of Broadcast Advertising finds that the Esperanto Association of North America operates a one-man office here, managed on a part-time volunteer basis by Joseph Leahy, who says the association "has no money." Some financial support comes through subscriptions to an Esperanto newspaper.

The association exists to promote the study of Esperanto, designed as an international language, to promote international understanding and goodwill. Study of the language was widespread in Europe before the war, and continues in South America. In Brazil, for example, the subject is required in public schools, and official papers are said to be printed both in Portuguese and Esperanto. Never considered very important by large numbers in the United States, Mr. Leahy says the association has between 25,000 and 30,000 members here, with about 50 clubs now organized chiefly in principal cities.

Radio activity, he said, is confined to local efforts by these clubs, who prepare their own scripts with no special assistance from the headquarters office. Whether stations wish to accept these as sustaining programs lies wholly within the discretion of each station, but caution is advised because of the present world situation, and the tendency of many listeners to regard with suspicion any programs conducted in a language other than English.

SUCCESS STORIES NEEDED

To fill current requests from members, additional success stories, big or little, are urgently requested on these topics:

Furniture Florists

Please send what you have to the Department of Broadcast Advertising.

TRADE SCHOOL WANTS DEALS

The Electronic Radio-Television Institute, of Omaha, Neb., is reported to be seeking cost-per-inquiry deals. Their letter states, however, "if your policy does not allow a per lead basis, send us a schedule of your rates. . . ." They are being advised that the best interests of advertisers and stations are served by adherence to published rates. Caution should also be exercised in accepting their statement that "Our school is the oldest school in this locality, and so far as we know, is the only school which has been given a high recommendation by government authorities for the purpose of training radio operators and engineers in the armed forces." This statement is believed to be incorrect on both counts, and is being investigated by NAB.

BMI

KAYE STAYS AT BMI

Sydney M. Kaye, BMI's First Vice President and General Counsel, denied the report contained in *Variety* to the effect that he was giving up his active participation in BMI. Mr. Kaye said:

> "My law firm and I have been associated with Judge Thomas D. Thacher in the preparation of the case of newspaper-radio stations and presentation of it to the Federal Communications Commission. The fact that I have undertaken this additional legal work does not in any way mean that I am going to give up my active participation in BMI. The major work of organization of BMI has been accomplished, and this, of necessity, reduces the volume of work which I must personally do. I regard BMI as a continued responsibility and I intend to give to BMI all of the time that it needs."

NEW HIT

BMI announces the acquisition of the sensational hit of the West Coast, "Hut Sut Song," through an agreement with the Schumann Music Company of Los Angeles. Both BMI's Los Angeles and New York offices regard the song as a number one potential.

HEMISPHERIC SOLIDARITY

Music Week, which runs from May 3 to May 10, will be featured by the performance of the native compositions of both North America and South America, which calls for rejoicing by BMI not to mention E. B. Marks and Peer International. In addition to the very well known *Frenesi, Perfidia,* and *Amapola,* several Latin-American compositions with English lyrics are now widely heard on the air. Among them are *Two Hearts That Pass in the Night, Yours, Maria Elena, Rendezvous in Rio* by Alberto Dominquez, *Green Eyes,* and *Dawn (Divina Mujer).* Among the native American tunemakers, Sheriff Jimmy Davis of Shreveport, La., is the Abou Ben Adem with *You're My Sunshine, Worried Mind,* and *It Makes No Difference.* BMI will be host during the week to groups associated with the music industry who have expressed desires to get behind the scenes of a modern music company.

BMI EXHIBIT AT THE NAB CONVENTION

In addition to its movie showing BMI in action, those attending the NAB Convention will see the evolution of *My Sister and I* from the first penciled manuscript through the various changes made—progress in the arranging and autographing departments, recordings and transcriptions, and the application to it of the new BMI "color cueing." This application of two colors to music printing is a revolutionary advance in music orchestration and has met such enthusiastic reception by musicians that it looks as if it will become a permanent feature in music printing. Broadcasters will also have an opportunity to see how it was possible for BMI to turn out in one week more music than the entire music industry had produced in a month.

BMI FEATURE TUNES

May 5 - May 12

1. MY SISTER AND I
2. WALKIN' BY THE RIVER
3. WISE OLD OWL
4. FRIENDLY TAVERN POLKA
5. G'BYE NOW
6. WHAT D'YA HEAR FROM YOUR HEART
7. HERE'S MY HEART
8. WITH A TWIST OF THE WRIST
9. TALKIN' TO THE WIND
10. THE RELUCTANT DRAGON

BMI FEATURE TUNES

"Going Strong," *Billboard's* title for the leaders in record sales and in coin machine popularity, aptly describes the position of BMI published and BMI controlled tunes for the week ending April 25. The music machine lists *There'll Be Some Changes Made, It All Comes Back To Me Now, Amapola, Oh, Look At Me Now* and *The Wise Old Owl* in the first division, with *Friendly Tavern Polka, G'bye Now* and *Do I Worry* "Coming Up." The list of best sellers in *Billboard's* record buying guide includes the same songs in the following order: *Oh, Look At Me Now, Wise Old Owl, There'll Be Some Changes Made, It All Comes Back To Me Now* and *Amapola.* Among the possibilities listed as likely prospects for music machine successes are *Number 10, Lullaby Lane, Yours,* and *Walkin' by the River. Walkin'* by Una Mae Carlisle and Bob Sour, it is predicted by *Billboard,* will become "an exceedingly profitable item for the boxes." *Amapola,* the E. B. Marks sensational revival, continues to lead all lists with the exception of "songs with the most radio plugs," where *Do I Worry,* which comes to BMI through Melody Lane and Peer International, has reached the top position. This torchy rhythm tune, written by two young Hollywood writers, Stanley Cowan and Bobby Worth, has caught hold in the past two weeks.

Fast Seller

My Sister And I is the fastest selling BMI song to date and the first outstanding hit since *I Hear A Rhapsody.* No other BMI song had attracted the same amount of sales five weeks after it began selling. The success of *Sister* is stimulating sales of *Walkin' by the River, Wise Old Owl, Friendly Tavern Polka* and *G'bye Now.*

I Went Out of My Way

In contrast to the thousands of uninteresting songs that are submitted to BMI, there appears every now and then a "natural." Of such was *You Walk By,* which despite necessary revisions in construction, brought forth genuine enthusiasm from the BMI Editorial Staff. Now comes a song, *I Went Out Of My Way,* by Helen Bliss which is one of those songs that pleases both expert and layman at the first hearing. BMI stopped the presses when Miss Bliss came in with this tune and went to work to turn it out in record time.

Helen Bliss is a Cleveland girl, recently employed as a sales girl in Macy's Department Store in New York City, who came to the big town about a year and a half ago determined to make her way as a songwriter. She gives full credit to Benny Goodman for launching her career as a songwriter. About two years ago, Benny was playing at the Palace Theatre in Cleveland and Miss Bliss, after hearing half a dozen of his performances, determined to meet the great Goodman. Through the kind offices of Norman Siegel, radio editor of the Cleveland Press, an appointment was arranged. Goodman liked the song and took a piano copy with him to the west coast. Some months later he played it on one of his commercial broadcasts from Hollywood and commented over the air that the writer showed marked promise. That prediction was enough to send Helen Bliss packing off to New York with another song in her handbag. Regent Music Co., Benny Goodman's own publication firm, now clearing through BMI, accepted the song Miss Bliss brought them but because of the intricate construction of the tune, suggested Charley Hathaway, an arranger, as a collaborator. That song turned out to be *The Moon Won't Talk* which is gradually climbing into the ranks of best selling sheet music and is a fast growing favorite in "juke" boxes all over the country. Records of the song are finding ready sale, especially those made by Benny Goodman, Bob Chester and Ginny Sims. Bing Crosby has also featured the song in his broadcasts.

All of her songs were written without collaboration, as she finds it more convenient to work that way.

"I first think of a title," she says, "and then I pick out a tune on the piano, after which I turn my attention to the lyrics. Sometimes it takes me four or five weeks before I am satisfied that my song is ready for submission to a publisher."

Change of Name

The new Dr. Christian picture with 100% BMI songs will be called *They Meet Again* instead of *Interlude*. There will be four songs: *When Love Is New, Make Believe Land of Dreams, Get Alive,* and *The Rhythm Is Red, White and Blue.* The BMI Professional Department will concentrate on *When Love Is New,* written by Claude Sweeton and Jack Owens.

Opportunity Without Prejudice

In addition to popularizing Una Mae Carlisle's tune, *Walkin' by the River,* within a few weeks, Broadcast Music, Inc., has promoted the work of many other colored composers. *There'll Be Some Changes Made,* a tune popular since 1929 with jazz and swing enthusiasts climbed rapidly to popularity when the name bands began playing it after BMI made it available for broadcasting. *Changes* was written by Benton Overstreet, pianist, and Billy Higgins, a comedian featured in many musical shows. Higgins died five years ago at the age of sixty.

One of the earlier BMI tunes, widely heard now in restaurants and hotels, was *Don't the Moon Look Pretty,* by Leroy "Stuff" Smith of *I'se A' Muggin'* fame. When "Stuff" first visited the offices of BMI at 580 Fifth Avenue, he whistled the tune of *Don't the Moon Look Pretty.* Milton Rettenberg, Chief of the Editorial Staff, liked the music, transferred it to the piano, and put the notes on paper. "Stuff" is better known as an orchestra leader and violinist than he is as a composer, but he scored a hit with his BMI song.

Among the other composer-musicians to attract the attention of BMI were Count Basie, whose Kansas City style band set the nation a' jumping, Lionel Hampton, vibraphone star extraordinary, Fletcher "Smack" Henderson, one of the foremost arrangers of modern American music and Cab Calloway the "King of Hi-De-Ho." The works of these four great musicians are made available by BMI through an agreement with Regent Music.

Jimmie Lunceford signed a contract with BMI whereby all the recordings of his music and his special orchestrations are available for performance. He has his own publishing house and in announcing his allegiance to Broadcast Music, Inc., said, "This contract ought to show what I think about BMI. The BMI way of dealing with writers is the best thing that has happened to American music."

BMI has also published the highly interesting work of Sidney Bechet the "young old man of jazz" who gained fame on two continents in the early 20's and 30's, as a clarinetist and soprano saxophonist. In 1919, when Bechet was touring Europe with the Sam Wooding band, Amsemeret, the celebrated French critic, went into a literary ectasy over the technique and virtuosity of the young New Orleanian and called his performance "the greatest thing since the Brandenburg Concert." Sidney Bechet is not well known by the radio public but BMI hopes that some day he will be.

Musical Boys and Girls

National Boys' and Girls' Week found BMI's Vice President and General Manager, M. E. Tompkins, serving as chairman of the Greater New York Committee which included Mayor LaGuardia, Attorney General John J. Bennett, Theodore Roosevelt, Bronx Borough President, J. J. Lyons and Manhattan Borough President Stanley Isaacs. BMI shared the publicity with Benny Goodman, Gene Krupa, with the Hotels Pennsylvania, New Yorker and Governor Clinton, where the winners posed for pictures. Music Day, Thursday, May 1st, was celebrated by a special visit to BMI by the boys and girls showing outstanding promise in music, selected from thirty-one children's aid societies, boys' athletic leagues, and allied youth movement groups. Mr. Tompkins acted as host and the visitors received the inside story of the music business and how hits are made.

Miscellaneous

LIST "USO" RADIO COMMITTEE

Seventeen broadcast executives have accepted membership on the National Radio Committee of the United Service Organizations for National Defense, headed by NAB President Neville Miller.

Committee members are:

Edgar Bill, President, WMBD, Peoria
Burridge D. Butler, Chairman, KOY, Phoenix
Martin Campbell, Managing Director, WFAA, Dallas
Roger W. Clipp, General Manager, WFIL, Philadelphia
Edwin W. Craig, President, WSM, Nashville
Roy L. Harlow, Vice President, Yankee Network
Jack R. Howard, President, Scripps Howard Radio, Inc.
Henry P. Johnston, General Manager, WSGN, Birmingham
Harold A. Lafount, WOV, New York
Howard Lane, McClatchy Radio Stations
Alfred J. McCosker, President, WOR, New York
Edwin C. Noble, President, WMCA, New York
William S. Paley, President, Columbia Broadcasting System
William J. Scripps, General Manager, WWJ, Detroit
Griff Thompson, Vice President, WBBC, Brooklyn
Niles Trammell, President, National Broadcasting Company
Lewis Allen Weiss, Vice President, Don Lee Broadcasting System

The "USO" is composed of the Young Men's Christian Association, The National Catholic Community Service, the Salvation Army, the Young Women's Christian Association, the Jewish Welfare Board and the National Travelers Aid Association.

Thomas E. Dewey of New York is National Chairman and Walter Hoving is President.

The campaign has the endorsement of President Roosevelt, Secretary of War Stimson, Secretary of the Navy Knox, General George C. Marshall, Chief of Staff, as well as leaders in all walks of life in the nation.

The $10,765,000 program is to provide service club facilities and recreational activities in 339 locations adjacent to camps, naval stations and defense centers throughout the United States and its overseas bases. The government will provide the buildings.

CHINA RELIEF SEEKS $5,000,000

The seven China relief agencies that heretofore have been doing the bulk of Chinese relief and rehabilitation now are combined in a united, nationwide campaign for $5,000,000 under the name United China Relief.

United China Relief is registered with the State Department. Its campaign now is developing. It will include recorded plays, statements by prominent people and spot announcements which will be distributed to radio stations for their entertainment and public service value to American listeners.

James G. Blaine, president of the Marine Midland Trust Company of New York, is chairman of United China Relief. Directors include Pearl S. Buck, former Ambassador William C. Bullitt, Paul G. Hoffman, Thomas W. Lamont, Henry R. Luce, John D. Rockefeller, 3d, Col. Theodore Roosevelt, Jr., David O. Selznick, President Robert G. Sproul of the University of California and Wendell L. Willkie.

In the course of its campaign, United China Relief plans to make radio material available to station program managers both through local committees being formed in key cities throughout the country and through national headquarters, 1790 Broadway, New York City.

FORUM PROGRAMS

The American Civil Liberties Union has asked the NAB to supply it with a complete list of radio forums dealing with local problems *regularly* broadcast. The NAB would appreciate it if all stations carrying such programs would send in their names and brief descriptions.

CHAMBER OF COMMERCE

In taking action on final resolution here at the annual convention this week, the United States Chamber of Commerce referred the radio broadcasting situation to its Board of Directors for further consideration. The study was asked for by an unnamed member organization of the United States Chamber as follows:

> *Radio Broadcasting*, with a declaration that the rapid growth in the use of radio for entertainment and educational purposes, as well as communications purposes, has made neecssary regulation to prevent disorder and interference in the use of the air. The characteristics of radio render this essentially a problem for federal rather than state control. Regulation of radio communication should not invade private management. It should be based upon the principle that the interest of the listening public is the paramount consideration in radio broadcasting. Other forms of communication are primarily for the service of the sender, but broadcasting serves the listener. No regulation should attempt to force upon the public undesired program matter. Station owners, like newspapers and magazines, must be free to select and edit their program material.

AGAINST BOOK COLLECTIONS

The advisability of a station endeavoring to collect books and old magazines for the new Army was a question put to NAB this week.

The Army advised against such promotions. Officials reported that experience indicates that only about ten per cent of the books donated are suitable. Gift books include everything from fairy stories to subversive literature and grammars. The amount of time required for a book promotion can be more effectively employed, from both a service and civilian morale point of view, along other directions, according to Army headquarters.

Definite suggestions are available to station managers who write Ed Kirby, Radio Section, Bureau of Public Relations, War Department, Washington, D. C.

CONTEST ON WJZ-BLUE

In connection with her weekly program, Alma Kitchell's Brief Case, over WJZ-Blue, Miss Kitchell is promoting a letter writing contest. Writer of best letter on "How Radio Helps Me to be a Better Prepared Citizen" gets console radio on May 28.

WORKS WITH SERVICEMEN

Working toward a closer tie-up with radio servicemen for mutual benefit, J. B. Conley, general manager of WOWO-WGL, Fort Wayne, Ind., has made the studios available to a local servicemen's group for its monthly meeting. An entire year's program of meetings is being worked out, featuring movies, lectures, and discussions. The group held its first meeting April 25, with about 140 servicemen and "hams" in attendance. The tie-up can be attributed directly to the cooperation between servicemen and WOWO-WGL during the "Radio Movin' Day" promotion.

Legal

ASCAP CASES ARGUED

On Tuesday and Wednesday of this week the Nebraska and Florida ASCAP cases were argued before the Supreme Court of the United States. William J. Hotz, Special Assistant to the Attorney General of Nebraska, argued for the Attorney General of Nebraska, and Lucien H. Boggs of Jacksonville, Florida, and Tyrus A. Norwood, Assistant Attorney General of Florida, made the oral argument for the Attorney General of Florida. ASCAP was represented by Judge Thomas J. Haight and Frank Wideman.

In both cases ASCAP had secured an injunction against enforcement of the state statutes declaring illegal monopolies and price-fixing combinations in the field of performing rights. The specially constituted Federal court in Nebraska had held the Nebraska statute unconstitutional; a similar court in Florida had declared the 1937 Florida statute and parts of the 1939 statute unconstitutional. Appeals were taken to the Supreme Court. The last opinion day scheduled is June 2.

COPYRIGHT AND LIBEL INSURANCE

The NAB Insurance Committee met in New York Thursday to consider two plans of copyright and libel insurance which have been submitted. It is expected that their analysis and recommendations, if any, will be released at or before the convention at St. Louis May 12.

FEDERAL LEGISLATION

HOUSE

H. R. 4521 (Kramer, D.-Calif.) COPYRIGHT—To amend section 64 of the copyright law (title 17, U. S. C.) so as to make copies or reproductions of prints and labels available upon payment of the required fee. Referred to Committee on Patents.

H. R. 4522 (Mrs. Rogers, R.-Mass.) DAYLIGHT SAVING—To provide daylight saving between the last Sunday in March and the last Sunday in October in each year. Referred to Committee on Interstate and Foreign Commerce.

STATE LEGISLATION

FLORIDA:

S. 268 (Whitaker, et al.). RECORDED MUSIC—Prevents claims for additional compensation, fees or payment after sale, of phonograph records or transcriptions of any form of recorded music. Referred to Committee on Judiciary "C".

S. 269 (Whitaker, et al.). RADIO DEFAMATION—Amends Sec. 1, Chapter 19,616, Acts of 1939, relating to civil liabilities of owners, licensees and operators of radio broadcasting stations for radio defamation or libel statements. Referred to Committee on Judiciary "C".

MAINE:

S. 567 (Majority of Committee of Conference). ADVERTISING—To prevent fraudulent advertising.

RHODE ISLAND:

H. 1055 (Kiernan). COPYRIGHTED MUSIC—Declaring to be an unlawful monopoly and its purpose to be in restraint of trade certain combinations of persons and corporations, and the regulation thereof. Authors, composers, publishers and owners of musical compositions prohibited from charging fees for copyrighted music. Referred to Committee on Judiciary.

FEDERAL COMMUNICATIONS COMMISSION

POLICY WITH RESPECT TO NEWSPAPERS

In keeping with FCC policy not to grant new applications by newspaper interests for high frequency (FM) broadcast facilities pending determination of the general question of newspaper control of broadcast facilities, the Commission is also placing in its pending files all applications by newspaper interests for new standard broadcast stations, as well as applications for transfer of control of existing standard broadcast facilities to newspaper interests. Such action is intended to protect newspapers from incurring substantial radio expenditures prior to the Commission's fact-finding inquiry.

This supplemental action is in conformity with Order No. 79, of March 20, which provides that Commission investigation and public hearing "shall also include consideration of statement of policy or rules, if any, which should be issued concerning future acquisition of standard broadcast stations by newspapers." Date for this hearing will be set in the near future.

In the case of standard broadcast stations already licensed to newspaper interests, improvements in facilities may be permitted if the proposed increase in service is shown to be in the public interest, convenience and necessity, and in conformity with prescribed engineering requirements.

"HEIL HITLER" STATION SEIZED

Search by the National Defense Operations Section of the Federal Communications Commission for unauthorized radio transmission which trespassed on Government frequencies and purported to be in the service of "foreign agents" today culminated in the arrest at Peoria, Illinois, of Charles W. Johnson, who identified himself as a senior student in electrical engineering at a certain mid-western institute. Johnson's home revealed illegal equipment, which was seized by a United States Marshall, and Johnson was charged with violating Sections 301 and 318 of the Communications Act.

The monitoring stations in the Commission's national defense operations were originally enlisted to trace signals from an unlicensed radio station, the operator of which called himself "Fritz" and frequently concluded his transmissions with "Heil, Hitler". No identifying call letters were used.

Listening-in procedure revealed this operator to have more than average knowledge of certain codes and ciphers. In fact, he claimed on the air to be a cryptographer for a signal unit in a German army of occupation. His general procedure was to broadcast that he was a foreign agent and to attempt to engage in communications between United States Government stations. In so doing, he declared that he was relaying information from foreign agents. On one occasion he implied that Government channels would be "jammed" by high-powered radio stations being constructed for that purpose. At another time he sent out a message in cipher which, when decoded, proved to be in German and related to certain foreign troop movements. In his transmissions "Fritz" made effort to obtain military information.

The following excerpts are typical of "Fritz's" communications:

"Staff plans are now coming in, but they are very detailed and long. Too much trouble to re-encipher again.

"Tell your cryptographer that this is a columnar position (Fritz proceeded to transmit the cipher message).

"I am a cryptographer. You must give me some information in exchange for this stuff. Give me the location of (gave several U. S. Government station calls.)

"This station is now in hands of enemy. Your insolence will not be tolerated by German troops. This station now in control of German Signal Corps.

"Name here is Hans VonKeitel, Heil Hitler.

"I want your codes and ciphers. Give them to me or else we will jam this net with big rig.

"You will be in concentration camp. I am a cryptographer for this signal unit in the German Army of Occupation.

"I am on the ADMIRAL SCHEER and never dock. (When asked where he was located 'Fritz' said 'Off coast of Madagascar'.)"

When the signals were first intercepted, there was no indication of where "Fritz" was located. The task of hunting down his station involved the use of highly specialized equipment recently perfected for the Commission's national defense field forces. The transmitter was finally traced to Johnson's residence on North Sheridan Road in Peoria. When the officers entered Johnson tried to destroy his equipment but was prevented.

Besides having the close cooperation of various Federal agencies in this ether hunt, the Commission's field staff was personally assisted by United States Commissioner William H. Moore, United States District Attorney Howard L. Doyle, United States Marshals Eugene Ahernds and C. T. Curry, and Chief of Police Leo F. Kamins of Peoria.

STATISTICAL YEARBOOK

Financial and operating data relating to common carriers and broadcast stations subject to the provisions of the Communications Act have been assembled in a single volume entitled "Statistics of the Communications Industry in the United States", which has just been placed on sale by the Superintendent of Documents, Government Printing Office, Washington, D. C., at a price of 25 cents a copy.

These statistics, compiled by the Accounting, Statistical and Tariff Department of the Federal Communications Commission from reports filed with the Commission, are being presented in yearbook form for the first time. The initial volume covers the year ended December 31, 1939.

The publication includes summary data, individual company data and intercorporate relationships of telephone, telegraph, cable and radiotelegraph carriers, and financial and operating data relative to standard broadcast stations and networks.

The compilation replaces mimeographed material heretofore issued at intervals and is augmented by statistical tables formerly included in the Commission's annual report to Congress.

PROCEDURE REVISED

The FCC announced that its procedure for examination of standard broadcast, high frequency broadcast, international, and television radio applications by the staff departments has been further revised with a view to more expeditious handling, extending the principle of simultaneous consideration of applications announced October 19, 1940 (mimeograph No. 44324).

Under the new procedure, applications falling within the above classes will be required to be filed in triplicate instead of in duplicate as formerly. However, in the case of such applications designated for hearing, applicants will no longer be required to accompany their appearances with an additional copy of the application.

In all other respects, the procedure announced in the Commission's release of October 19, 1940, will be continued.

It is not the intention of this change in procedure (amending Items *d* and *f* contained in Section 1.351, and Section 1.382(b) of the Commission's Rules of Practice and Procedure) to require filing of additional engineering data, since three copies of maps and other technical material are already furnished with broadcast applications.

STL BROADCAST RULES AMENDED

The Commission en banc on April 29 amended the rules, effective immediately, governing STL (Studio Transmitter Link) broadcast stations so as to provide for the utilization of stations in this service by licensees of international broadcast stations.

Conforming with the Commission's action, the amended rules will permit the holding of not more than two STL broadcast station licenses in connection with each license for an international broadcast station.

RULE CHANGE

The Commission en banc today amended Section 1.351, items *d* and *f*, and Section 1.382(b) of the Commission's Rules of Practice and Procedure, so as to require the furnishing by applicants of three copies of standard broadcast, high frequency broadcast, international, and television radio applications instead of duplicate copies as heretofore.

The effective date of these amendments will be May 1, 1941.

ASSIGNMENTS

The FCC announces that the work, business and functions of the Commission for the month of May have been assigned as follows:

Commissioner Wakefield:	Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.
Commissioner Craven:	Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearings, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; provided, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules and Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commisison's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, May 5. They are subject to change.

Monday, May 5

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—C. P., **600 kc.**, 500 watts night, 1 KW LS.

Tuesday, May 6

NEW—Wayne M. Nelson, Concord, N. C.—C. P., **1380 kc.,** 1 KW, daytime.

Wednesday, May 7

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, **890 kc.,** 500 watts night, 1 KW day, SH-KUSD.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings and oral arguments in broadcast cases. They are subject to change.

May 19

Hearing to be held in Pensacola, Florida, Beginning May 19 and Continued Thereafter in Panama City, Florida and Ocala, Florida, as Follows:

Pensacola, Florida, in Court Room, County Court Building.
Panama City, Florida, in Court Room, County Court House.
Ocala, Florida, in U. S. Court Room, 2nd Floor, U. S. Post Office Bldg.

WTMC—Ocala Broadcasting Company, Inc., Ocala, Fla.—In the matter of revocation of license of station.

WDLP—Panama City Broadcasting Company, Panama City, Fla. —In the matter of revocation of license of station.

May 22

Oral Argument Before the Commission

NEW—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—C. P., **1150 kc.,** 250 watts, daytime.

NEW—Helen L. Walton & Walter Bellatti, Jacksonville, Ill.—C. P., **1150 kc.,** 250 watts, daytime.

May 23

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—C. P., **1410 kc.,** 1 KW, unlimited, DA-night.

May 28

KRBC—Reporter Broadcasting Company, Abilene, Tex.—C. P., **940 kc.,** 1 KW, unlimited, DA-night and day. Present assignment: **1420 kc.,** 250 watts, unlimited.

WRDO—WRDO, Incorporated, Augusta, Me.—Renewal of license, **1370 kc.,** 100 watts, unlimited time.

June 2

To be Held in Atlanta, Georgia

Court Room to be Assigned Later

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **890 kc.,** 1 KW night, 5 KW LS, unlimited time.

June 24

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., **1500 kc.,** 250 watts, unlimited. Present assignment, **1310 kc.,** 100 watts, S-WHAT.

June 26

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—C. P., **590 kc.,** 5 KW, unlimited, DA-night. Present assignment, **590 kc.,** 1 KW, unlimited, DA-night.

July 7

KWTO—Ozarks Broadcasting Company, Springfield, Mo.—C. P., **560 kc.,** 1 KW, night, 5 KW, day, unlimited, DA-night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Granted authority to transfer control of the Copper Electric Co., Inc., licensee of Station KSUN, from James S. Maffeo and Lawrence R. Jackson to Carleton W. Morris (463¼ shares, or 58.7% of the issued and outstanding capital stock of the licensee corporation, for a total consideration of $6,001; station operates on **1200 kc.,** 250 watts, unlimited time (B5-TC-245).

WESX—North Shore Broadcasting Co., Salem, Mass.—Granted construction permit to make changes in equipment and increase power from 100 watts night and day to 250 watts night and day; **1230 kc.** (B1-P-3052).

WHBL—Press Publishing Co., Sheboygan, Wisc.—Granted construction permit to install directional antenna for night use and increase power from 250 watts night, 1 KW day, to 1 KW night and day; **1330 kc.** (B4-P-2972).

KRJF—Sarah M. Scanlan, Executrix of estate of Jos. D. Scanlan, Deceased (Transferor), Sarah M. Scanlan (Transferee), Star Printing Co. (Permittee), Miles City, Mont.—Granted authority to transfer control of corporation from Sarah M. Scanlan, executrix of the estate of Joseph D. Scanlan, deceased, to Sarah M. Scanlan. The purpose of the application is to assign and transfer 403 shares of common voting stock in Star Printing Co., permittee of station KRJF from Sarah M. Scanlan in her representative capacity as executrix to herself personally. Station operates on **1340 kc.,** 250 watts, unlimited time (B5-TC-262).

Alamance Broadcasting Co., Inc., Burlington, N. C.—Granted construction permit for new standard broadcast station to operate on **920 kc.,** 1 KW, daytime only; exact transmitter site and antenna system to be determined with Commission's approval (B3-P-3093).

K47SL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Ordered issuance of construction permit for new FM station with condition that no construction facilities shall be undertaken or completed until Commission has acted on the general newspaper-ownership question under Order No. 79.

W55M—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Ordered issuance of construction permit for new FM station under last proviso of Order No. 79, upon finding that public interest, convenience and necessity will be served by construction at this time, and without prejudice to determination of newspaper issue.

DESIGNATED FOR HEARING

West Allis Broadcasting Co., West Allis, Wis.—Application for construction permit for new standard broadcast station to operate on **1480 kc.,** 250 watts, daytime only; applicant requests local operation on regional channel (B4-P-3045).

KFJM—University of North Dakota, Grand Forks, N. D.; Dalton Le Masurier, Grand Forks, N. D.—Application for renewal of license of KFJM (B4-R-657) and application for modification of license of KFJM to change hours of operation from unlimited to specified hours (3 to 5 p. m., daily) and change studio site to University Campus, Grand Forks, N. D. (B4-ML-1043); to have consolidated hearing of above two applications and application of Dalton Le Masurier for new station to operate on **1440 kc.,** 500 watts night, 1 KW day, S. H., requests facilities of KFJM (B4-P-3084).

WTAQ—WHBY, Inc., Green Bay, Wis.—Application for construction permit to make changes in directional antenna system to use same pattern day as now used at night; involves loss of service to over 100,000 listeners; **1360 kc.,** 500 watts night, 5 KW LS.

RENEWAL OF LICENSES

Granted renewal of the following developmental broadcast station licenses for the period May 1, 1941, to May 1, 1942:

W3XDD, Whippany, N. J.; W3XPY, Whippany, N. J.;

W8XO, Mason, Ohio; W10XF, National Broadcasting Co., Inc. (portable); W10XR, National Broadcasting Co., Inc. (portable-mobile).

W9XC—Central Broadcasting Co., near Mitchellville, Iowa—Extended license of developmental broadcast station expiring May 1, 1941, to June 1, 1941, pending receipt of application for renewal of license (B4-SEX-22).

WBOE—Cleveland City Board of Education, Cleveland, Ohio.—Granted renewal of non-commercial educational broadcast station license for the period May 1, 1941, to May 1, 1942 (B2-RED-1).

Granted further extension upon a temporary basis only, pending determination upon applications for renewal of licenses, in no event longer than June 1, 1941, of following television stations:

W3XE, Philco Radio and Television Corp., Philadelphia, Pa.; W3XP, same company, portable (area of Philadelphia, Pa.), (B2-SVB-8, B2-SVB-19).

Granted further extension upon a temporary basis only, pending determination upon applications for renewal of licenses, in no event longer than June 1, 1941, of following high frequency broadcast stations:

W2XVP, New York City; W9XLA, Denver, Colo.; W4XA, Nashville, Tenn.; W5XAU, Oklahoma City, Okla.

MISCELLANEOUS

KECA—Earle C. Anthony, Inc., Los Angeles, Cal.—Granted modification of construction permit (B5-P-2698, which authorized increase in power and installation of DA for night use) for change in directional antenna on **790 kc.** under NARBA (B5-MP-1251).

WTNA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted modification of construction permit (B3-P-2985, for new transmitter, installation of DA for night use, increase in power to 1 KW, change in frequency from **1210 kc.** to **1220 kc.**, and move of transmitter), for installation of new transmitter, requesting **1250 kc.** under NARBA, changes in DA system, and extension of commencement date 30 days after grant and completion date to 60 days thereafter (B3-MP-1262).

KOIL—Central States Broadcasting Co., Omaha, Neb.—Granted modification of construction permit (B4-P-2609, which authorized installation of DA and increase in power), for changes in DA and **1290 kc.** under NARBA (B4-MP-1245).

WDBC—Delta Broadcasting Co., Escanaba, Mich.—Granted modification of construction permit (B2-P-2854, which authorized a new broadcast station) for approval of vertical antenna, approval of studio site, transmitter site and installation of new transmitter, **1490 kc.**, 250 watts, unlimited time (B2-MP-1143).

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted modification of construction permit (B5-P-2845, for installation of DA, increase in power) for **950 kc.** under NARBA and changes in directional antenna (B5-MP-1244).

WFDF—Flint Broadcasting Co., Flint, Mich.—Granted modification of construction permit (B2-P-2451, as modified, which authorized installation of new transmitter and directional antenna for day and night use, increase in power, change of frequency, and move of transmitter), for changes in directional antenna for day and night use, requesting **910 kc.** under NARBA (B2-MP-1224).

KMO—Carl E. Haymond, Tacoma, Wash.—Granted modification of construction permit (B5-P-2707, for new transmitter and increase in power from 1 to 5 KW), for authority to install new transmitter, make changes in antenna system, requesting **1360 kc.** under NARBA, and extension of commencement date to 30 days after grant, completion date to 90 days thereafter (B5-MP-1263).

WKRO—Oscar C. Hirsch, Cairo, Ill.—Granted modification of construction permit (B4-P-3022, which authorized a new station) for approval of transmitter and studio sites, approval of antenna, and **1490 kc.** under NARBA (B4-MP-1226).

KWSC—State College of Wash., Pullman, Wash.—Granted modification of construction permit (B5-P-2911, for changes in equipment), authorizing installation of automatic frequency control equipment on **1250 kc.** under NARBA, and extension of commencement date to 10 days after grant and completion date to 180 days thereafter (B5-MP-1240).

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit (B2-P-2658, as modified, which authorized installation of new transmitter, increase in power to 5 KW) for **950 kc.** under NARBA, changes in directional antenna and extension of completion date to 180 days after grant.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted modification of construction permit (B1-P-1704, which authorized installation of new transmitter and DA system, change in operating time from daytime to unlimited, increase in power from 500 watts to 1 KW, and move of transmitter) for extension of completion date to May 25, 1941 (B1-MP-1275).

WHYN—The Hampden-Hampshire Corp., Holyoke, Mass.—Granted license to cover construction permit (B1-P-1701), which authorized a new station specifying **1400 kc.** under NARBA, 250 watts, unlimited time (B1-L-1374). Also granted authority to determine operating power by direct measurement of antenna power (B1-Z-787).

WKEU—Radio Station WKEU, Griffin, Ga.—Granted additional time to operate April 21 through May 17, 1941, in order to broadcast a revival program only, subject to condition that each program is non-sponsored and further subject to the condition that station operate under this authority only during the time Rev. J. M. Hendley's actual participation in such program (B3-S-819).

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 5 to 6 p. m. on May 2, 9, 13, 23, from 5:45 to 8:30 p. m., May 3; from 4 to 5 p. m., CST, May 4, in order to broadcast Purdue baseball games and Gala Week activities only (B4-S-501).

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to rebroadcast certain programs of station W1XPW for a period beginning May 1 to July 1, 1941.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted motion for continuance of hearing now scheduled for May 8 for period of 60 days, on application for construction permit to change hours of operation to unlimited on **560 kc.**

WGST—Georgia School of Technology, Atlanta, Ga.—Granted motion for continuance of hearing now scheduled for May 1 for period of 30 days, on application for renewal of license of WGST.

WRDO—WRDO, Inc., Augusta, Maine.—Granted petition in part for continuance of hearing for period of 30 days from April 28, in re application for renewal of license.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Granted petition for continuance of hearing for period of 60 days on application now scheduled for April 25 for construction permit to change frequency from **1310 kc.** to **1500 kc.**, increase power from 100 watts to 250 watts, and time from sharing with WHAT to unlimited.

The Lorain County Radio Corp.—Granted motion to strike from files reply memorandum brief of Radiomarine Corp. of America, in re application of Lorain County Radio Corporation's application for coastal harbor facilities at Lorain, Ohio, Port Washington, Wis. and Duluth, Minn., and of Radiomarine Corp. of America for coastal harbor stations at West Dover, Ohio, and Buffalo, N. Y.

W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43700 kc.**, 1 KW, special emission for FM, with transmitter located at Avon, Conn., for period May 1 to July 1, 1941.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **44300 kc.**, 50 KW, special emission for FM, with transmitter located at Paxton, Mass., for the period May 1 to July 1, 1941.

Stephenson, Edge & Korsmeyer, Helen L. Walton & Walter Bellati, Jacksonville, Ill.—Scheduled for oral argument on May 22, 1941, in re Proposed Findings of Fact (B-130) on applications of Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge and Korsmeyer, and Helen L. Walton & Walter Bellati, for construction permits for new stations at Jacksonville, Illinois.

WMAS—WMAS, Inc., Springfield, Mass.—Granted motion to dismiss without prejudice application for construction permit to change frequency from **1420** to **910 kc.**, and increase power from 250 watts to 1 KW night, 5 KW day, DA.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted motion to withdraw application for modification of construction permit to add 500 watts night and operate unlimited time.

High Point Broadcasting Co., High Point, N. C.—Granted petition for order to take depositions in re application for new station to operate on **1370 kc.**, 100 watts, unlimited time.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Petition for enlargement of issues in re application to change frequency, increase power and operating time, withdrawn.

KOMA—KOMA, Inc., Oklahoma City, Okla.—Granted request for extension of time to May 15 within which to file amendment to application for construction permit to change frequency and increase power to 50 KW.

James F. Hopkins, Inc., Detroit, Mich.—Granted motion for leave to amend application for high frequency broadcast station to specify a different location, antenna and required coverage, to be filed within 2 weeks, and application moved from hearing docket.

KOVO—Clifton A. Tolboe, tr./as Citizens Voice & Air Show (Assignor) and KOVO Broadcasting Co. (Assignee), Provo, Utah.—Motion to dismiss application for voluntary assignment of license without prejudice, withdrawn.

WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Granted modification of construction permit (B1-P-1877, for new station) for changes in directional antenna and requesting **1420 kc.** under NARBA (B1-MP-1223).

WBAA—Purdue University, W. Lafayette, Ind.—Granted modification of construction permit (B4-P-2604, which authorized installation of new transmitter and DA for night use, increase in power, change in hours of operation, and move transmitter), for change in type of transmitter, and changes in DA for night use on **920 kc.** under NARBA (B4-MP-1208).

WSBT—The South Bend Tribune, South Bend, Ind.—Granted modification of construction permit (B4-P-900, which authorized changes in equipment, installation of directional antenna for day and night use, change frequency, hours of operation and move of transmitter) for changes in directional antenna for day and night use, requesting **960 kc.** under NARBA, and extension of completion date to 90 days after grant (B4-MP-1227).

WDBJ—Times-World Corp., Roanoke, Va.—Granted modification of construction permit (B2-P-2522, as modified, for installation of directional antenna and increase in power to 5 KW) for change in frequency to **960 kc.** under NARBA (B2-MP-1202).

WKBH—WKBH, Inc., La Crosse, Wisc.—Granted modification of construction permit (B4-P-2733, to move transmitter, install new transmitter and directional antenna for night use and increase power from 1 to 5 KW) for authority to install new transmitter, requesting **1410 kc.** under NARBA, and changes in directional antenna system, extension of commencement date to 60 days after grant and completion date to 180 days thereafter (B4-MP-1261).

WEAN—The Yankee Network, Inc., Providence, R. I.—Granted modification of construction permit (B1-P-2037, which authorized increase in power and changes in DA), for changes in DA on **790 kc.** under NARBA (B1-MP-1253).

WCAM—The City of Camden, Camden, N. J.—Granted authority to determine operating power by direct measurement of antenna power, **1310 kc.** under NARBA (B1-Z-793).

KGB—Don Lee Broadcasting System, San Diego, Cal.—Granted authority to determine operating power by direct measurement of antenna power, **1360 kc.** under NARBA (B5-Z-784).

WLOF—Hazlewood, Inc., Orlando, Fla.—Granted authority to determine operating power by direct measurement of antenna power, **1230 kc.** under NARBA (B3-Z-777).

KMYC—Marysville-Yuba City Broadcasters, Inc., Marysville, Cal. —Granted authority to determine operating power by direct measurement of antenna power, **1450 kc.** under NARBA (B5-Z-806).

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted modification of construction permit (B4-P-2063, which authorized installation of new transmitter, increase in power, change in hours of operation, installation of DA for day and night use, and move of transmitter) for change in type of transmitter, changes in DA for day and night use on **1390 kc.** under NARBA, and extension of commencement and completion dates to 30 and 180 days after grant respectively (B4-MP-1266).

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-761).

WNOE—WNOE, Inc., New Orleans, La.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-788).

KSAL—KSAL, Inc., Salina, Kans.—Granted license to cover construction permit (B4-P-2765), which authorized increase in power and changes in directional antenna system, **1120 kc.** (**1150** under NARBA), 1 KW, unlimited time, DA at night (B4-L-1371). Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-763).

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah. Granted modification of construction permit (B5-P-2721 for installation of DA for day and night use, and increase in power) for changes in DA system, and requesting **1320 kc.** under NARBA (B5-MP-1272).

KRCO—Columbia Broadcasting System, Inc., Portable-Mobile (area of Los Angeles).—Granted license to cover construction permit (B5-PRE-377, which authorized a new relay station), frequencies **33380, 35020, 37620, 39820 kc.**, 100 watts, to be used with applicant's standard broadcast station KNX, Los Angeles (B5-LRE-345).

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted modification of construction permit (B4-P-2608, as modified, for new transmitter, installation of DA for day and night use, increase in power and move of transmitter) for **1150 kc.** under NARBA and changes in DA, also extension of completion date to 180 days after grant (B4-MP-1242).

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted modification of construction permit (B1-P-2730, to install new transmitter, increase power and make changes in DA), for changes in directional antenna system, and requesting **1370 kc.** under NARBA (B1-MP-1265).

United Theatres, Inc., and Enrique Abarca Sanfeliz, San Juan, P. R.—Issued final order adopting Findings of Fact and Conclusions denying application of United Theatres, Inc., for new station at San Juan, P. R., and granting conditionally the application of Enrique Abarca Sanfeliz for new station at San Juan, P. R. (B-134).

WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla., WDLP—Panama City Broadcasting Co., Panama City, Fla.—Continued hearings now scheduled for May 5 to May 19, 1941, in re revocation of licenses of Stations WTMC and WDLP.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted special temporary authority to broadcast a program originating in an Army transport airplane from 4:30 to 4:45 p. m., CST, April 24, 1941 (B4-S-595).

W55NY—William G. H. Finch, New York, N. Y.—Granted modification of construction permit which authorized new high frequency broadcast station, for change in location of transmitter from 1819 Broadway, New York, to 10 East 40th St., New York, change in type of transmitter and approval of antenna system (B1-MPH-20).

KIJG—Eagle Broadcasting Co., Inc., area of Brownsville, Tex.—Granted further extension upon a temporary basis only of relay broadcast station license, pending determination upon application for renewal of license, to not later than June 1, 1941 (B3-SRY-10).

W8XFM—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation, with the transmitter located at Corner Vine and Fifth Streets, Cincinnati, Ohio, and described as Crosley, Type EDS-213-N, maximum rated carried power output 1000 watts, for period May 1, 1941, to not later than June 29, 1941.

C. M. Jansky, Jr., & S. Bailey d/b as Jansky & Bailey, Washington, D. C.—Granted extension of temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at 1219 Wisconsin Ave. at Georgetown, D. C., and described as Composite, maximum rated carrier power 1000 watts, for period May 1, 1941, to not later than June 29, 1941.

KFAS—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted special temporary authority to relay broadcast to Radio Station KFAR a 15-minute emergency program in connection with the Tanana Ice Breakup on or before May 15, 1941, using a 40-watt, Lear crystal controlled transmitter, type UT-6 on frequency **6425 kc.**

W2XBS—National Broadcasting Co., Inc., New York City—Granted special temporary authority to operate a specially constructed 1 KW peak power, special emission laboratory model FM transmitter alternately with the regular W2XBS transmitter on Channel No. 1 for the purpose of making field observations, for a period not to exceed 30 days.

W2XWG—National Broadcasting Co., Inc., New York City—Granted extension of special temporary authority to operate Station W2XWG on **45100 kc.**, 1000 watts power, A4 and special emission for frequency modulation at 350 Fifth Ave., New York City, for the period May 1, 1941, to not later than June 29, 1941, pending final authorization and completion of construction of applicant's new high frequency broadcast station.

W3XEZ—RCA Manufacturing Co., Inc., Camden, N. J.—Granted extension of special temporary authority to operate Class 1 experimental radio station W3XEZ on **44900 kc.**, 1000 watts power, A3, A4 and special emission for frequency modulation, using a 1 KW FM broadcast transmitter, type FM-1-B, for the purpose of conducting field strength survey; authority to be from April 27, 1941, until further order of the Commission but not later than May 27, 1941, subject to the condition that no interference results to any high frequency broadcast station.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Denied extension of special temporary authority to operate on **1390 kc.** with power of 500 watts during the hours vacated by Station WSBT (6 to 7 a. m., 12 to 3 p. m. and 8 to 12 midnight, CST), for the period April 27 to May 27, 1941, to broadcast sponsored programs as well as non-sponsored programs only, pending completion of construction in accordance with construction permit for unlimited time operation.

WBST—The South Bend Tribune, South Bend, Ind.—Granted extension of special temporary authority to operate unlimited time on **960 kc.**, 250 watts night, 500 watts daytime for the period April 27, 1941, to not later than May 27, 1941, pending completion of construction in accordance with permit B4-P-900 as modified, provided operation on additional hours is for non-commercial programs only.

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted extension of license upon a temporary basis only and upon the express condition that it is subject to whatever action may be taken by the Commission upon the application for renewal of license pending before it and pending disposition of application for consent to transfer control then having been filed, in no event later than May 29, 1941.

WPAT—North Jersey Broadcasting Co., Inc., Paterson, N. J.—Granted modification of construction permit for authority to install new transmitter; **930 kc.** (B1-MP-1281).

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wisc.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43000 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at 39th St. and Tower Ave., Superior, Wisc., and described as General Electric and Composite 1 KW amplifier, Type 4-GF1A1, maximum rated carrier power output 1000 watts, for period May 1, 1941, to not later than July 1, 1941.

W51R—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted special temporary authority to operate frequency modulation station commercially on **45100 kc.**, special emission, transmitter at 89 East Ave., Rochester, N. Y., from May 1 to not later than July 1, 1941, pending completion of construction (B1-PH-75).

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted request to dismiss application for transfer of control of Lake Region Broadcasting Co., licensee of WLAK, from J. P. Marchant, D. J. Carey, Melvin Myer, W. Walter Tison, The Tribune Co., transferors, to Russell E. Baker, transferee (B3-TC-260).

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Continued hearing now scheduled for April 30, 1941, until May 23, 1941, in re application for construction permit to change frequency to **1410 kc.**

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Granted extension of special temporary authority to operate on frequency **1420 kc.** for the period April 27, 1941, until Radio Station WWSR is authorized to conduct program tests but ending in no event later than May 7, 1941.

WMBO—WMBO, Inc., Auburn, New York.—Denied special temporary authority to remain silent after 9 p. m., LST, from April 28 to not later than May 27, 1941.

WREN—WREN Broadcasting Co., Inc., Lawrence, Kans.—Dismissed Petition for Amendment of Order of the Commission filed by WREN on March 31, 1941, directed against the Commission's action in designating application (B4-P-2272) for hearing, without prejudice to the filing by petitioner of a motion for leave to amend application in accordance with Sec. 1.73 of the Commission's Rules and Regulations.

KGU—Marion A. Mulrony and Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted petition for rehearing, petition for recall of construction permit and stay order; set aside action of February 18, 1941, and memorandum decision of February 25, granting application of Hawaiian Broadcasting System, Ltd., for a new station in Honolulu to operate on **1310 kc.** with 250 watts power, unlimited time, designated said application for hearing, and recalled construction permit heretofore mailed to Hawaiian Broadcasting System, Ltd.

W1XOJ—The Yankee Network, Paxton, Mass.—Granted 60-day special temporary authority to operate high frequency experimental FM station W1XOJ on a commercial basis with call letters W43B, without prejudice to the issues in the hearing.

WSBT—South Bend Tribune, South Bend, Ind.—Dismissed petition for reconsideration of action by individual Commissioner; Thompson, Commissioner, reconsidered his action in granting additional time non-commercially, and applicant was granted 10 days' authority to operate with additional time commercially, subject to filing with the Commission information as to reason for delay in getting equipment.

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted petition to reconsider and grant without a hearing the application for renewal of license; cancelled hearing, and granted renewal of license to operate on **1000 kc.**, 5 KW, unlimited time.

APPLICATIONS FILED AT FCC

570 Kilocycles

KGKO—KGKO Broadcasting Co., Ft. Worth, Texas.—Modification of license to maintain studios in Fort Worth and Dallas, Texas.

600 Kilocycles

NEW—Genesee Broadcasting Corp., Flint, Mich.—C. P. for new broadcast station on **600 kc.**, 1 KW power, unlimited time, directional antenna day and night.

610 Kilocycles

NEW—West Publishers, Inc., Houston, Tex.—Construction permit for new broadcast station on **610 kc.**, 1 KW power, unlimited time, DA-N. Amended: Install new transmitter, changes in directional antenna for night use, specify transmitter site, change applicant from a Corporation to a Partnership composed of J. M. West, J. Marion West, Wesley W. West and P. M. Stevenson. Studio site specified as Sterling Building, Houston, Tex.

620 Kilocycles

WAGE—Sentinel Broadcasting Corp., Syracuse, N. Y.—License to cover C. P. (B1-P-1934) as modified for new station.

WAGE—Sentinel Broadcasting Corp., Syracuse, N. Y.—Authority to determine operating power by direct measurement.

740 Kilocycles

NEW—Fred Jones, Mary Eddy Jones, and W. E. Hightower, d/b as Fred Jones Broadcasting Co., Tulsa, Okla.—Construction permit for a new broadcast station to be operated on **690 kc.**, 50 KW, unlimited hours, directional antenna day and night. Amended: To make changes in directional antenna and requesting **740 kc.**, 25 KW night, 50 KW day.

770 Kilocycles

KXA—American Radio Telephone Co., Seattle, Wash.—Construction permit to move transmitter locally.

880 Kilocycles

WHB—WHB Broadcasting Co., Kansas City, Mo.—Construction permit to install new transmitter.

920 Kilocycles

KTKC—J. E. Richmond, Percy M. Whiteside, Homer W. Wood, and Visalia Publishing Co., d/b as Tulare-Kings Counties Radio Associates, Visalia, Calif.—Construction permit to change frequency from **920 kc.** to **940 kc.,** increase power from 1 to 5 KW, install new transmitter and make changes in directional antenna for day and night use.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Authority to determine operating power by the direct method.

930 Kilocycles

WPAT—North Jersey Broadcasting Co., Inc., Paterson, N. J.—Modification of C. P. (B1-P-2624) for new station requesting authority to change transmitter, requesting **930 kc.** under NARBA.

WBEN—WBEN, Inc., Buffalo, N. Y.—Modification of C. P. (B1-P-2757) as modified for **930 kc.** under NARBA and changes in directional antenna.

960 Kilocycles

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Modification of C. P. (B3-P-2952) for increase power and installation of directional antenna for night use, requesting changes in DA on 960 under NARBA.

970 Kilocycles

WCSH—Congress Square Hotel Co., Portland, Maine.—License to cover C. P. (B1-P-2535) as modified for increase in power and installation of directional antenna for day and night use. Amended: Specify **970 kc.** under NARBA.

WCSH—Congress Square Hotel Co., Portland, Maine.—Authority to determine operating power by direct measurement. Amended: Specify **970 kc.**

1150 Kilocycles

WTAW—Agricultural & Mechanical College of Texas, College Station, Texas.—Authority to determine operating power by the direct method.

1230 Kilocycles

KBTM—Jay P. Beard, d/b as Regional Broadcasting Co., Jonesboro, Ark.—Authority to determine operating power by the direct method.

1240 Kilocycles

KDLR—KDLR, Inc., Devils Lake, N. D.—Authority to determine operating power by direct measurement.

KBIZ—J. D. Falvey, Ottumwa, Iowa.—License to cover C. P. (B4-P-2499) as modified for new station.

KBIZ—J. D. Falvey, Ottumwa, Iowa.—Authority to determine operating power by direct measurement.

KOCA—Oil Capitol Broadcasting Assn., Kilgore, Texas.—Authority to determine operating power by the direct method.

1260 Kilocycles

WNAC—Yankee Network, Inc., Boston, Mass.—Modification of C. P. for changes in directional antenna on **1260 kc.** under NARBA.

1330 Kilocycles

NEW—Findlay Radio Co., Findlay, Ohio.—Construction permit for new station on **1300 kc.,** 250 watts daytime. Amended: To request **1330 kc.,** 1 KW power, daytime hours, changes in antenna, new transmitter and transmitter site to be determined Findlay, Ohio.

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Modification of license to change from directional antenna day and night to directional antenna night only.

1340 Kilocycles

NEW—Lake Worth Broadcasting Corp., Lake Worth, Fla.—Construction permit for a new broadcast station to be operated on **1340 kc.,** 250 watts, unlimited hours.

KWIM—Lakeland Broadcasting Co., Willmar, Minn.—Construction permit changes in equipment and increase power from 100 watts to 250 watts.

1360 Kilocycles

WSAI—The Crosley Corp., Cincinnati, Ohio.—Modification of C. P. (B2-P-2221) as modified for **1360 kc.** under NARBA changes in directional antenna and extension of completion date. Amended: To use directional antenna day and night.

1380 Kilocycles

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Authority to install new automatic frequency control equipment.

1400 Kilocycles

WKWK—Community Broadcasting, Inc., Wheeling, W. Va.—Modification of C. P. (B2-P-2967) for new transmitter.

1410 Kilocycles

WING—Great Trails Broadcasting Corp., Dayton, Ohio.—Modification of license to make changes in directional antenna on **1410 kc.** under NARBA.

1450 Kilocycles

WMAS—WMAS, Incorporated, Springfield, Mass.—Authority to determine operating power by direct measurement.

KBPS—Benson Polytechnic School (R. T. Stephens, Agt.), Portland, Ore.—Construction permit install new transmitter, antenna and increase power from 100 to 250 watts.

1490 Kilocycles

NEW—Granite District Radio Broadcasting Co., Murray, Utah.—Construction permit for new broadcast station on **1500 kc.** (**1490 kc.** under NARBA), 250 watts, unlimited time. Amended: re stockholders.

1500 Kilocycles

WIGM—George F. Meyer, Medford, Wis.—Modification of C. P. (B4-P-2501) for new transmitter, changes in antenna (**1490 kc.** under NARBA), increase in power from 100 watts to 250 watts, move transmitter and extend commencement and completion dates 60 to 180 days respectively.

1530 Kilocycles

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Modification of license to change from directional antenna for day and night use to directional antenna after sunset at Sacramento, Calif.

1560 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—License to reinstate B1-L-1334, use old transmitter as auxiliary.

FM APPLICATIONS

NEW—M. A. Leese Radio Corp., Washington, D. C.—Construction permit for a new high frequency broadcast station to be operated on **47100 kc;** coverage: 5,600 square miles; population: 899,946.

NEW—WFIL Broadcasting Co., Philadelphia, Pa.—Modification of C. P. (B2-PH-73) for new high frequency broadcast station specifying operating constants to provide coverage of 9300 square miles and change type of antenna.

TELEVISION APPLICATION

W2XWV—Allen B. DuMont Laboratories, Inc., New York, N. Y.—License to cover C.P. (B1-PVB-30) as modified for new television station.

MISCELLANEOUS APPLICATIONS

KFDM—Beaumont Broadcasting Corp., Beaumont, Tex.—Construction permit to install new transmitter, directional antenna for day and night use, increase power from 1 KW to 5 KW, move transmitter to Near Highway 124, approximately 6 mi. SW of Beaumont city limits.

WBOS—Westinghouse Radio Stations, Inc., Hull, Mass.—License to cover C. P. (B1-PIB-23) as modified which authorized move of station, increase power and changes in equipment.

KALW—Board of Education of the San Francisco Unified School District, San Francisco, Calif.—Modification of C. P. (B5-PED-14) as modified to extend completion date from 5-14-41 to 8-14-41.

WEKG—Paducah Broadcasting Co., Inc., Mobile.—License to cover construction permit (B2-PRE-376) for a new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Dean Cabot—Charging misrepresentation in the sale of "Caboteks", a medicinal preparation for women, a complaint has been issued against Charles Campbell Buttenfield, Sr., trading as Dean Cabot, 227 North Homewood Ave., Pittsburgh.

The complaint alleges that in advertisements disseminated in various States the respondent represented his product as a cure or remedy for delayed menstruation and as being safe for use when in fact the preparation is not a cure, remedy or competent treatment for this condition and is not safe for use as it contains the drugs ergotin, apiol green, oil savin, and quinine sulphate in quantities sufficient to cause serious and irreparable injury to health if used under conditions prescribed in the advertisements or under customary or usual conditions.

The complaint further charges that advertisements of his product disseminated by the respondent are false advertisements in that they fail to reveal the possible consequences of use of the product under these conditions (4494).

Marshall Field & Co., Chicago, has been served with a complaint charging violation of the Federal Trade Commission Act in the sale of rugs which it manufactures under the name of Karastan Rug Mills.

The complaint alleges that the respondent, in promoting the sale of certain rugs manufactured at its plant in this country, has described these products, which closely resemble true Oriental rugs in appearance, by the names of "Karastan", "Karashah", "Karavere", "Kara Kirman" and "Kharol".

Pointing out that there are true Oriental rugs known as "Karabagh", "Karadagh", "Karageuze", "Karaman", "Karahissar", "Karajah" and "Kirman", the complaint alleges that the respondent's use of its designations tends to create the mistaken belief that its products are genuine Oriental rugs when in fact they have been woven on power looms in its own factory in the United States and are neither made in the manner of the true Oriental rug nor possess all of its characteristics.

The complaint further charges the respondent with describing certain of its rugs as "Oriental reproductions" or "authentic Oriental reproductions" when in fact they are not exact copies or reproductions of true Orientals in structure or method of manufacture, but merely simulate them in appearance. The complaint alleges that while the respondent in some instances has endeavored to copy the designs of particular Oriental rugs, in others it has used designs which it has created and which are adaptations or combinations of Oriental motifs (4493).

Radio Wire Television, Inc.—Charging misleading representations in the sale of radio receiving sets, parts and accessories a complaint has been issued against Radio Wire Television, Inc., 100 Sixth Ave., New York. The respondent has branch offices in Chicago, Boston and Atlanta.

The complaint alleges that the respondent advertises a "One-tube battery set" with which "you can tune in the world", also a "Two-tube AC-DC kit" and a "Two-tube AC-DC set".

The complaint charges that the respondent's "One-tube battery operated all-wave set" is not an all-wave radio set and that it cannot tune in the world. Further, the complaint alleges, the respondent's so-called "Two-tube AC-DC kit" and "Two-tube AC-DC set" are not two-tube radio sets. According to the complaint, they are not equipped with two fully functioning tubes, respectively, but are on the contrary merely equipped with one detecting, amplifying or receiving tube and with one nonfunctioning or tuning beacon tube or rectifying tube. The complaint alleges that the rectifier tubes do not serve as amplifying or detecting tubes and do not perform any recognized and customary function of a radio receiving tube in the detection, amplification and reception of radio signals or programs.

The complaint points out that a substantial number of purchasers believe that the greater the number of actually functioning tubes in a radio receiving set the better it performs and the greater and clearer is its power of detecting, amplifying and receiving radio waves (4491).

Disabled American Veterans of the World War Rehabilitation Department—Charging misleading use of the name of the Disabled American Veterans of the World War, a national patriotic organization, in the sale of historical books, a complaint has been issued against the Disabled American Veterans of the World War Rehabilitation Department, a commercial corporation with headquarters at 104 South Michigan Ave., Chicago. The complaint also names as respondents Frank J. Mackey, L. C. Maier, Daniel C. Moore and Robert T. Mackey, officers of the corporation.

The complaint alleges that the respondent corporation has a contract with the Disabled American Veterans of the World War under which that organization sponsors the sale of the respondent corporation's two sets of books "Progress of Nations" and "Forward March", and that the Disabled American Veterans' group receives from the respondent a 10 per cent royalty on all gross sales of the books.

According to the complaint, the respondents, through their salesmen and by other means, have misleadingly represented that their salesmen are representatives of the Disabled American Veterans of the World War; that the respondents' books are being sold only to certain selected customers; that the Disabled American Veterans of the World War receives the entire profit derived from the sale of the books; that a person purchasing the respondents' books is in effect making a contribution to the patriotic organization. and that the funds derived from sale of the books will be used by the Disabled American Veterans' organization to defray expenses of its activities in combatting anti-American and subversive organizations and influences in the United States.

The complaint charges, however, that the respondents sell their books as an ordinary commercial transaction for their own profit; that the only profit derived by the Disabled American Veterans' organization from sale of the books has been the royalty; that the sale of the books has not been restricted to any group but that they have been sold indiscriminately to the public, and that the respondent corporation's use of the corporate name "Disabled American Veterans of the World War Rehabilitation Department" constitutes a misleading representation that the respondent corporation is identical with or is connected with the Disabled American Veterans' organization.

According to the complaint, a further deceptive and misleading practice of the respondents is their wrongful representation that certain literature published by the Disabled American Veterans' organization endorses the respondents' books, when in fact such literature relates only to the general aims and purposes of the Disabled American Veterans' organization and has no reference to the respondents' books (4492).

STIPULATIONS

The Commission has entered into the following stipulations:

Belem Products Co., 1009 Isabella Ave., Houston Tex., stipulated to cease advertising that its preparation "Locao Belem" will grow hair and is a remedy or cure for baldness, falling hair, aggravated conditions of the scalp, dandruff, and other scalp conditions. The respondent also agrees to desist from advertising that its product rejuvenates the scalp, stimulates or revitalizes hair cells, and adds new life to hair; that the product has been subjected to laboratory tests by the Food and Drug Administration and that, upon analysis by that administration, has been found to comply with the "Pure Food and Drugs Law" (02785).

Coryell, Inc., F. Orlo Johnson and E. B. Masters, 7392 Churchill St., Detroit, have entered into a stipulation to cease certain representations in the sale of their preparation "Nu-Hair".

The respondents agree that in disseminating advertisements of their preparation they will cease employing the brand name "Nu-Hair" in such a way as to infer that it will grow or produce hair.

The respondents also agree to desist from advertising that their preparation represents a professional secret of a scalp specialist, is a scientific or revolutionary hair, scalp, or skin preparation, and is recommended by leading beauty shops.

The respondents further stipulate that they will cease representing their product as being capable of preventing, removing or relieving baldness, dry or itchy scalp, or other hair or scalp ailments; of conserving or restoring the natural oils secreted by the scalp or of controlling or helping to control the glandular activity of the scalp (02783).

Hasco, Inc.—A stipulation involving war orders for machinery and tools has been accepted from Hasco, Inc., 661 Frelinghuysen Ave., Newark, N. J.

According to the stipulation, the respondent corporation purchases machinery and tools and sells them to foreign powers engaged in the European war.

The stipulation relates that for the purpose of locating and purchasing used machinery and tools intended for sale and shipment abroad, the respondent adopted the trade name "Imperial Air Industries" and used it in advertisements together with the words "American Purchasing Office," when in fact the corporation is neither sponsored by nor has any official connection with a foreign government as indicated by its trade name containing the word "Imperial".

Under its stipulation the respondent corporation agrees to cease and desist from using the words "Imperial Air Industries", alone or with the words "American Purchasing Office" as a trade name in connection with advertising, purchasing or selling its products.

The respondent also stipulates that it will cease employing the word "Imperial", alone or with the words "Air Industries" or with the words "American Purchasing Office" or other words in any manner implying that the respondent corporation is sponsored by or officially connected with a foreign government (3090).

Landers, Frary & Clark, New Britain, Conn., have entered into a stipulation to cease representations tending to convey the impression to purchasers that certain electrical heating pads distributed by the respondent are capable of maintaining different, distinct temperatures. According to the stipulation, the operation of the switches used with the respondent's pads, advertised as "Three-Speed Pads", does not maintain three distinct temperatures but only regulates the length of time required to heat the pads to a single maximum temperature (3086).

C. W. Marks Shoe Company—Stipulations to discontinue certain representations in the sale of shoes have been accepted from C. W. Marks Shoe Co., Chicago, wholesaler; International Shoe Co., and Samuels Shoe Co., Inc., St. Louis manufacturers, and Geo. E. Keith Co., Campello, Mass., manufacturer.

C. W. Marks Shoe Co. agrees to cease employing the word "Doctor" or the abbreviation "Dr." in connection with a name or with any other words as a trade name, brand or designation for its products so as to imply that they are made in accordance with the design or under the supervision of a physician and contain special scientific or orthopedic features which are the result of medical determination or services. According to the stipulation, the respondent corporation caused the words "Dr. Kelly's Air-Flex Shoes" to be stamped on certain shoes for women and "Dr. Kelly's Plastic Arch" on certain of its shoes for men, when in fact the shoes so marked were neither made under the supervision of a physician nor did they contain special scientific or orthopedic features.

International Shoe Co., Samuels Shoe Co., Inc., and Geo. E. Keith Co. stipulate that they will cease using the word "Alligator" or other similar word to describe shoes not made from alligator hide, provided that the word "Alligator" may be used to describe the finish of shoes which are made from materials other than alligator leather and are finished or embossed to resemble it, when this word is immediately accompanied by other words clearly indicating that the designation refers only to the pattern embossed on such materials (3084-3085-3087-3089).

Nolan Company—Frank D. Seiple, operating as The Nolan Co., Greenville, Pa., has entered into a stipulation to cease advertising that his preparation "Slumber Ointment" is a competent treatment for ringworm in all cases, or in any cases except those involving superficial ringworm infection and that it is a competent treatment for athlete's foot, unless expressly limited to superficial organisms and the relief of itching. The respondent also agrees to desist from advertising that his product is of value in treating eczema, salt rheum, grease and rubber poisoning, skin diseases, or poisoning, beyond that of temporary relief from the itching which may accompany these conditions (02784).

Scientific Products Company—Trading as Scientific Products Co., Frank L. Moscow, 3462 North Clark St., Chicago, distributor of a preparation intended for use as a treatment for hosiery and lingerie, stipulated to cease employing the words "No More Runs" or other similar words having the effect of conveying to purchasers the impression that use of this preparation on such fabrics will eliminate the possibility of or prevent runs. The respondent also agrees to cease representing that his preparation will make fabrics fade-proof (3088).

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Associated News Photographic Service, Inc., and Blackstone Studios, Inc., both of 20 West 57th St., New York, and Leo Fried and William Shapiro, officers and principal stockholders of both corporations, have been ordered to cease and desist from misrepresentations in the sale of photographs and photographic prints.

Commission findings are that as a sales plan to induce persons to pose for and buy photographs the respondents have misleadingly represented and implied that such pictures are for immediate "press release" or publicity purposes when actually the respondents are not in the business of taking spot or current news pictures and the number of pictures they occasionally sell to newspapers represents a minor portion of their business.

According to findings, the respondents' agents contact persons of more or less prominence by telephone, advising them that the "Associated News" or the "Associated News Photographic Service, Inc." desires their pictures or that the pictures are wanted for the "Associated News" files for service to newspapers or for other publicity purposes. Commission findings are further that the proofs are delivered by the respondents' representatives, or mailed to the prospective customer with an accompanying letter requesting such person to "make your selection for press release" and stating that if such person should desire some finished portraits "we shall be glad to meet your requirements". According to findings, a representative of the respondents, calling on the prospective customer ostensibly to deliver the proofs or to obtain the one selected for "press release" engages in a sales procedure which frequently is successful in selling pictures.

With minor exceptions, the findings continue, the respondents take the pictures without prior arrangements for compensation and rely upon being able to sell finished pictures to a reasonable proportion of the persons photographed. They succeed in 25 to 30 per cent of the cases, according to findings, and their prices customarily range from $2.50 to $75 or more per finished print.

In its findings the Commission points out that the Associated Press, widely known newsgathering agency, maintains the Associated Press "News Photographic Service" for obtaining news pictures and distributing copies to member newspapers but that copies of such pictures are not furnished or sold to the persons who appear in them.

The Commission order directs that the respondents, in connection with the solicitation of permission to make photographs or the offering or sale of photographs, cease and desist from using the word "News" or words of similar import in the corporate name of the respondent Associated News Photographic Service, Inc., or as a part of any other trade or corporate name, to describe a business which is principally that of selling photographs to persons photographed, and that they cease representing or implying to prospective customers that the respondents are news or press photographers, or that any photograph solicited is for press or publicity purposes, unless such photograph is actually for immediate news or press use (3561).

D. D. D. Corporation, Batavia, Ill., has been ordered to cease and desist from misrepresentation in the sale of "D. D. D. Prescription", advertised as a treatment for skin ailments and conditions.

The Commission order directs D. D. D. Corporation to cease disseminating advertisements which represent that "D. D. D. Prescription" is a cure or remedy for eczema, pimples or hives or has therapeutic value in treating these ailments or in treating skin disorders caused by internal or systemic conditions in excess of affording temporary relief from the symptom of itching.

The respondent is further ordered to cease advertising that its preparation has therapeutic value in treating skin blotches or rashes when due to systemic or constitutional conditions, or has therapeutic value in treating athlete's foot, insect bites and ivy and oak poisoning in excess of that afforded by the temporary alleviation of the symptom of itching or the use of an antipruritic, astringent, antiseptic, and mildly germicidal agent.

The Commission order further directs that the respondent cease representing, through use of the words "and other externally caused skin eruptions" or similar phraseology in connection with diseases or conditions which may be of a systemic or internal origin, that such diseases and conditions are solely of external origin or that the respondent's preparation has therapeutic value in treating them regardless of their origin.

The order also directs the respondent to cease representing, through use of the words "stop itching" or other similar words, that its preparation will either permanently or temporarily eliminate the disease or condition causing the symptom of itching or has any therapeutic value in excess of that afforded by the temporary alleviation of the symptom of itching or the use of an antipruritic, astringent, antiseptic, and mildly germicidal agent (3972).

Jane Blanchard Geary, trading as Dr. Jane Blanchard, 2817 East St., N. S., Pittsburgh, has been ordered to cease misrepresentation in the sale of a medicinal preparation designated by the names "Dr. Blanchard's Female Compound and Regulator," "Dr. Jane Blanchard's Compound Regulator" and "Dr. Blanchard's Regulator."

The Commission order directs the respondent to cease disseminating advertisements which represent that her preparation is a competent or reliable regulator of conditions peculiar to women, possesses therapeutic value in the treatment of delayed or suppressed menstruation, is a tonic or a blood purifier or is safe or harmless.

The respondent is further ordered to cease disseminating advertisements which use the term "Dr." or "Doctor" as a part of the respondent's trade or as part of the name of the preparation or which otherwise represent that the respondent is a medical doctor; or which advertisements fail to reveal that use of the product may cause colitis and other serious consequences (4449).

National Lacquer Manufacturing Company—An order has been issued amending a complaint which charged Jacob Swimmer, trading as National Lacquer Manufacturing Co. and as National Titanium Co., 123-131 Eleventh St., Brooklyn, with misleading representation in the sale of paint.

According to the complaint as now amended, the respondent has since transferred his place of business to 2330 East 37th St., Vernon, Calif., and from that address has mailed letters to various States bearing the inscription "National Titanium Co., Pacific Coast Division," thereby representing that his Vernon, Calif., office is only a branch of his business and that he has other branches or divisions in various parts of the country. The amended complaint alleges that the respondent has only the one place of business at Vernon, Calif.

The amended complaint further charges that the respondent's letters sent from Vernon, Calif., also contained the misleading representations alleged in the original complaint. That complaint has charged the respondent with representing that he maintained warehouses in cities other than Brooklyn, when such was not a fact; with price misrepresentations and other misleading assertions, and with failure to disclose that his product "Genuine Synthetic Outside White Paint" was a reconditioned, redissolved paint product (4088).

Pascal Co., Inc., Seattle, Wash., has been ordered to cease and desist from making misleading representations in the sale of "Breatheasy," a medicinal preparation.

The Commission order directs the respondent to cease disseminating advertisements which represent that "Breatheasy" is a cure, remedy or competent treatment for chronic bronchitis, or for eczema, hives or other skin diseases, or which advertisements fail to reveal that the respondent's preparation cannot be safely used by persons ill of high blood pressure, toxic goiter, diabetes or heart disease.

The respondent is also ordered to cease representing that its preparation is a remedy, cure or effective treatment for heart disease or cardiac distress; for gastric ulcer; for inflammation of the nose, throat, tonsils, larynx or lungs, or for neuralgia or neuritis (3768).

Hamilton Ross Factories, Inc., Chicago, distributor of chinaware, glassware, plated silverware, cutlery and other merchandise, has been ordered to cease and desist from certain misrepresentations.

Commission findings are that the respondent, using the word "Factories" in its corporate and trade name, has implied that it owned, controlled or operated a plant in which the products it sells have been made, when in fact at the time the Commission complaint issued against the respondent, and for several years prior thereto, the respondent was not a manufacturer.

The Commission further finds that the respondent advertised in newspapers circulated in various States that certain of its silverware is "heavily plated," a term which implies to purchasers that this ware is of a quality and grade superior to the lower grades of plated silverware. In fact, the findings continue, such silverware is not heavily plated but corresponds approximately to Grade A-1 of household silverware, the lowest grade to which quality marks are regularly applied.

The Commission order prohibits the respondent from representing that it manufactures the products it sells unless and until it actually owns and operates or directly controls the plants in which such products are made, and directs the respondent to cease making the representations as found concerning use of the term "heavily plated" as applied to plated silverware (4040).

Sherry's Cut Rate Drug Co., Inc., Bluefield, W. Va., has been ordered to cease and desist from disseminating advertisements which represent that the preparation known as "Mrs. Bee Femo Caps" constitutes a competent or effective treatment for delayed menstruation, and that its use is safe or harmless, or which advertisements fail to reveal that use of the product may cause gastrointestinal disturbances and other serious consequences.

In September, 1940, the United States District Court for the Southern District of West Virginia issued an order restraining the respondent from further dissemination of certain advertisements of its preparation until the Commission issued a complaint against the respondent and finally disposed of the proceeding (4345).

Sommersville Manufacturing Co., Somersville, Conn., and its selling agents, J. J. O'Donnell and Clinton Ellis, trading as O'Donnell and Ellis, 450 Seventh Ave., New York, has been ordered to cease and desist from making misleading representations in the sale of textile fabrics.

Commission findings are that the respondent manufacturing corporation, through the respondent selling agents, sells its fabrics to coat and garment manufacturers and that through the use of labels the respondents have represented that certain fabrics and the garments manufactured therefrom are composed entirely of fiber made from camel's hair when in fact they have contained substantial percentages of wool, mohair, and other fibers.

The Commission order directs the respondents to cease using the words "Camel's Hair" or "Camel" or other terms descriptive of camel's hair on labels or otherwise to describe any fabric or product not composed wholly of camel's hair, provided that when fabrics or products are composed in part of camel's hair and in part of other fibers such terms may be used as descriptive of the camel's hair content if other words truthfully designating each constituent fiber are used in immediate connection and in type of at least equal conspicuousness.

The respondents also are ordered to cease employing any pictorial design of a camel in connection with any description of fabrics or products in which camel's hair is not the predominating fiber, and to cease representing in any manner that fabrics or products which they offer or sell contain camel's hair in greater quantity than is actually the case (4324).

John J. Tracey Co., 11102 Merchandise Mart, Chicago, distributor of toilet articles and soap, has been ordered to cease and desist from using the word "English" or other similar words to describe soap not made in England.

Commission findings are that the respondent corporation represented that its soap is of English origin by printing on the shipping cartons and boxes and by stamping on the soap the representations "English Lilac", "English Honeysuckle", "English Orchid," "English Carnation", and "Flaroma English Cold Cream Soap", when in fact these soaps were made in the United States (4315).

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1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 19, May 9, 1941

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Convention Program

SUNDAY, MAY 11

2:30 p.m.	Public Relations Committee	Room 2
6:00 p.m.	Board of Directors, Broadcast Music, Inc.	Room 3

MONDAY, MAY 12

9:00 a.m. to 5:00 p.m.	Registration	Mezzanine Floor
10:00 a.m.	Engineering Committee	Room 8
	Legislative Committee	Room 2
	Research Committee	Room 7
	Sales Managers' Executive Committee	Room 6
11:30 a.m.	NAB Bureau of Copyrights, Board of Directors	Room 8
	Insurance Committee	Room 9
2:30 p.m.	NAB Annual Golf Tournament (The BROADCASTING MAGAZINE Trophy) Entries and Transportation arrangements may be made at the time of Registration	Sunset Hill
7:00 p.m.	NAB Board of Directors	Room 3
	Accounting Committee	Room 8
	Code Committee	Room 7
	Labor and Wages and Hours Committees	Room 6

TUESDAY, MAY 13

8:30 a.m.	Independent Radio Network Affiliates (IRNA) Board of Directors Breakfast	Room 2
10:00 a.m.	Business session Neville Miller, presiding President's Annual Report Appointment of Convention Committees Secretary-Treasurer's Annual Report Proposed Amendments to By-Laws Report of Nominating Committee THE RELATION OF RADIO TO THE NATIONAL DEFENSE Major General Robert C. Richardson, Jr., Public Relations Director, U. S. Army Commander H. R. Thurber, Public Relations Officer, U. S. Navy Hon. James Lawrence Fly, Chairman, Federal Communications Commission and Federal Defense Communications Commission Lowell Mellett, Director, Office of Government Reports	Ivory Room
12:30 p.m.	Luncheon	Gold Room
1:15 p.m.	Address of Welcome, Hon. Forrest C. Donnell, Governor of Missouri	
1:20 p.m.	Address of Welcome, Hon. William Dee Becker, Mayor of St. Louis	
1:30 p.m.	Address: Hon. Henry A. Wallace, Vice President of the United States of America	

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You Can't Afford to Miss the NAB Convention

May 12, 13, 14, 15

New Jefferson Hotel **St. Louis**

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

CONVENTION PROGRAM

(Continued from page 407)

TUESDAY, MAY 13—*Continued*

2:15 p.m.	Group Meetings	
	Independent Radio Network Affiliates (IRNA)	Ivory Room
	National Independent Broadcasters (NIB)	Room 9
	Sales Managers' Executive Committee, Sales Managers' General Committee, Station Representative Associate Members, and Agency Representatives	Room 1
4:15 p.m.	Clear Channel Group	Room 9
	Regional Channel Group	Room 8
	Local Channel Group	Ivory Room

WEDNESDAY, MAY 14

8:30 a.m.	Breakfast Sessions	
	(NAB Staff Directors, presiding)	
	Coordination of National Defense Broadcasting Public Relations Roundtable—Edward M. Kirby, presiding	Room 9
	Department of Broadcast Advertising Roundtable—Frank E. Pellegrin, presiding	Room 1
	Engineering Roundtable — Lynne C. Smeby, presiding	Room 3
	Foreign Language Broadcasting Roundtable — Neville Miller, presiding	Room 8
	Law Roundtable, Russell P. Place, presiding	Room 6
	Labor, Wages and Hours Roundtable — Joseph L. Miller, presiding	Room 7
	Research Roundtable—Paul F. Peter, presiding	Room 2
10:00 a.m.	Business Session	Ivory Room
	Neville Miller, presiding	
	"The Music Situation"	
	Reports by	
	Sydney M. Kaye, Vice President and General Counsel, Broadcast Music, Inc.	
	Merritt Tompkins, Vice President and General Manager, Broadcast Music, Inc.	
	Carl Haverlin, Stations Relations Director, Broadcast Music, Inc.	

WEDNESDAY, MAY 14—*Continued*

12:30 p.m.	Luncheon	Gold Room
1:20 p.m.	Address of Greeting, Hon. Dwight L. Greene, Governor of Illinois	
2:15 p.m.	Business Session	Ivory Room
	Neville Miller, presiding	
	"The Music Situation" continued	
	Copyright Insurance, Russell P. Place, NAB Counsel	
	Recording Standards	
	Daylight Saving, John J. Gillin, WOW, NAB Director, District 11; Paul F. Peter, NAB Research Director; Jack W. Laemmar, Lord & Thomas	
8:30 p.m.	Evening Session	Gold Room
	(Public Meeting)	
	THE RADIO SPECTRUM	
	Chairman and General Remarks, C. J. Burnside, Westinghouse Electric and Manufacturing Company	
	Facsimile Broadcasting, John V. L. Hogan, WQXR	
	Frequency Modulation Broadcasting, Major Edwin H. Armstrong	
	Television Broadcasting, A. H. Morton, National Broadcasting Company	
	International Shortwave Broadcasting, Edmund Chester, Columbia Broadcasting System	

THURSDAY, MAY 15

8:30 a.m.	Breakfast Sessions	
	Coordination of National Defense Broadcasting Public Relations Roundtable, Edward M. Kirby, presiding	Room 9
	Department of Broadcast Advertising Roundtable, Frank E. Pellegrin, presiding	Room 1
	Engineering Roundtable, Lynne C. Smeby, presiding	Room 3
	BMI-Transcription Representatives Roundtable, Merritt Tompkins, presiding	Room 8
	Labor, Wages and Hours Roundtable, Joseph L. Miller, presiding	Room 7
	Law Roundtable, Russell P. Place, presiding	Room 6
	Research Roundtable, Paul F. Peter, presiding	Room 2
10:00 a.m.	Business Session	Ivory Room
	Neville Miller, presiding	
	E. Y. Flanigan, WSPD, Chairman, NAB Sales Managers' Executive Committee, Chairman	
	"The Commercial Provisions of the NAB Code," Edgar Bill, WMBD, Chairman NAB Code Committee	

THURSDAY, MAY 15—*Continued*

	"The Unit Plan of Volume Measurement," William Scripps, WWJ, Chairman NAB Research Committee	
	"Planning Today for Post-War Business," Colonel Willard Chevalier, Publisher, BUSINESS WEEK	
	"Broadcast Advertising, An Industry Job," Frank E. Pellegrin, Director, NAB Department of Broadcast Advertising	
12:30 p.m.	Luncheon Session	Gold Room
12:30 p.m.	(Open to NAB members and Associate members only)	
	"The Radio Broadcasting Industry, Its Problems and Responsibilities, Mark Ethridge, WHAS, NAB Director and past president	
2:15 p.m.	Business Session	Ivory Room
	Samuel R. Rosenbaum, WFIL, Chairman NAB Labor Committee, presiding	
	"Labor and the Broadcaster"	
	Open Discussion led by Joseph L. Miller, Director of Labor Relations	
3:00 p.m.	Neville Miller, presiding	
	Election, Directors-at-Large and Network Directors	
	Advisory Ballot on Site of 1942 Convention	
	Report of Resolutions Committee	
	Adjournment	
7:00 p.m.	Refreshment service preliminary to Banquet	Ivory Room
7:45 p.m.	Nineteenth Annual NAB Banquet	Gold Room
	(See Banquet Menu and Program)	

FRIDAY, MAY 16

9:00 a.m.	Newspaper-Radio Committee	Room 8
10:00 a.m.	NAB Board of Directors	Room 3

A Factual Analysis of ASCAP's Proposal to MB Stations

This is a factual analysis of proposals which ASCAP has made to Mutual Broadcasting System, Inc., and to Mutual affiliates. Under the non-discrimination clauses of the consent decree signed by ASCAP, these proposals will presumably be available to all broadcasting stations and networks. While each station will compute what the proposals mean to it individually, the NAB, in accordance with its established policy of supplying members with information on matters of industry interest, is presenting in the Reports these proposals together with this brief factual analysis which may be useful to members as a source of information.

It is, of course, impossible to state the precise legal effect of the proposals until they have been reduced to contract form. Moreover, it is impossible to cover in detail in a brief memorandum all of the points involved in such a complicated problem.

Under the recommendation made by the majority of Mutual stockholders to Mutual affiliates, it is proposed that ASCAP music be placed on the network prior to the negotiation of individual station licenses covering local business, and the cost thereof deducted from station payments, provided that a majority in number of Mutual affiliates approve the deduction of such cost. No reference is made in the proposals as to what the situation would be with respect to stations which do not assent to the making of the deductions. Stations will have to determine for themselves whether they wish to commit themselves to payment for network service before the actual submission and execution of finalized agreements covering their individual problems on local service.

According to the best estimates which can be made, the cost of the proposed licensing plan, if adopted by the entire industry and based on estimated 1940 net time sales, would be as follows:

Payments by 781 Stations on National Non-Network and Local Net Time Sales	$2,374,000
Payments on Network Payments to Affiliates	764,000
Payments by Networks taking into account deductions for wire lines and "Sales Commissions"	753,000
Sustaining Fees of Stations	725,000
Total Estimated Payments to ASCAP	$4,616,000

The proposals are not entirely clear as to whether the charges are to be based on net time sales or, as in the case of the June 1940 contracts tendered by ASCAP, upon additional factors such as line charges, free hours, certain talent costs, etc. In the event that the June 1940 provisions remain unchanged, this would of course increase the amounts of all payments mentioned in this analysis. Also in the event that ASCAP avails itself of its privilege of discontinuing, without reduction in payment, the availability of its foreign repertory and stations find it necessary to acquire the right to perform foreign music, this would increase the amount which would have to be paid for the former ASCAP repertory, some of which, it will be remembered, is now controlled by BMI.

The foregoing computation is based upon the 3% payment fixed for the first four years of the proposal; considerably larger payments would be required when the rate is increased to 3½% during the remaining four years and seven months of the proposal. It is estimated that the amount actually paid by the industry to ASCAP in 1940 was $5,100,000. In the event that none of the factors causing increase come into being, a comparison with actual 1940 payments would indicate decreased payments to ASCAP of $484,000 in the event that we assume that all stations would take out blanket licenses.

Comparison with the form of contract tendered by ASCAP in June 1940 is also necessary. This can most easily be made by taking stations in the groupings which were set up by the tendered June 1940 contract. This comparison is as follows:

(a) Stations with an annual revenue of $50,000 or less get the same terms as were tendered in the June 1940 contract for the first four years of the proposal, without reduction. For the remaining four years and seven months of the proposal, the fee to the station is increased from 3% to 3½%.

(b) Stations with an annual revenue of between $50,000 and $150,000 have a reduction in commercial fees of from 4% to 3% for the first four years of the proposal and from 4% to 3½% for the next four years and seven months of the proposal. These stations were, under the June 1940 contract, offered a sustaining fee equal to 75% of the sustaining fee formerly paid by the station. The annual sustaining fees, under the current proposal, are twelve times the station's highest hour rate with a maximum of 1½ times the station's 1940 sustaining fees, a potential increase of 100% in sustaining fees. Stations in this class will benefit or lose by the current proposal depending on the ratio of gross business to card rate and previous sustaining fees.

(c) Stations with a revenue of over $150,000 per annum obtain a reduction from the June 1940 contract of 2% in commercial fees for the first four years of the contract and 1½% in commercial fees for the remaining four years and seven months of the contract. Their sustaining fees are subject to a potential 50% increase. Stations in this category would appear to benefit from the new proposal in so far as local and national spot business is concerned.

(d) Networks, under the current proposal, will pay less than they would have paid under the June 1940 contract but would still pay a very substantial increase, as a class, over actual 1940 payments. Deductions under the new proposal decrease sharply from a maximum of 15% to a minimum of 1% in proportion to volume of business done. The effect upon stations of increased payment by the networks would depend on the extent to which the cost to the network is passed along to stations. Stations which are on more than one network or which expect to receive programs from more than one network have special problems which they will undoubtedly consider in this connection.

The proposals relate to three forms of contracts (1) a blanket single station license, (2) a per program single station license and (3) a network blanket license. No per program network license is submitted, apparently because Mutual stockholders have voted to take a blanket network license but stations have the privilege of accepting either the per program or blanket licenses which are tendered. The per program proposal which is submitted contains a provision which permits ASCAP to compel a broadcaster to shift from a per program to a blanket basis in the event that the return to ASCAP during any year is less than 2% of the station's entire revenue. The broadcaster may shift from the per program to the blanket basis if his payments to ASCAP during any year are in excess of 5% of the station's entire revenue. It will be noted that the network blanket contract provides that if network sustaining programs are broadcast by an affiliate which does not have a local blanket license, as distinguished from a per program license or no license at all, there must be paid, with respect to such sustaining programs, a sustaining fee of 1% of the card rate applicable at the time that the sustaining program is broadcast, with a maximum monthly payment of one-half of the station's highest one hour card rate, but not exceeding three-fourths of the 1940 monthly sustaining fee; or the highest one hour rate, not exceeding 1½ times the monthly 1940 sustaining fees, less actual sustaining fees paid by the station under its individual per program contract. These sustaining fees are in addition to commercial fees deducted by the network.

The consent decree signed by ASCAP provides that ASCAP may not demand any percentage which is based upon a percentage of revenue of programs which do not include ASCAP music. In our opinion, therefore, the proposed per program contract, with its minimum of 2% of the broadcaster's entire receipts, does not comply with the terms of ASCAP's consent decree.

Attention is directed to the NAB Special Bulletin of June 27, 1940 which was reprinted in Vol 8, No. 26, June 28, 1940, NAB REPORTS. This Bulletin pointed out that the form of contract then submitted by ASCAP was unsatisfactory.

In the absence of a final contract incorporating all of the terms of the current proposal, it is impossible to judge how many of the defects of the June 1940 contract will remain, although some defects appear to have been eliminated. The full effect of the clause limiting the right of ASCAP to restrict compositions, for instance, cannot accurately be assessed until the language of the provision is examined, and there does not appear in the proposal anything with respect to the rates to be charged by ASCAP on optional clearance at the source on electrical transcriptions. It will also be noted that under the logging provisions of the per program contract it would appear that any number which cannot be identified by full title, author's name, copyright proprietor's name, and if the number is performed from a recording, an identification of the record, is presumed to be an ASCAP number, and that any program which contains a number which cannot be so fully identified will pay the full ASCAP per program rate. Some of these matters may be covered in the supplementary document which is on file in the

Mutual offices and which was not available to us at the time of the preparation of this memorandum.

Mr. Gene Buck, as President of ASCAP, has wired to the Association that our telegram stating that the ASCAP proposal would be analyzed is construed "as an unlawful interference with the realization of the benefits of that contract. We hold you fully responsible for all damages that we may suffer thereby. . . ." It goes without saying that nothing in this analysis is intended to deter stations from independently considering any proposals that are submitted to them solely on the basis of their own ultimate wellbeing, and that this analysis is intended only as an information service to NAB members. If any inadvertent errors have been made, despite the care which has been exercised, we shall be glad to correct them if they are called to our attention.

A BLANKET SINGLE STATION LICENSE PROPOSAL

ASCAP will issue a license granting to any station of the Mutual Broadcasting System the use of all music in its repertoire or of any of its associated or affiliated societies for local broadcasting only.

1. The consideration for the license will be:

   A. Sustaining Fee:

   A yearly sustaining fee of twelve times the highest one hour published rate of the station, provided such sum shall not exceed one and one-half times the sustaining fee paid by the station during the year 1940, unless the gross amount paid to Station for the use of its broadcasting facilities, for local broadcasts for 1940 or any year thereafter shall be less than $50,000, in which case the sustaining fee shall be $12 for the succeeding year.

   B. Commercial Fee:

   In addition, the station, for the first four years of the agreement, shall pay to ASCAP a sum of 3%, and for the remaining term of the agreement a sum of 3½%, of its net receipts from sponsors for the use of the broadcasting facilities for local broadcasting.

   The term *"net receipts"* from sponsors shall be construed to mean the gross amount paid by sponsor for all local broadcasting facilities, less rate card discounts (quantity and/or frequency) and any advertising agency commission not to exceed 15% actually allowed and paid to a recognized advertising agency.

2. No payment shall be required to be made hereunder with respect to any local commercial program presented by transcription in the event that payment at the source has been made with respect to such transcription program.

3. ASCAP will reserve the right to restrict, in good faith, the broadcasting of compositions from musical comedies, operas, operettas, and motion pictures, or any other composition being excessively broadcast, only for the purpose of preventing harmful effect upon such productions or compositions in respect of other interests under the copyrights thereof. In any case, however, ASCAP agrees that the maximum number of compositions which may be at any time thus restricted shall not exceed 500 and moreover limited licenses will be granted upon application entirely free of additional charge, as to restricted compositions if and when copyright owners thereof are unable to show reasonable hazards to their major interests likely to result from such broadcastings.

   Provided, however, that in no case shall any charges *"free plug"* or other consideration be required in respect of any permission granted to perform a restricted composition, and further provided that in no event shall any composition, after the initial broadcast thereof, be restricted for the purpose of confining further broadcasts thereof to a particular artist, station, network or program.

4. ASCAP will agree to maintain during the term of the agreement substantially the existing domestic repertoire, and agrees to identify, save and hold station, sponsors, advertising agencies, and each of them, harmless, and defend them and each of them from and against any claim, demand or suit that may be brought against them or any of them with respect to renditions given during the term hereof or any renewal, in accordance with this license, of musical compositions contained in ASCAP's repertory heretofore or hereafter during the term hereof copyrighted or composed by members of ASCAP.

5. The term of this agreement shall be for a period ending on December 31, 1949.

6. ASCAP agrees that if a more favorable license is granted to any other comparable broadcasting station, station shall have the right to avail itself of the terms thereof. ASCAP agrees that any station may, upon request, inspect at the offices of ASCAP, the original copy of any license agreement in effect with any broadcasting station.

7. Royalty accountings, accompanied by payment in full, shall be rendered to ASCAP on or before the twentieth of each month covering the previous calendar month.

8. ASCAP agrees to release and discharge station, advertising agencies and sponsors from any and all liability and claims whatsoever which may have heretofore arisen as a result of the broadcast by station from and after Jan. 1, 1941, of any composition or work copyrighted or composed by ASCAP members or as to which ASCAP shall have public performing rights.

9. Station shall not be required to account for any sums received from political broadcasts.

PER PROGRAM SINGLE STATION LICENSE PROPOSAL

1. For the purposes of this proposal, under which licenses to publicly perform by broadcasting the ASCAP repertoire will be upon request of any broadcaster issued, the different types of radio programs are classified variously as follows:

   A. Sustaining, Non-Musical:

   Being a non-commercial, unsponsored local program, containing no music.

   B. Sustaining, Musical:

   Being a non-commercial, unsponsored local program, and which shall include or present in whole or any part, any musical composition or work.

   C. Commercial, Non-Musical:

   Being a commercial, sponsored local program during the presentation of which no musical composition or work whatever, in whole or any part, is rendered.

   It is to be understood that as to sports events (excluding football games), parades and civic celebrations, where music shall be performed under exclusive control or direction of others than the licensee and shall be merely incidental to the main event or celebration, such programs shall nevertheless be regarded as coming under this heading.

D. Commercial, Musical:

Being a commercial, sponsored local program, for the public presentation of which the broadcasting facilities of licensee have, for a consideration, been engaged by the sponsor; and which shall include or present in whole or any part, any musical composition or work; or the commercial sponsored broadcast of a football game incident to which music is used; and so-called "*participating programs*" using music.

E. Religious, Educational and Civic:

Being a non-commercial local program, sponsored by a religious, educational, patriotic, political or civic association or group, and presented under its *official* auspices, for which licensee grants the free use of broadcasting facilities.

2. ASCAP will make available to any radio broadcasting station a license to publicly perform the compositions copyrighted by its members, and by the members of affiliated foreign societies upon a "*per program basis*" on the following terms and conditions:

In respect of the various types of programs the following payments shall be made:

Sustaining, Non-Musical:

No payment.

Commercial, Musical:

If any or all of the musical content shall include, in whole or any part, any ASCAP composition, an amount equal to ten per cent (10%) of the net receipts of the licensee from the commercial sponsor for the use of the broadcasting facilities of the station, provided, however, that if the music used shall be limited solely to a single identical theme or signature and/or to a single identical theme or signature and incidental bridge or background music in connection with a program otherwise non-musical, the rate of payment shall be 3%; and if only incidental bridge or background musical accompaniment and/or any opening and/or closing music (not constituting a theme or signature song) is used in connection with a program otherwise non-musical, the rate shall be 1½%.

Provided further that if the commercial broadcast is of a football game, a sum equal to 1½% of the amount charged by licensee to the commercial sponsor shall be paid.

Sustaining, Musical:

If any or all of the musical content shall include, in whole or any part, any ASCAP composition, an amount equal to one per cent (1%) of the regular published full card rate of the station applicable for the broadcasting facilities used. In no case shall the maximum amount payable by licensee in respect of sustaining programs during any year exceed either twelve times the highest one hour published rate of the station or one and one-half times the sustaining fee paid by the licensee during the year 1940, whichever shall be less; and provided further that if such maximum amount is guaranteed then no payments based upon the above percentage need be made.

Commercial, Non-Musical:

No payment.

Religious, Educational and Civic:

No payment.

3. Accountings:

A. Licensee is to furnish, postage prepaid, to ASCAP monthly a copy of the complete station log for each day, in the form required by FCC Rules and Regulations, Part 3, Sec. 3.90, and as to each program thereupon listed as musical or having any musical content, shall furnish ASCAP a complete item-by-item list of each musical composition rendered in whole or in part during local programs. Such listing shall show, as to each musical composition thus rendered, the full title thereof, the name of the composer and/or author, and name of the copyright owner as imprinted on the published sheet music or orchestration. Titles may not be abbreviated but must be shown in full. These requirements apply to all such programs, without exception, and regardless of the origin of the program.

B. Such report of each accountable local program shall, if commercially sponsored, state the name of the sponsor or sponsors, and the amount charged each sponsor.

C. Royalty accountings, accompanied by payment in full shall be rendered to ASCAP on or before the twentieth of each month, covering the previous calendar month. Such statements shall show in respect of each accountable program (a) the date of rendition, (b) the title of the program, (c) the time rendered, (d) the name of each sponsor and amount charged to each, and (e) the listing of titles, composers, authors and copyright owners.

D. All accountings in respect of local "*commercial musical programs*" rendered in accordance with the foregoing, shall be understood to relate to the net receipts of the station, construed to mean the gross amount paid by the sponsor for all broadcasting facilities of the station, less rate card discounts (quantity and/or frequency) and advertising agency commission of not exceeding fifteen per cent (15%) if actually paid or allowed to a recognized advertising agency.

E. Where renditions are by means of phonograph records, program listings shall show the manufacturer's brand and serial number of the record.

4. Any failure to comply with the requirements set out in Article 3 of this proposal as to the complete identification of compositions performed on programs, shall create the presumption that the music and/or compositions used were ASCAP compositions.

5. No payment shall be required to be made hereunder with respect to any local commercial program presented by transcriptions in the event that payment at the source has been made with respect to such transcription programs.

6. ASCAP reserves the right to restrict, in good faith, the broadcasting of compositions from musical comedies, operas, operettas and motion pictures, or any other composition being excessively broadcast, only for the purpose of preventing harmful effect upon such productions or compositions in respect of other interests under the copyrights thereof. In any case, however, ASCAP agrees that the maximum number of compositions which may be at any time thus restricted shall not exceed 500 and moreover limited licenses will be

granted upon application, entirely free of additional charge, as to restricted compositions if and when copyright owners thereof are unable to show reasonable hazards to their major interests likely to result from such broadcastings.

Provided, however, that in no case shall any charge, *"free plug,"* or other consideration be required in respect of any permission granted to perform a restricted composition; and further provided that in no event shall any composition, after the initial broadcast thereof, be restricted for the purpose of confining the further broadcasts thereof to a particular artist, network, station or program.

7. ASCAP agrees to maintain during the term of the agreement substantially the existing domestic repertoire, and agrees to indemnify, save and hold licensee, sponsors, advertising agencies and each of them harmless, and defend them and each of them from and against any claim, demand or suit that may be brought against them or any of them with respect to renditions given, in accordance with this license, of musical compositions contained in ASCAP's repertory heretofore or hereafter copyrighted or composed by members of ASCAP.

8. The term of the agreement may at election of licensee be fixed to cover any portion of the time between effective date and December 31, 1949, and, notwithstanding anything herein to the contrary, if during any year of the license period the total payments per annum made by licensee to ASCAP shall be less than 2% of the total *"net receipts"* of the station for broadcasting facilities, as the term *"net receipts"* is defined in the blanket license proposal for single stations simultaneously submitted by ASCAP, ASCAP may require licensee to change to the blanket licensing basis for remainder of the term, and licensee will agree to accept such blanket basis, or if such payments shall exceed 5% of such *"net receipts"* licensee may require ASCAP to change the formula to such basis for remainder of the license period and ASCAP will agree to accept such blanket basis; such option to be exercised within sixty days following the end of the applicable license year in which such total *"net receipts"* shall be less than or shall exceed the applicable percentage, the new basis to be effective as of the beginning of the license year within which such option was exercised.

9. ASCAP agrees that if a more favorable license is granted to any other comparable broadcasting station, the licensee shall have the right to avail itself of the terms thereof. ASCAP agrees that any licensee may, upon request, inspect at the offices of ASCAP the original copy of any license agreement in effect with any broadcasting licensee.

10. ASCAP agrees to release and discharge licensee, advertising agencies and sponsors from any and all liability and claims whatsoever which may have heretofore arisen as a result of the broadcast from and after January 1, 1941, by licensee of any composition or work copyrighted or composed by ASCAP members or as to which ASCAP shall have public performing rights.

NETWORK BLANKET LICENSE PROPOSAL

ASCAP will issue a license granting to the Mutual Broadcasting System the use of all music in its repertoire and of any of its associated or affiliated societies.

1. The consideration for the license to the Mutual Broadcasting System shall be:

A. Sustaining Fee:

(a) As to stations affiliated with Mutual having a Single Station License from ASCAP under which the said stations guarantee to pay to ASCAP an agreed upon amount fixed in dollars for the use of ASCAP music in sustaining programs, ASCAP will grant to Mutual a license to broadcast sustaining programs to such stations upon the payment to it of the sum of One Dollar annually.

(b) In the event of a situation arising in which any of the Mutual stations does not have a Single Station License from ASCAP, or if such license is a Per Program License and the station has not guaranteed to pay to ASCAP, an agreed upon amount fixed in dollars for the use of ASCAP music in sustaining programs, then Mutual may supply its sustaining programs to such stations upon the payment to ASCAP of a sum equal to one per cent of the applicable card rate of each such affiliated station receiving and rebroadcasting the said sustaining program for the time consumed, provided, however, that in no case shall the maximum amount payable by Mutual in respect of any such station for sustaining programs exceed either: (a) a monthly payment equal to one half of the highest one hour published card rate of the station but in no event more than three quarters of the monthly sustaining fee paid by the station during the year 1940, or (b) the difference between twice the amount stated in subdivision (a) hereof and the actual sum paid during such month by the station for sustaining fees; whichever of such amounts shall be less.

B. Commercial Fee:

Mutual further, for the first four years of the agreement, shall pay to ASCAP a sum of 3%, and for the remaining term of the agreement, a sum of 3½%, of its *"net receipts after deductions"* (as hereinafter defined) received during each year for the use of the broadcasting facilities of the stations over which the sponsored programs are broadcast.

The term *"net receipts"* from sponsors shall be construed to mean the gross amount paid by sponsor during such year for all network broadcasting facilities, less rate card discounts (quantity and/or frequency) and any advertising agency commission not to exceed 15% actually allowed and paid to any recognized advertising agencies.

The term *"net receipts after deductions"* shall be construed to mean the net receipts from sponsors during such year, less the sum of the following deductions:

(a) An amount equal to the actual cost to Mutual, its members and affiliates, of all program transmission lines used during such year in the transmission of network programs from any member or affiliate station to any other member or affiliate stations, but shall not include any program transmission lines extending from a member or affiliate station to the point of origination of a remote control program. Neither shall it include the cost of any program transmission lines maintained by a regional network affiliate of Mutual other than the program transmission line connecting the key station of such regional network with any other member or affiliate (other than an affiliate of such regional network) of Mutual.

(b) A sales commission on the net receipts from sponsors for such year equal to the sum of the following:

Fifteen per cent (15%) on the first One million dollars ($1,000,000) or less of such net receipts;

Twelve and one-half per cent (12½%) on the next Two million dollars ($2,000,000) or less of such net receipts ($1,000,000 to $3,000,000);

Ten per cent (10%) of the next Three million dollars ($3,000,000) or less of such net receipts ($3,000,000 to $6,000,000);

Seven an one-half per cent (7½%) of the next Four million dollars ($4,000,000) or less of such net receipts ($6,000,000 to $10,000,000);

Five per cent (5%) of the next Five million dollars ($5,000,000) or less of such net receipts ($10,000,000 to $15,000,000);

Two and one-half per cent (2½%) of the next Five million dollars ($5,000,000) or less of such net receipts ($15,000,000 to $20,000,000); and

One per cent (1%) of all net receipts in excess of Twenty million dollars ($20,000,00).

2. No payment shall be required to be made hereunder with respect to any network commercial program presented by transcription in the event that payment at the source has been made with respect to such transcription program.

3. ASCAP will reserve the right to restrict, in good faith, the broadcasting of compositions from musical comedies, operas, operettas, and motion pictures, or any other composition being excessively broadcast, only for the purpose of preventing harmful effect upon such productions or compositions in respect of other interests under the copyrights thereof. In any case, however, ASCAP agrees that the maximum number of compositions which may be at any time thus restricted shall not exceed 500 and moreover limited licenses will be granted upon application entirely free of additional charge, as to restricted compositions if and when copyright owners thereof are unable to show reasonable hazards to their major interests likely to result from such broadcastings.

Provided, however, that in no case shall any charges "*free plug*" or other consideration be required in respect of any permission granted to perform a restricted composition and further that in no event shall any composition, after the initial broadcast thereof be restricted for the purpose of confining further broadcasts thereof to a particular artist, station, network or program.

4. ASCAP will agree to maintain during the term of the agreement substantially the existing domestic repertoire, and agrees to indemnify, save and hold Mutual, its member and affiliate stations, sponsors, advertising agencies and each of them harmless, and defend them and each of them from and against any claim, demand or suit that may be brought against them or any of them with respect to renditions given during the term hereof or any renewal in accordance with this license of musical compositions contained in ASCAP's repertory heretofore or hereafter during the term hereof copyrighted or composed by members of ASCAP.

5. The term of this agreement shall be for a period ending on December 31, 1949.

6. Royalty accountings, accompanied by payment in full shall be rendered to ASCAP on or before the twentieth of each month, covering the previous calendar month. In view of the fact that under Article 1, Subdivision B, subdivisions a and b, provisions are made for deductions on an annual basis, it is agreed that these items will be made with a final readjustment to be made within thirty days after the end of each fiscal year. Accountings and payments shall be made on a billing basis, with a right of deduction for bad accounts and discounts allowed or rebates paid. The periods for less than a full fiscal year at the beginning and end of this agreement shall be pro rated.

7. ASCAP agrees to release and discharge Mutual, its member and affiliate stations, advertising agencies, and sponsors from any and all liability and claims whatsoever which may have heretofore arisen as a result of any network broadcast over the Mutual network from and after January 1, 1941, of any composition or work copyrighted or composed by ASCAP members or as to which ASCAP shall have public performing rights.

8. Mutual shall not be required to account for any sums received from political broadcasts.

The New Network Rules

RULES APPLICABLE TO STATIONS ENGAGED IN CHAIN BROADCASTING

May 2, 1941.

Whereas, the Commission, on March 18, 1938, by Order No. 37, authorized an investigation "to determine what special regulations applicable to radio stations engaged in chain or other broadcasting are required in the public interest, convenience, or necessity;"

Whereas on April 6, 1938, the Commission appointed a Committee of three Commissioners to supervise the investigation, to hold hearings in connection therewith, and "to make reports to the Commission with recommendations for action by the Commission;"

Whereas the Committee held extensive hearings and on June 12, 1940, submitted its report to the Commission;

Whereas briefs were filed and oral arguments had upon the Committee report and upon certain draft regulations issued for the purpose of giving scope and direction to the oral arguments; and

Whereas the Commission, after due consideration, has prepared and adopted the Report on Chain Broadcasting to which this Order is attached;

Now, therefore, it is hereby ordered, That the following regulations be and they are hereby adopted:

Licensing Requirements

§ 3.101 *Exclusive affiliation of station.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization (The term "network organization" as used herein includes national and regional network organizations.) under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.*

*§ § 3.101 to 3.108, inclusive, issued under the authority contained in Sec. 4 (i), (j), 48 Stat. 1068; 47 U. S. C. 154 (i), (j), Sec. 303 (b), (f), (g), (i), 48 Stat. 1082; 47 U. S. C. 303 (b), (f), (g), (i), sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (r), 308 (a), (b), 48 Stat. 1084; 47 U. S. C. 308 (a), (b), sec. 309, 48 Stat. 1085; 47 U. S. C. 309, sec. 311, 48 Stat. 1086; 47 U. S. C. 311, sec. 313, 48 Stat. 1086; 47 U. S. C. 313, sec. 314, 48 Stat. 1088; 47 U. S. C. 314.

§ 3.102 *Territorial exclusivity.* No license shall be granted to a standard broadcast station having any contract arrangement, or understanding, express or implied, with a network organization which prevents or hinders another station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another station serving a substantially different area from broadcasting any program of the network organization.*

§ 3.013 *Term of affiliation.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original term, provisions for renewal, or otherwise, for the affiliation of the station with the network organization for a period longer than one year: *Provided,* That a contract, arrangement, or understanding for a one-year period, may be entered into within sixty days prior to the commencement of such one-year period.*

§ 3.104 *Option time.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders the station from scheduling programs before the network finally agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.*

§ 3.105 *Right to reject programs.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied with a network organization which (a), with respect to programs, offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b), with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance.*

§ 3.106 *Network ownership of stations.* No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control (The word "control" as used herein, is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.) with a network organization, for more than one standard broadcast station where one of the stations covers substantially the service area of the other station, or for any standard broadcast station in any locality where the existing standard broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.*

§ 3.107 *Dual network operation.* No license shall be issued to a standard broadcast station affiliated with a network organization which maintains more than one network: *Provided,* That this regulation shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.*

§ 3.108 *Control by networks of station rates.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.*

It is further ordered, That the regulations in § § 3.101-3.108 shall become effective immediately; *Provided,* That, with respect to existing contracts, arrangements, or understandings, or network organization station licenses, the effective date shall be deferred for 90 days from the date of this order: *Provided further,* That the effective date of § 3.106 may be extended from time to time with respect to any station in order to permit the orderly disposition of properties.*

By the Commission.

T. J. Slowie,
Secretary.

(Seal)

(F. R. Doc. 41-3288: Filed, May 5, 1941; 12:15 p. m.)

The FCC Report

Following is the text of the FCC's summary of its report on the new rules for network broadcasting:

Regulations designed to "foster and strengthen network broadcasting by opening up the field to competition" are contained in a Federal Communications Commission order made public today. Accompanying the order is the Commission's "Report on Chain Broadcasting," which explains the new regulations and states the premises on which they are based.

"The regulations which we are promulgating," says the Commission, "are designed to preserve without loss the contributions of network broadcasting to the public and to the affiliated stations, while ensuring that licensees will exercise their responsibilities under the law. We believe that these regulations will foster and strengthen network broadcasting by opening up the field to competition."

* * *

The Commission finds a variety of restraints in the present station-network relationships which impair the ability of stations to render service in the public interest. By removing these restraints, the Commission states, there should result "an increased number of networks, and, consequently, a larger supply of available network programs and a wider latitude for all stations in obtaining network programs." There should also result "a gain in quality as well as quantity as a result of increased competition among networks * * *. Not only the more powerful stations, but those with less desirable facilities, and the public as well, will benefit."

The Commission notes that there exists only two alternatives to competition as a means for protecting the public interest in radio broadcasting: government ownership and detailed regulation of the kind applicable to railroads and telephone companies. The Commission rejects both of these alternatives. It states: "We believe * * * that competition, given a fair test, will best protect the public interest. That is the American system."

* * *

Six of the eight regulations are designed to remove the restraints upon stations contained in most station-network affiliations contracts. Under the new regulations, an affiliation contract may not restrain a station from carrying programs offered by any network, or restrict a network to one station in an area. It may not bind a station to a network for more than one year, and must leave each station free to schedule such programs as the station considers to be in the public interest. It may not contain an option clause requiring a station to cancel other programs merely because the network offers a program for the optioned hour; nor may it deprive a station of the final decision as to what programs shall or shall not be broadcast.

Finally, an affiliation contract may not deprive a station of the right to set its own rates, and to compete freely with networks for advertising revenues. Thus, according to Chairman Fly, "the new regulations might properly be called a Magna Carta for American broadcasting stations."

Says the Commission:

> "This report is based upon the premise that the network system plays a vital role in radio broadcasting and has brought great benefits to it. We have carefully drawn our regulations so as not to interfere with any of the three major functions which a network performs—the sale of time to advertisers; the production of programs, both commercial and sustaining; and distribution of programs to stations."

The report further states:

> "We are concerned * * * with insuring that at reasonable intervals a station will be free to change its regular network affiliation, and, as occasion requires, to broadcast the programs of networks with which it is not regularly affiliated, and to exercise independent judgment in rejecting or refusing network programs. To the extent that the networks' present status rests upon excellence of service rather than coercive power, it will remain substantially unaffected."

The regulations are designed not merely to introduce competition among existing networks, but also to open the door to new networks. Says the report:

> "The exclusion of new networks from the industry is especially onerous because of the failure of existing networks to render service on a truly national basis. They have left a number of communities, especially in the West and Middle West, wholly without network service, and many more with inadequate service or service from only one network. Under such circumstances, it is especially important to keep the door open for new networks which may be willing to serve areas now unprovided for."

* * *

In laying the foundation for its discussion of the current network situation, the Commission report deals with the history of the Columbia Broadcasting System (CBS) and the Mutual Broadcasting System (Mutual); and places particular stress upon the history of the National Broadcasting Co. (NBC), and its parent, Radio Corporation of America (RCA). "NBC is but a branch—though an important branch—of (RCA), a corporate enterprise which straddles the fields of communication, radio-equipment manufacture, and entertainment," the Commission declares, and adds:

> "RCA was originally founded to utilize wireless techniques for the transmission of messages; today it bestrides whole industries, dwarfing its competitors in each. * * * RCA occupied a premier position in fields which are profoundly determinative of our way of life. * * * Whether this ramified and powerful enterprise with its consistent tendency to grow and to expand into new fields at the expense of smaller independent concerns is desirable, is not to be decided here. We have thought it proper, however, to call the attention of Congress and the public to the broader problems raised by this concentration of power in the hands of a single group."

* * *

The report notes that stations utilizing roughly 97 per cent of the nation's total nighttime broadcasting power are affiliated with the three major networks. All but two of the nation's clear-channel stations are affiliated with NBC or CBS and the remaining two (WOR and WGN) own Mutual. Eighteen of the Nation's most powerful and most desirable stations are licensed directly to NBC or CBS.

The Commission comments:

> "The United States has rejected government ownership of broadcasting stations, believing that the power inherent in control over broadcasting is too great and too dangerous to the maintenance of free institutions to permit its exercise by one body, even though elected by or responsible to the whole people. But in avoiding the concentration of power over radio broadcasting in the hands of government, we must not fall into an even more dangerous pitfall: the concentration of that power in the hands of self-perpetuating management groups."

* * *

One of the eight new regulations concerns the ownership of stations by networks, as distinguished from the affiliation of stations with networks by contract. The report notes that 18 of the most powerful and desirable stations in the country are at present licensed directly to NBC or CBS. "Competition among networks for these facilities is non-existent," says the Commission in discussing this "bottling-up" of the best stations. It finds that "the licensing of two stations in the same area to a single network organization is basically unsound and contrary to public interest," and that "it is against the public interest for networks to operate stations in areas where the facilities are so few or so unequal that network competition is seriously restricted." The Commission concludes:

> "Subject to the right and opportunity of CBS and NBC to show at hearing in a particular case that public interest requires otherwise, the Commission will not license to a single network organization more than one station within a given area, nor will it license stations to any network organization in communities where the available outlets are so few or of such unequal desirability as to require that all facilities be open to competition among networks for outlets and among stations for networks."

* * *

The Commission occasionally contrasts Mutual with NBC and CBS in respect to size, structure, and mode of operation, but makes it clear that in so doing it does not seek to approve Mutual practices or to set them up as ideals or models. "On the contrary," it observes, "we find a tendency in Mutual to follow the paths toward restrictive practices blazed by CBS and NBC."

* * *

Another of the new regulations concerns the operation of more than one network by one organization. The report notes: "The operation of the Red and Blue networks by NBC gives it a decided competitive advantage over the other two networks." It further notes that NBC's Red and Blue networks do not compete with one another, and that "the Blue has had the effect of acting as a buffer to protect the powerful Red against competition. * * * NBC has utilized the Blue to forestall competition with the Red."

The Commission concludes that "it is not in public interest for a station to enter into a regular affiliation contract with a network's organization maintaining more than one network." It adds:

> "Under any system of broadcasting, someone must decide what a station will put on the air and what it will not. * * * Decentralization of this power is the best protection against its abuse. We cannot permit the protection which decentralization affords to be destroyed by the gravitation of control over two major networks into one set of hands. While the concentration of power resulting from operation of a network is unavoidable, the further concentration of power resulting from operation of two networks by one organization can and should be avoided."

* * *

The remaining six new regulations are concerned with the affiliation contracts between networks and stations. Among the restraints which the Commission finds in these contracts are the following:

> "NBC and CBS, by contractual arrangements with their affiliates, prevent the great majority of them from broadcasting programs of any other national network."
>
> "Programs rejected by (network) affiliates, * * * may not be offered by the network to other stations in the service area of the affiliate which rejects the program."
>
> "The long-term (five-year) contracts of CBS and NBC were intended to, and do, prevent any real competition in the network-station market."
>
> "* * * National network time options have restricted the freedom of station licensees and hampered their efforts to broadcast local commercial programs, the programs of other networks, and national spot transcriptions."
>
> "Long-term (five-year) affiliation contracts, with their exclusivity and optional-time provisions, seriously interfere with competition among networks. Ownership of broadcast stations by networks, however, goes even further. It renders such stations permanently inaccessible to competing networks."
>
> "The operation of the Red and Blue networks by NBC gives it a decided competitive advantage over the other two national networks. * * * By tying up two of the best facilities in lucrative markets—through the ownership of stations, or through long-term contracts containing exclusivity and optional-time provisions—NBC has utilized the Blue to forestall competition with the Red."
>
> "NBC has attempted to protect itself against competition with its affiliates for the business of national advertisers. * * * A contract of this kind, providing a severe penalty for price-cutting, is equivalent to, and has the same effect as, a price fixing agreement."
>
> "At every turn, * * * restrictive clauses taken cumulatively operate with even greater force than their effect considered in isolation would suggest."

The six features of present affiliation contracts which the new regulations are designed to eliminate are:

1. "Exclusivity"
2. "Territorial Exclusivity"
3. Contracts binding for more than one year

4. "Network optional time"
5. Restrictions on the right to reject network programs
6. Limitation of competition between network and stations.

* * *

1. "Exclusivity"

Under the so-called "exclusivity clause," a station affiliated with one network may not carry a program of any other network. The Commission notes that there are a great many cities to which neither Mutual nor any new network can obtain any access whatever, since all the stations are already bound to NBC or CBS by contracts containing "exclusivity clauses." Thus:

> "Not only is regular Mutual program service banned from large areas, but even individual programs of unusual interest are kept off the air. A concrete example of the manner in which exclusivity clauses operate against the public interest may be seen in the broadcasting of the World Series baseball games of October 1939. Mutual obtained exclusive privileges from the baseball authorities for the broadcasting of the series with the Gillette Co. as commercial sponsor. Thereupon it attempted to obtain time from various stations including stations which were then under exclusive contract to NBC and CBS. CBS and NBC immediately called upon their outlet stations to respect the exclusive provisions of their contracts. Disregard of this reminder would have jeopardized a station's rights under the contracts. This prevented certain licensees from accepting a program for which they believed there was public demand and which they thought would be in the public interest. It also deprived the advertiser of network advertising service in some areas, and prevented the licensee from receiving income which could have been obtained from acceptance of the program series. As a result, thousands of potential listeners failed to hear the World Series of 1939."

Under the new regulations, stations affiliated with one network may nevertheless carry also programs offered by any other network.

2. "Territorial Exclusivity"

Similar to the "exclusivity clause" is so-called "territorial exclusivity," under which a network is bound not to send a program to any station located in an area served by its affiliated station, even though the affiliated station rejects the program. Says the Commission:

> "Territorial exclusivity arrangements are important from the point of view of over-all program structure. To be sure, usually it would be wasteful duplication of service for a network simultaneously to send identical programs to stations whose service areas approximately coincide. If the only effect of territorial exclusivity were to prevent duplication, no fault could be found. But exclusivity goes much further; it protects the affiliate from the competition of another station in the same area which may wish to use programs not carried by the affiliate.
>
> "Under territorial exclusivity, programs rejected by affiliates, sustaining or commercial, may not be offered by the network to other stations in the service area of the affiliate which rejects the program. An example of the adverse effect this may have upon the public is given in a brief filed August 7, 1940, by station WBNY at Buffalo, N. Y. WBNY related that Mutual outlets in Buffalo rejected a sustaining program series known as "The American Forum of the Air," but that its efforts to obtain this program were futile. Consequently, this worth-while program was not broadcast to the Buffalo area despite the desire of WBNY to carry it."
>
> * * *
>
> "It is as much against the public interest for a network affiliate to enter into a contractual arrangement which prevents another station from carrying a network program as it would be for it to drown out that program by electrical interference."

3. Long-Term Affiliation Contracts

One of the new regulations limits the term of affiliation contracts to one year. Says the Commission:

> "With respect to the maximum term of the contract, no showing has been made that there is any business need for an affiliation contract longer than one year. On the contrary, competition will be strengthened if opportunity is provided for annual readjustments on the basis of comparative showings of networks and stations. We conclude, therefore, that station licensees will best serve the public interest if they refrain from entering into such contracts for periods in excess of one year and hold themselves free to negotiate with networks annually."

4. "Network Optional Time"

Another provision in standard affiliation contracts having a restrictive effect upon stations is the so-called "optional time clause," under which a station must cancel any program scheduled during an option period if the network with which it is affiliated offers a program for that period. NBC, CBS, and Mutual all have such clauses in some or all of their contracts. Says the Commission:

> "A station licensee must retain sufficient freedom of action to supply the program and advertising needs of the local community. Local program service is a vital part of community life. A station should be ready, able, and willing to serve the needs of the local community by broadcasting such outstanding local events as community concerts, civic meetings, local sports events, and other programs of local consumer and social interest.
>
> "We conclude that national network time options have restricted the freedom of station licensees and hampered their efforts to broadcast local commercial programs, the programs of other national networks, and national spot transcriptions. We believe that these considerations far outweigh any supposed advantages from 'stability' of network operation under time options. We find that the optioning of time by licensee stations has operated against the public interest."

5. Restrictions on the Right to Reject Network Programs

Many affiliation contracts restrict the right of a station to reject network programs, even though a better program is available for the same hour. Thus control of what a station broadcasts is in effect taken away from the station. This is especially true, because "precise information concerning the program the network proposes to distribute is not usually furnished and is not always easy to furnish." Says the Commission:

> "It is the station, not the network, which is licensed to serve the public interest. The licensee has the duty of determining what programs shall be broadcast over his station's facilities, and cannot lawfully delegate this duty or transfer "the control of his station directly to the network or indirectly to an advertising agency. He cannot lawfully bind himself to accept programs in every case where he cannot sustain the burden of proof that he has a better program. The licensee is obliged to reserve to himself the final decision as to what programs will best serve the public interest.
>
> "We conclude that a licensee is not fulfilling his obligations to operate in the public interest, and is not operating in accordance with the express requirements of the Communications Act, if he agrees to accept programs on any basis other than his own decision that the programs are satisfactory.
>
> "Even after a licensee has accepted a network commercial program series, we believe he must reserve the right to substitute programs of outstanding national or local importance. Only thus can the public be sure that a station's program service will not be controlled in the interest of network revenues."

6. Limitation of Competition Between Network and Station

A final regulation is concerned with the station's control over its own rates. Some present affiliation contracts penalize a station for selling time to national advertisers at less than the rate which the network charges for the station's time, and thus hinders it from competing with the network. "A contract of this kind, providing a severe penalty for price-cutting," says the Commission, "is equivalent to, and has the same effect as, a price-fixing agreement."

The Commission further states:

> "We conclude that it is against the public interest for a station licensee to enter into a contract with a network which has the

effect of decreasing its ability to compete for national business. We believe that the public interest will best be served and listeners supplied with the best programs if stations bargain freely with national advertisers."

* * *

Throughout the report, the need for competition as a protection to the public is emphasized. For example:

"A constantly improving service to the public requires that all the competitive elements within the industry should be preserved. The door of opportunity must be kept open for new networks. Competition among networks, among stations, and between stations and networks, all of which profoundly affect station service, must be set free from artificial restraints. It is not in the public interest for any licensee station to make arrangements which tend to close that door or restrain that competition. Pursuant to the mandate of Congress that it grant licenses and renewals only to stations operating in the public interest, this Commission must refuse further to license stations which persist in these practices."

* * *

The Commission notes that approximately the same restraints are found among some regional as among national networks, and hence the new regulations cover regional networks. According to the report:

"Restrictive contracts and other practices with which these regulations are concerned restrain competition and operate against the public interest whether the network concerned is national * * * or regional. True, the national restraints loom larger; but * * * with respect to a given station, a given community, or a given region, a restrictive contract between a station and a regional network * * * may operate to foster a local monoply and to impair station operations in the public interest just as effectively and as intensively as similar practices on a national scale."

However, the Commission notes that the regional networks are "in a state of more rapid flux than the national networks," and that therefore it "will carefully consider, in particular instances, any showing that the application of the regulations herein adopted to a station affiliated with a regional network will reduce rather than increase its ability to operate in the public interest."

* * *

The new regulations are effective immediately, except that with respect to existing contracts and arrangements, the effective date is deferred for 90 days. The regulation concerning network ownership of stations may be further extended from time to time with respect to any station to permit the orderly disposition of properties.

* * *

The "Conclusion" of the Commission "Report on Chain Broadcasting" follows in full:

"We have exercised our jurisdiction upon the premise, generally accepted by the public and the industry, that the network method of program distribution is in the public interest. We subscribe to the view that network broadcasting is an integral and necessary part of radio. The regulations which we are promulgating are designed to preserve without loss the contributions of network broadcasting to the public and to the affiliated stations, while ensuring that licensees will exercise their responsibilities under the law. We believe that these regulations will foster and strengthen network broadcasting by opening up the field to competition. An open door to new networks will stimulate the old and encourage the new.

"The prophecy that regulations such as we are adopting will 'result in the eventual destruction of national program service' and 'destroy the American system of network broadcasting' is, we believe, the exaggeration of advocacy. The practices which we find contrary to public interest were instituted to restrict competition within the broadcasting field, not to protect commercial broadcasting from competition by other types of advertising. Everyone familiar with broadcasting as an advertising medium knows that radio reaches a different audience from other types of advertising, and that it reaches them in a different way. We doubt that the networks have so little faith in the stability of their own enterprise as is suggested by their insistence that the whole structure of commercial broadcasting will collapse if their relations with outlets are modified along the lines indicated. It is incredible that the industry's footing is so insecure. The prospect that advertisers will desert radio in favor of newspapers, magazines, or billboards is singularly unconvincing.

"We are under no illusion that the regulations we are adopting will solve all questions of public interest with respect to the network system of program distribution. For "example, we have not dealt with the activities of principal networks in the fields of electrical transcription and talent supply, although we recognize, as did the committee, that their activities in these fields 'raise problems which vitally concern the welfare of the industry and the listening public.' The problems in the network field are interdependent, and the steps now taken may perhaps operate as a partial solution of problems not directly dealt with at this time. Such problems may be examined again at some future time after the regulations here adopted have been given a fair trial.

"We have been at pains to limit our regulations to the proven requirements of the situation, and especially to ensuring the maintenance of a competitive market. Radio broadcasting is a competitive industry. The Congress has so declared it in the Communications Act of 1934, and has required the fullest measure of competition possible within physical limitations. If the industry cannot go forward on a competitive basis, if the substantial restraints upon competition which we seek to eliminate are indispensable to the industry, then we must frankly concede that broadcasting is not properly a competitive industry. If this be the case, we recommend that the Congress should amend the Communications Act to authorize and direct regulations appropriate to a noncompetitive industry with adequate safeguards to protect listeners, advertisers, and consumers. We believe, however, that competition, given a fair test, will best protect the public interest. That is the American system."

* * *

The report is concurred in by Chairman Fly and Commissioners Walker, Payne, Thompson, and Wakefield; with Commissioners Case and Craven dissenting.

The complete "Report on Chain Broadcasting," including the dissenting report, may be obtained in printed form from the Superintendent of Documents, Government Printing Office, Washington, D. C., at a nominal cost.

The Dissent

Following is the FCC's summary of the "minority comment" by Commissioners Case and Craven on the new network rules:

All members of the Commission recognize that improvements in the present broadcast service as well as in the organization thereof are not only possible but also desirable. However, the minority disagrees with the proposals which the majority has adopted as a method of securing improvements. We fear that the proposals of the majority will result inevitably in impaired efficiency of the existing broadcast organization of the country. This system has been developed as a result of practical experience over a period of years. In the main it is operating very well in the public interest. Undoubtedly it provides the public with the best broadcasting service in the world. Naturally, there are faults which may need correction. However, some of the corrective processes suggested by the majority may easily result in faults which are far more basic than the known defects which exist today. Furthermore, it appears that insufficient recognition is given to the practical considerations which are inherent in the American system of broadcasting and which cannot be circumvented. It seems that no weight is given to the fact that broadcasting is dynamic and not static. No consideration seems to be given to the probable effect of new developments. Also inadequate recognition is given to the effect of the natural and economic limitations within which broadcasting must operate. Likewise, inadequate recognition is given to the natural laws which influence basically the manner in which broadcasting renders a social service to the public of America.

No member of the Commission condones any form of monopoly which concentrates power contrary to the public interest or which constitutes unreasonable restraint of competition. However, the majority appears to suggest that "unlimited" competition is the most important factor in securing improvements in radio broadcasting service and proposes to issue regulations the effect of which will prohibit certain contracts which now exist between chain companies and their affiliates. The intent of these regulations is to ban all arrangements which limit the ability of any broadcast station licensee to engage at any time in any and all forms of competition. While the minority insists upon competition they suggest the principle of "Free competition accompanied by good radio service to the public" rather than competition which affects adversely program service.

The minority is of the opinion that the most important problem confronting the Commission may be stated briefly as follows:

> "Considering the necessity of a balanced radio broadcast service of interest to and in the interest of the public, and recognizing the natural limitations inherent in radio, how can greater equality of opportunity be extended to persons desiring to utilize radio as a media of broadcasting information to the public?"

The solution of the problem requires a broad viewpoint as well as a balanced consideration of at least all of the following factors which among others contribute to broadcast service in the interest of the public:

1. The establishment of a "free radio" insofar as is practicable within inherent natural limitations.
2. Good programs.
3. An equitable distribution of facilities to states and communities.
4. Diversification of control of radio stations among many licensees.
5. Competition.
6. Efficiency of program distribution to the nation as a whole.
7. Operation of each station in the public interest rather than for the private interest of the licensee.
8. Natural economic laws of supply and demand.
9. Principles of sound business.

A limited approach, or conclusions based upon over-emphasis of one phase of the problem, will result in unsound administration and unfortunate consequences to the radio service to which the public is entitled. More specifically, we fear that the revolutionary change proposed by the majority will result in the destruction of the present excellent national program distribution system and the substitution therefor of some new kind of system, the effects of which the majority does not adequately visualize.

It is axiomatic that unlimited availability of the few existing radio facilities and efficient national program distribution cannot both be attained at the same time. There is no open market condition in the business of broadcasting as in other businesses. Nature has determined that. To attempt to circumvent these basic economic laws is fraught with peril to an industry which has hitherto achieved a marked degree of success. Regulation in disregard of economic laws may foster a situation in which competition among competently managed networks would be replaced by an unwholesome conglomeration of opportunistic "time brokers" catering to an aggregation of local monopolies in the various towns and cities of the nation. This will result in

1. Responsibility for carrying sustaining programs of public importance would be so diffused that such service would likely become nobody's business and the difficulty in clearing time on a national network would become an almost insurmountable task.
2. The incentive would be removed for the origination of such sustaining features as the European war broadcasts, the American Farm and Home Hour, the Town Meeting of the Air, Toscanini, etc. If the proposals of the majority are enforced there can be no logical determination of who will pay for such service or how it will be developed.

These considerations and other far-reaching adjustments that would be involved would plunge the American broadcasting system from the *known* of good public service to the *unknown* in which all the consequences cannot be forseen. It is, therefore, no exaggeration to predict that the decision of the majority instead of resulting in "free competition", would more likely create "anarchy" or a kind of business chaos in which the service to the public would suffer.

The majority appears to conclude that it is necessary to exert control over certain business policies of radio station licensees in much the same manner as has been proven suitable for public utilities other than radio. However, in arriving at this conclusion there appears to have been no weighing of the advantages and the disadvantages of the present broadcast structure in terms of good program service to the public. Hence, no conclusions based upon evidence in the record have been made of the reasonableness of the present practices of the industry. For 14 years, existing contract arrangements have been enforced both through formal and informal agreements, and broadcasting in America has achieved greater progress than in any country in the world. The record does not disclose that there is *unreasonable* restraint of competition resulting from certain contracts which the majority proposes to prohibit.

It is possible that the majority in its desire to regulate one facet of the broadcast problem has overlooked some of the other important considerations and hence may have made impossible the attainment of an ideal objective. For example, in asserting jurisdiction to regulate the business practices of broadcast station licensees the majority may have assumed certain power which is not delegated to it under the law. In broadcasting, Congress evidently intended to apply the constitutional doctrine of a "free press." In so doing, Congress recognized that the advantages of a "free radio" were more important than the advantages of the type of regulation heretofore considered necessary in the public utility field. As evidence of their intent, Congress specified that radio broadcasting should not be classed as a common carrier even though licensed by the Government to operate as a form of monopoly in the public domain. The type of regulation specified by Congress for broadcasting clearly envisioned that the Communications Commission should not regulate the programs, the business practices or business policies of broadcast station licensees. Congress specified a type of regulation designed to maintain its policy of a "free radio." This type of regulation differs from that applied to other private business operations in the public domain.

Thus, the question of the power of the Commission to regulate the business phases of broadcasting may be approached from the standpoint of public interest. Congress required that radio, like the press, must be free from those restraints of Government which hamper free expression and which control what may be said or who may speak. The most important function of Government should be to facilitate the attainment of a "free radio." Therefore, it may be argued that if the licensing authority interferes with the business practices of persons engaged in broadcasting, there is concentrated in a single Government agency a power which must lead inevitably to undesirable restraints upon a "free radio." Such concentration of power in Government is just as contrary to public interest as the concentration of control of broadcast stations among a limited number of licensees.

It is obvious that if all the stations in the country were licensed to one person, that person, even though regulated by the Government, would have vast power to control an important media of information. Even though such person had the best of intentions for the welfare of the public, his would be the sole judgment which determined how radio would be utilized to influence public opinion. Such an extreme is unthinkable. On the other hand, if we had innumerable licensees and therefore innumerable competitive judgments, all under the autocratic regulatory supervision of a single Government agency vested with final and unrestrained power of life and death over the economic destinies of each licensee, we likewise would have an intolerable situation, however well-intentioned such Government agency may be. It was for this reason that Congress provided not only for a diversification of control of radio broadcasting among licensees, but also for diversification of jurisdiction among various regulatory agencies of Government. It was not intended by Congress that any licensee merely because he was a radio broadcaster should be exempt from the application of laws directed to business enterprise generally. The Department of Justice and the Federal Trade Commission as well as other Government agencies include broadcasters within their jurisdiction when administering the laws relating to all business enterprise.

Congress empowered the Federal Communications Commission to regulate only that phase of radio operation which relates to licensing stations. This embraces a fair and equitable distribution of radio facilities to states, communities and persons in a manner which insures diversification of control among many licensees, as well as a good program service of interest to and in the interest of the public. It likewise includes the regulation of technical aspects of operating stations and certain other phases of radio operation affecting public interest which are not under the jurisdiction of other agencies of Government. The Commission is charged with the responsibility of determining the qualifications of licensees to operate radio broadcast stations, but the Commission does not have the responsibility to determine the guilt of licensees for violations of law, the administration of which is not under the direct jurisdiction of the Communications Commission. If licensees of radio stations are found guilty of violation of such other laws, the Commission's responsibility in the premises rests solely as to the qualifications of such licensees to operate stations in the interest of the public.

If some form of monopoly exists in radio broadcasting which is contrary to the best interests of the public, it should be remembered that the Commission has licensed all broadcasting stations in the United States after finding time and time again that each of the licensees was operating his station in the public interest. Therefore, if the Commission has erred in the past, it can now correct the mistake by exercising in individual cases the licensing power delegated to it under the Communications Act of 1934.

The Commission should encourage the organization of independent, highly competitive national networks. However, if there are limitations or barriers to the establishment of additional competitive networks, the Commission need not and should not promulgate rules the effect of which would destroy all existing systems, merely to provide some other private enterprise with an opportunity to capture the revenues of broadcasting. There are better ways to encourage and secure additional competition.

Conclusions

There are certain factors which should provide the basis for consideration of the many complex problems in the field of radio broadcasting. However, as has been stated elsewhere in this report, no abrupt changes should be attempted without positive indication that such changes will result in improved service to the public. The record in this instant investigation does not justify sweeping proposals to change the developments resulting from practical experience.

It is must be considered that since 1927, the American system of broadcasting has developed under a Congressional formula which, until recently, has been administered in its broad policy aspects with fair consistency by the Commission and, on the whole, uniformly interpreted by the Courts.

It must be admitted that imperfections exist. No human institution is free from error. It is significant, however, that this record fails to disclose important abuses. Moreover, no information is available to the Commission which justifies an invasion of the business practices of the licensees of this Commission.

It is true that some of the pioneers in broadcasting have achieved conspicuous financial success. Likewise others who have made contributions to the industry and the public have been well rewarded. This fact alone affords no proper basis for a radical extension of the regulatory scheme.

The record shows that in broadcasting there exists vigorous competition in the areas that count. It is the duty of the Commission to preserve and encourage such competition. However, we should not embark upon novel or untried courses of regulation based upon mere speculation as to how American businessmen should manage their affairs. Rather we should consider that the consequences of our acts might injure or retard further improvement in the existing system and the service which it now performs.

Competition accompanied by good radio service to the public should continue to be fostered by the Commission. However, the blind adherence to the slogan "free competition", regardless of all practical factors, is unsound and will result in a conglomeration of uncoordinated radio stations rendering an inferior service to the public.

On the whole, radio broadcasting has an excellent record of public service. This includes both networks and the independent stations. Possibly with a few isolated exceptions, radio has been scrupulously fair in dealing with questions of political, social and economic importance. It has been progressive and enterprising in the entertainment field. The public has been and should continue to be its most important and only censor.

Radio is so constituted that it is sensitive to public criticism and responds promptly to changing public tastes. For this Commission or any agency of Government to attempt to substitute its judgment for that of the public involves an arrogant presumption which should be avoided at all costs. That such a policy is not contemplated by anyone on the Commission seems quite clear. However, it can be argued with logic that invasion of this economic field by the licensing authority in the absence of clear legal mandate would constitute an inevitable prelude to the second step of assuming the role of arbiter of public tastes.

Circumstances may require the Federal government to exercise broad powers in many fields of our economic life, but it is imperative that broadcasting be maintained as a free American institution. To adopt some pattern of government regulation as applied in other fields is to ignore the real nature of broadcasting. Borrowed techniques just don't fit. Broadcasting must be kept free from unnecessary Government restraints. Nowhere has this concept been given better expression than in a recent statement of the President of the United States wherein he said:

> "Your Government has no wish to interfere or hinder the continued development of the American system of broadcasting. Radio was born and developed in the real American way and its future must continue on that basis."

Our views in this matter may be summarized as follows:

1. The Commission is without jurisdiction to promulgate regulations which undertake to control indirectly the business arrangements of broadcasting licensees.
2. The record shows vigorous competition among networks and independent stations within the limitations of facilities imposed by nature and thus no finding of illegal monoply can be made by this Commission, even if it can be assumed that this Commission had the legal authority to make such determination.

3. The Commission through its licensing powers has ample authority to deal with any abuses that may arise, or which may now exist. Thus with the possible exception of clarification of the procedural and appellate provisions of the Communications Act of 1934, no legislative changes seem necessary.

4. There is no support in the record of these proceedings or otherwise in the possession of the Commission which would require new regulations which would attempt to control the relations between networks and affiliates.

5. Broadcasting service is essentially a national service. It must be recognized that listeners prefer good programs originating from any source where there is superior talent and which may have greater entertainment value than would otherwise be available from a purely local source.

6. There is an important function to be served by the smaller local stations. The Commission should continuously strive to improve the technical efficiency of such stations and, within the limits of the Act, afford encouragement to broader economic opportunities for such stations. This should not be attempted by the destruction or impairment of existing services. There is room for both.

7. There is the strong presumption that four competing national networks independently operated might afford opportunity for improved service, although there is nothing in this record to establish that stations affiliated with the company operating two networks have not rendered a good public service. It is, therefore, recommended that informal discussions begin forthwith between the Commission and the representatives of the company operating two networks with a view of obtaining a voluntary segregation.

8. Network companies maintain concert and artist management bureaus as an incident to their operations. The Commission has no jurisdiction in this field. However, the companies should be notified that the Commission intends to request an inquiry by either the Federal Trade Commission or the Department of Justice, or both, in the event the companies do not divest themselves of these activities within a reasonable time.

9. There is no reason why the Commission should not forthwith extend the terms of broadcast licenses to the full statutory limit of three years. This would create an atmosphere of greater stability in the industry and would in no way detract from the Commission's power to proceed by revocation against licensees who contravene the standard of public interest.

Finally, it seems appropriate to emphasize that our government is concerned with many important and crucial problems. This is no time to embark upon a new and untried course for which no urgent need can be established. It seems to us that the kind of democratic freedom which we are preparing to defend requires those in government to manifest restraint and tolerance. There is no evidence to justify an attempt at unnecessary control of the broadcasting industry under even normal circumstances. In this atmosphere of world tension, our own national unity would be disserved by a new experiment at "reform" of an established system of mass communication upon which so many of our people rely for information and diversion.

EXECUTIVE COMMITTEE

The NAB Executive Committee, as instructed by the Board of Directors, met Wednesday, May 7, in New York. The network report, the proposed hearing on newspaper ownership and the ASCAP situation were considered. The committee decided to report to the Board at the St. Louis meeting, Monday, May 12.

REPORT FOR SALE

The FCC's supply of copies of its "Report on Chain Broadcasting" is now exhausted.

However, the complete report with its associated order (153 pages) is obtainable from the Superintendent of Documents, Government Printing Office, Washington, D. C., at 30 cents a copy.

REPORT TO DEPARTMENT OF JUSTICE

At a press conference on Monday, FCC Chairman James Lawrence Fly stated that the Commission would send a copy of the monopoly report and the complete record in the case to the Department of Justice.

Labor

OUTSIDE SALESMEN

A break for small stations under the Wage and Hour Act was obtained by the NAB this week when the Wage and Hour Division held that radio's outside salesmen could write their own copy without losing their exemption.

The Wage and Hour Division's ruling followed a conference between division attorneys and Joseph L. Miller, NAB labor relations director, who presented the industry's story.

The definition of an exempt outside salesman says he can do work "incidental to" his selling without losing his exemption. The division held that copy writing was "incidental to" selling.

Announcing, however, is not "incidental to" selling. Therefore, if an outside salesman announces more than 20 per cent as much (in time) as regular announcers who are non-exempt, he loses his outside salesman's exemption.

For example, in a station where regular announcers work 40 hours a week, an outside salesman could work the following hours without overtime payment:

Outside selling: 40 hours
Writing copy for accounts sold: 10 hours
Announcing: 8 hours.

The text of the Wage and Hour Division's opinion:

This is in reply to your letter of April 28, 1941, in which you ask certain questions concerning the application of the outside salesman exemption provided by section 13(a)(I) of the Fair Labor Standards Act to employees of radio stations.

Your first inquiry relates to outside advertising solicitors who prepare the commercial "copy" for use on the programs which they have sold. You state that you consider the preparation of the copy to be "incidental to and in conjunction with the employee's own outside sales or solicitations" within the meaning of section 541.5(B) of Regulations, Part 541. If an outside advertising solicitor otherwise conforms with section 541.5 of the regulations, it is the opinion of this office that preparation of commercial "copy" when written exclusively with respect to the advertising accounts sold by such employee may be considered to be incidental to and in conjunction with his own outside sales or solicitations.

Your second inquiry relates to employees who solicit advertising away from the place of business, prepare the commercial copy at the place of business and also announce the program as prepared by them. In the opinion of this office, the announcement of the program is too far removed from the outside solicitations to be considered incidental to or in conjunction therewith. Accordingly, the time devoted by the outside solicitors in question to the announcing of programs should be considered as nonexempt work within the meaning of the 20 percent test contained in section 541.5 of Regulations, Part 541.

Very truly yours,
For the Solicitor,
(s) Rufus G. Poole,
Assistant Solicitor In Charge of Opinions and Review.

Broadcast Advertising Record

On May 7 the NAB Research Department released Volume 1 of "Broadcast Advertising Record". It is a new name and a new record, formerly called the Broadcast Advertising Unit Volume Report.

The "Broadcast Advertising Record" just released presents January, 1941 unit volume of the stations reporting. The "Record" is rearranged to increase the practical value of this sales tool to stations. Separate tables are presented for local and national spot business with facility in each for direct comparison of the individual station with all stations, the average station and stations located in each of five market sizes.

The "Record" was mailed to those stations actively cooperating in this undertaking by submitting monthly records of their business.

Station managers who have seen the "Record" are enthusiastic and confirm the belief of the Research Department and the Deparement of Broadcast Advertising that the "Record" will be the most potent business-builder in the possession of stations.

January 1941 totals of programs units and announcements carried on 227 stations and all national networks is presented in the following table:

January, 1941 Record

	RETAIL		GENERAL		TOTAL	
	Pgm. Units	Ann's	Pgm. Units	Ann's	Pgm. Units	Ann's
All National Networks	......	......	2,603,982	......	2,603,982	......
227 Stations Reporting:						
Regional Network	7,293	913	69,909	6,684	77,202	7,597
National Spot	52,990	6,440	421,929	91,618	474,919	98,058
Local	386,492	143,476	175,334	36,017	561,826	179,493
Total Other Than National Network	446,775	150,829	667,172	134,319	1,113,947	285,148
TOTAL	446,775	150,829	3,271,154	134,319	3,717,929	285,148

Sales

APPLE COMMISSION USES RADIO

As previously related in these Reports, various interests have taken advantage of the national defense emergency to bring pressure through governmental agencies or bureaus for free radio time, under the guise of participation in national defense. An example recently cited in these columns is the Fish and Wildlife Service of the Department of the Interior, which is currently receiving $98,076.16 worth of free radio plugs per year.

In refreshing contrast is the Washington State Apple Commission, now engaged in a four-week $20,000 radio campaign in selected markets. After considerable discussion and correspondence between this Commission and NAB, a letter from C. E. Chase, Secretary-Manager of the Commission, states:

"On my return here I read with considerable interest your letter of April 4th, together with the copy which you enclosed which you had written in connection with the broadcast of fish menus. I also read your letter to the Commission at our meeting on the 19th and gave it as my reason for not having done anything in connection with getting the Department of Agriculture to put on apple radio programs. They approved the stand I had taken on account of my conference with you, and Kelsey Denton, the new Northwest manager of the J. Walter Thompson Company, also concurred.

"We are putting on a radio program for the next four weeks, starting the first of May, which will total over $20,000. While this amount does not mean much to some organizations, to us it is considerable, as you know. We hope to get splendid cooperation from the stations in this connection, as you will note by the bulletin I am enclosing where I have marked the information we are putting out to the shippers about this.

"I think you are familiar with the fact that we just concluded advertising in 45 cities, most of which expired the 26th of April. A good deal of this was radio. On this new drive, however, *it is all radio,* and of course in a good many cities we have posters which are still being left up even though the expiration date is past."

Certainly no comment on a letter like that is required. Instances like this, though rare, are so encouraging that NAB sincerely hopes that participating stations will do all in their power to make the apple campaign an outstanding success, for the salutory effect it will have on other groups.

SUCCESS STORIES NEEDED

To fill current requests from members, additional success stories, big or little, are urgently requested on these topics:

- Amusements
- Meat products
- Funeral services
- Newspapers

Please send what you have to the Department of Broadcast Advertising.

MOVIES USE INTERNATIONAL RADIO

A 52-week contract for two programs per week, to be broadcast over international transmitters to South America, has been signed by RKO Pictures with the International Division of NBC.

One program will dramatize highlights of current RKO Pictures, the other will dramatize the lives of RKO stars.

The contract was placed direct by the motion picture company with no agency involved, and may indicate a more pronounced trend towards the use of radio advertising by the motion picture industry.

CIRCUS SUCCEEDS WITH RADIO

In response to the item last week detailing plans to spend $350,000 in newspaper advertising this summer by circuses, Howard Loeb of WFDF, Flint, Mich., contributes an outstanding circus success story substantiating NAB's belief that not only can a circus use paid radio advertising effectively, but that it will do so if properly handled by station managers.

Writes Mr. Loeb:

"Through a mistake the big Hagenbeck-Wallace Circus and the equally big Cole Brothers Circus made arrangements to show in

Flint on exactly the same day, July 5, 1937. Their advertising representatives both frantically appealed to WFDF for help. A community of 150,000, they felt, was not big enough to support two big circuses simultaneously. They wanted to know what should be done about it.

"We suggested that we declare a 'Circus Day in Flint', and pointed out that if each circus would increase its advertising appropriation and place the biggest share of their budgets on our station, everything would turn out all right. This they agreed to do. Hagenbeck-Wallace placed an order with us at regular rates to be spent on four days up to and including circus day. Cole Brothers placed an order on the same basis. Both companies purchased spots announcing 'Circus Day', each plugging its own name and circus grounds. We did not use any program whatsoever and the circuses cut their newspaper space to a minimum, putting the big responsibility on radio.

"To say that both circuses were elated over the results would be putting it mildly, as all their tents were far too small to handle the crowds, and it turned out that two circuses on the same day in Flint are not enough—we think we might have handled several more. Attached is a copy of a letter from R. E. Hickey, General Press Representative of Hagenbeck-Wallace."

The letter from Mr. Hickey states:

"It is indeed a pleasure for me to write you and tell you of our great success in Flint on July 5, 1937, when Hagenbeck-Wallace had opposition-day and date—with another large railroad circus. Our records for that day show two thousand more paid admissions than capacity, which is indeed a remarkable figure to attain, when you consider it was the third day of a week-end holiday, the heat and other circumstances.

"During my stay in Flint and also on circus day your station cooperated 100 per cent, and the advance press department and also the executives of Hagenbeck-Wallace wish to thank WFDF for its loyalty and the promotion of this circus.

"For the remarkable turnout of the Flint and Genesee county people and the huge Hagenbeck-Wallace business we lay a good share of the cause at the studio door of WFDF. I am highly recommending your station and its facilities to our other two major circuses, our associates.

"You may be certain of a good percentage of our advertising appropriation when next we appear in Flint. Thanks to you and all your excellent staff, and good luck and happiness."

We suggest that you confer with your sales, program, news and special events departments, so that when the first circus approaches your station for free promotion, these letters may be put to effective use.

AFA CONVENTION PROGRAM

J. Walter Neff, president of Neff-Rogow, Inc., New York City, will speak on "Increasing the Tune-In" before the radio section at the AFA convention in Boston at 10:00 a. m. on Wednesday, May 28. This agency has achieved notable success in radio for such clients as Bond Clothes, Thom McAn Shoes, and others, and Mr. Neff has developed some unusual approaches and techniques that he will discuss for the benefit of all radio men attending.

"The Effect on Advertisers of the Monopoly Report" will be discussed by Russell Place, NAB Counsel, and "Chimes and Gongs in Radio Advertising" will be the topic of Frank E. Pellegrin, Director of the NAB Department of Broadcast Advertising. An open forum discussion of all radio topics of interest to station men and advertisers, especially those acted upon at the NAB convention, will follow. Robert S. Peare, advertising manager of the General Electric Co. and manager of broadcasting at WGY, Schenectady, will preside.

PER-INQUIRY OFFERS

"Radio Income Builders" (sic) of 225 Fifth St., Des Moines, who call themselves "Specialists in creating income producing plans for use on unsold station time," thus frankly confess to be per-inquiry seekers. Their current effort is to put radio stations in the fountain pen business. In a four-page communication they offer to *sell* fountain pens direct to stations, requiring the station to pay in full ten days from date of invoice. The station is expected to sell the pens over the air on "unsold" time, pay the postage, handle the mailing, etc., and keep what profits there are, if any. No provision is made for return of unsold pens; apparently stations that fail to sell their full order are struck with the balance. The company also says "We now have in test a large number of other products," to be later "released to our Radio Station customers."

This company has been advised by NAB that it is the policy of most radio stations to try and operate their radio business successfully, and leave the fountain pen business to others; that stations would dislike to see fountain pen dealers and stationers begin to compete with us in the sale of advertising, and that this fair-play policy works both ways; that stations dislike to enter the direct sales field in competition with local retailers and thus incur the ill will of local merchants, whose support they need, and finally, that many per-inquiry products have been found unsatisfactory by listeners, who thus lose faith and confidence in the local station that persuaded them to buy, and the station thus loses the friendship of the very listeners who are absolutely vital to its continuance in the broadcasting business. NAB also advised that if the fountain pens are as good as the company claims, there is nothing to prevent the company from buying radio time like other advertisers, and enjoying the profits of its own confidence in its product.

Henry Holt, of Houston, Tex., is seeking per-inquiry deals on a radio log book, perhaps unmindful of the nation-wide industry drive to acquaint listeners with the new frequencies of all stations affected by the recent re-allocation.

The Armand S. Weill Co., of Buffalo, N. Y., is seeking special rates on behalf of its client, Sachinol Perfumers. Telling stations he would like an inquiry cost of 11 cents or less, Mr. Weill suggests that if a station does not feel it can pay out on that basis at its regular rates, that it "let me know what rate you would set up to take care of this business. I would advise not setting it too high otherwise you will find it difficult to pay out at our desired inquiry cost."

Golden Glint Pays Full Rate

That stations can sometimes secure business at card rates from advertisers who first seek special deals is shown by the recent experience of an NAB member, who refused an invitation to cut rates for the Golden Glint Co. Writes the member:

"Just the other day, out of a clear sky, we received another letter from them authorizing us to go ahead at our regular rate, with a series of thirteen one-minute announcements."

"TESTED METHODS TO MAKE SALESMEN USE 'HELPS' MORE RESULTFULLY"

A group of forty sales managers were nearly unanimous in agreeing that their toughest continuing problem was to get salesmen to use selling helps profitably.

Sales departments invest many thousand dollars in material to help salesmen: manuals, portfolios, bulletins, etc., yet many men make little use of this excellent material, which is designed to make their selling more profitable. The trouble isn't that they don't appreciate it, or that the material isn't good. It lies in the fact that the average salesman has a tendency to let things outside of the immediate day-to-day contact with prospects slide.

Also, the average conscientious salesman, who studies the manuals or portfolios thoroughly, absorbs an idea or two and then feels that he has really dug out everything that will help him.

C. B. Larrabee in *Printers' Ink* has presented an investigation of tested plans, which we have secured for the sales managers of NAB. Each one of these has worked in actual practice. None is elaborate; some are extremely simple, but all have proved effective.

Plan 1

This plan works wonders in getting salesmen to use a manual. Here is how one company did it:

First, it built a skeleton manual and gave it to all salesmen. Next, the sales manager wrote a long list of questions designed to bring out information as to the best practice among salesmen in doing their stuff. Then, the list was split up and divided among the salesmen for their answers to the questions. When the answers were all in, the sales manager prepared a complete manual which, instead of being called "Manual No. 2" was called "The Book You Wrote". Copies were then given to each salesman, with a short personal note beginning:

"Here is the sales manual that you helped us write. Every line, every idea came from you or one of the other boys. When I tell you it's practical, you don't have to take my word for it. You know it's practical because you put in it the kind of stuff that you have learned the hard way. etc."

Plan 2

One company, creating its first manual, decided that the toughest problem involved would be to sell the salesmen the manual idea. The president wrote a letter to the salesmen, telling them a manual was being prepared, asking them to list the major objections and difficulties they encountered.

Next the sales manager requested testimonial letters, unusual performance records and other data of value. In the company's sales meetings and bulletins each week was something about the progress of the manual, keeping it constantly before the men. After four months of collecting, sorting, dramatizing, editing and indexing material, enough data had been gathered to make up the manual.

The sales manager then called a special meeting for the presentation. It was planned not to pass out a copy of the manual to each salesman until the purpose back of each of the major sections was thoroughly explained. He used a blackboard chalk talk to show the salesmen that the manual was not a canned presentation. He then described its fine points and how it could be used. After this explanation copies were passed to each salesman and a roundtable discussion followed.

Next a boiled down presentation made from the Master Manual was given the salesmen. They were told that such presentations could be individually built to fit the needs of every prospect. The result was a manual that was used faithfully and thoroughly by a sales force that, in the beginning, had been antagonistic toward the whole manual idea.

Plan 3

A number of companies use sales meetings to create interest in sales material. One plan calls for a "quiz program," with questions based upon definite sales material previously furnished. A salesman cannot make a creditable showing unless he has been using this material faithfully.

Another company issues a sales bulletin weekly. After 43 bulletins, it held a prize contest, with cash awards to the salesmen who gave the best answers to questions posed in the next ten issues of the bulletin. The questions, of course, required some study of various sales material. About half the sales force submitted answers, but investigation shows that nine-tenths of the men really followed the contest pretty closely. And the salesmen gave much closer attention to the bulletins than they ever had before.

Plan 4

The company wanted to get a new visual presentation used effectively.

It prepared a mailing piece showing several interesting pages from the presentation and telling of its value. This mailing piece was sent to customers and prospects with a letter saying that the salesman calling on the recipient of the letter had a presentation and urging the prospect not to let the salesman get out of the office until he had shown the presentation.

Each salesman received a copy of the mailing and was told that he had better carry the presentation with him on every call because many prospects would be sure to ask for it.

The plan worked well. In many cases customers or prospects had their curiosity aroused to a point where they actually demanded that the salesmen show the presentation.

* * *

A study of the methods used by sales managers to get salesmen to employ sales equipment more effectively indicates that in seeking methods of doing this a number of executives have discovered that the chief reason why men would not use material was because it was not properly prepared.

Therefore, what should probably be Plan One in every sales executives' consideration is to be sure that the material is profitably usable before asking the salesmen to make good use of it.

BMI

The Song Is the Thing

BMI hits and near hits and their creators will feature a new program sponsored by the Canadian Government over the facilities of the Canadian Broadcasting Corporation. The broadcast, which will begin in the fall and run for a year, will present the news behind the song. The theme will be, the singer may be forgotten but the song lingers on, and the program will tell why it lingers on. The story of how the song came to be written and interesting incidents from the lives of the composers will be included as well as letters of greeting from the composers to the Canadian audience. Jess Jaffrey, who is in charge of the program, expects at the conclusion of this series to have the most complete record available of currently popular songs and of their authors and composers.

More BMI music is being played in Canada now than ASCAP, according to Mr. Jaffrey, despite the fact that Canadian broadcasters have the full rights to play any or all ASCAP selections. There are more requests coming in for BMI music and virtually every program by Canadian orchestra leaders features BMI tunes.

Foreign Language Music

There is greater demand among BMI stations for Polish music than for any other foreign music, it is revealed in a survey of requests by member stations. Italian was the second most popular foreign music, followed by Cuban and Latin American, Scandinavian and Hungarian.

In line with BMI's policy of providing stations with music of every classification, a questionnaire covering listener preference was mailed to BMI subscribers. Latest catalogue lists music of some 33 nationalities, and negotiations are pending for the acquisition of several additional foreign catalogues, notably of Polish music.

BMI has just closed a contract with Edward and Louis Rossi, 127 Mulberry Street, New York City, transferring the rights to some excellent Italian material, much of which is recorded. Among the recordings are the following:

Campagnola by Bertini and recorded by Carlo Buti; *Munez E Llenzole* by Fusco-Falve, recorded by Gianninni; *Popolanella* by Martelli-Ruccione, recorded by Giglio; *Come Bella A Stagione* by Piasano, recorded by Cibelli, and many others.

Tid-Bits

Cheer Up, a BMI controlled tune, published by the Foreign and Domestic Music Corporation, has been adopted by the British-American Ambulance Corps as its official theme song and a share of the profits from all regular music sheets sold will be donated to the Corps' fund. The publishers have a letter from the office of Prime Minister Winston Churchill thanking them for licensing the tune.

Hey, Stop Kissing My Sister, is not only the first song its writers have written together, but their first published song. The writers are Kay Coblin and Phil Coblin, brothers, and Eddie Peyton.

Broadcast Music, Inc., has issued a list of the popular dance numbers controlled by BMI and recorded by name bands. Virtually all of the band leaders are represented. Benny Goodman and Horace Heidt have the largest number of recordings.

BMI FEATURE TUNES

May 12 - May 19

1. MY SISTER AND I
2. WALKIN' BY THE RIVER
3. WISE OLD OWL
4. FRIENDLY TAVERN POLKA
5. G'BYE NOW
6. WHAT D'YA HEAR FROM YOUR HEART
7. HERE'S MY HEART
8. WITH A TWIST OF THE WRIST
9. TALKIN' TO THE WIND
10. THE RELUCTANT DRAGON

BMI Feature Tunes

The Music Popularity chart for the week ending May 3rd compiled by Billboard, shows BMI holding firm to the first five places in leading music machine records with *There'll Be Some Changes Made, It All Comes Back To Me Now, Amapola, Oh, Look At Me Now* and *The Wise Old Owl. Amapola* leads all the lists of national and regional best selling retail records. In the sheet music best sellers, it has been replaced in the south by *My Sister And I* as the number one tune below the Mason-Dixon line. It is interesting to note that *Number 10, Lullaby Lane* holds the second place in southern popularity with *Amapola* third, with the new *Because of You,* by Arthur Hammerstein, holding fourth position. Among those coming up rapidly are: *Friendly Tavern Polka, G'Bye Now,* which is being themed by Horace Heidt's Ronnie Kemper, and *Do I Worry,* on which Tommy Dorsey has concentrated. Just appearing over the horizon in fifteenth place in national sheet music best sellers is the *Hut Sut Song,* the rights to which have been acquired by BMI, and which bids fair to be the summer's sensation.

BMI Grants Clearance at the Source to Exhibitors

The following extract of a letter from Sydney Kaye of Broadcast Music, Inc., has created wide spread comment among motion picture exhibitors:

> "It is, and always has been, the principle of BMI that the right sold to a motion picture producing corporation should include not only the right to record and synchronize the music with the action of the picture, but also the right to exhibit the picture in all parts of the world, without payment of any additional sum by the theatre owner.
>
> "This has been our policy with respect to all synchronization contracts that we have already made, and we are glad to confirm to you that it will continue to be our practice in the future. You may, therefore, be confident that where a BMI tune is legally included in a motion picture, that means that any exhibitor may freely exhibit the picture without any performing license."

In this connection, The Independent, motion picture trade magazine, makes the following comment:

> "The monopolistic practices of ASCAP have rubbed theatre owners sore for many years, and the constant hike in royalty charges has irked them that much more. The anti-ASCAP legislation in many states is a certain indication of how exhibitors in general feel and the fact that theatres were not covered in a recent consent decree entered into between ASCAP and the Department of Justice has left theatre owners amazed, for certainly the more than a million dollars a year extracted from theatres by ASCAP is a considerable item and should immediately be eliminated."

It Happens to Titles Too

By a coincidence of this curious music business BMI finds itself in a position of licensing two songs with the same title, *Everything Happens to Me.* One song was written by Louis A. Davis and his brother, Ernest Davis and published by Davis & Ostergard, and the other song by Tom Adair and Matt Dennis, and published by Embassy Music Corporation (Tommy Dorsey). There is no similarity in the music of the songs, nor in the sentiment, nor the lyric, except the title. There is no infringement involved, but the Davis brothers have offered to do a very sportsmanlike thing and substitute, *Why Did It Happen To Me.* There will be slight changes made in the lyric, one line of the verse being re-written. M. E. Tompkins, BMI's General Manager, is deeply appreciative of the generous attitude taken by the composers as well as by Davis and Ostergard, publishers.

BMI Subscribers More Than Doubled

When BMI entered the NAB Convention in San Francisco last August, subscribers numbered 311. They are now at a new high total of more than 700 including non-commercial. Renewals for BMI's new year, which runs from April to April, have included all but five of the subscribers for 1940 and many new names have been added to the list. It is interesting to read some of the comment which broadcasters have made on the progress of BMI. "Keep up the good work. You are going strong! and we like it . . . WFLA: "You are doing a great job, keep it up. We're behind you 1000 percent." . . . WCOU; "It is a pleasure to cooperate with you in every way, and we assure you we will be glad to work with Broadcast Music, Inc., at all times." . . . WJAX; "As always we are only too happy to do anything that would further the cause of BMI" . . . WBAP; "We are behind BMI 100%, and nothing gives us more pleasure than to give BMI and its releases all the publicity possible" . . . KOH; "KFAM is happy to acknowledge and compliment the fine policies and wonderful progress made by Broadcast Music, Inc., and its affiliated broadcasters in settling once and for all the serious question of fair practices in the use of music. You may count on our continued support in all matters" . . . KFAM.

BMI's Copyright Research Department

In a large office lined with long rows of filing cases, Miss Ottalie Mark, head of the BMI Copyright Research Department, has assembled cards for hundreds of thousands of selections, each with the name of the number, its composers, publisher, date of publication and designation of the performing rights society that controls it. In other files are cards with information on thousands of publishers, not only those in the United States, but also in such distant countries as Argentina, Japan, Peru, Hungary, Haiti and many others. A third file of cards is devoted to authors and composers. Here one can look up almost any living music writer of importance of popular, standard, hill-billy, devotional, military, symphonic or any other classification of music, and secure his name and pseudonym, age, affiliation with performing society, and whenever possible, his address. Thus, Miss Mark has at her finger tips information on practically every composition that might be used today and every person who is at all important in the world of music. In addition, broadcasters can also secure information on the best sources for such obscure and little played material as Chinese, Arabian and Indian music.

According to copyright experts, no music firm has ever taken such extensive steps to avoid errors and infringements as BMI. An example of this extreme care may be seen in the copyright background of the public domain numbers being newly arranged. First, a photostatic copy of the original source material of the number is obtained, usually from the Library of Congress in Washington or the New York Public Library. The composition is then cleared by BMI's Copyright and Legal Department when it has been definitely established as P. D. material.

After clearance, the selection is sent to the Arranging Department where it is assigned to an arranger by Arthur Gutman, head of the Department. Finally, when the composition has been scored in a new orchestration that is copyrighted, it is returned to the Copyright and Legal Departments for a final check-up. After these steps have been taken, a printed copy of the new arrangement together with all "source material" is put in a large envelope and filed away. Similar records of all BMI's new popular and standard songs are likewise kept and put on file.

Because of the complete coverage of every aspect of musical copyright, BMI's Copyright Department has become a sort of national fountain head of information pertaining to copyright questions that is consulted many times daily by BMI stations and also by many band leaders, singers, theatres, managers and others who want authoritative data.

"Because of You"

Without any particular attention, *Because of You,* a BMI tune by Arthur Hammerstein and Dudley Wilkinson, is rapidly gaining favor not only with the bands, but with concert artists. It has been sung recently on the best of the musical programs and by the best known artists of the air. Arthur Hammerstein is the same Arthur Hammerstein who produced *Naughty Marietta* and *Rose Marie,* who introduced Rudolph Friml and who brought to the public eye such outstanding composers as George Gershwin, Vincent Youmans, Jerome Kern and others. While he never wrote any of the music in the successful operettas he produced, there is no doubt that he contributed to the public reception of the hit numbers that came out of each of these productions. Now, after thirty years of producing musicals, Mr. Hammerstein and his collaborator, Mr. Wilkinson, widely known as an accompanist of concert artists, find themselves hit song writers. It is a new experience for both of them.

Fall In

As *Yankee Doodle* was characteristic of the "Spirit of 1776" and the *Battle Cry of Freedom* suggested the crusading spirit of the war between the states, so *Fall In,* a new patriotic march, now rolling off the presses of Broadcast Music, Inc., may be said to reflect the cry that is coming to be heard everywhere today—"AMERICANS, UNITE AND HELP TO KEEP US FREE . . ."

According to its author, Welcome Lewis, radio singer, the idea and words for *Fall In* where inspired by President Roosevelt's "Hand that Held the Dagger" speech which followed Italy's entrance into the war on the side of Nazi Germany against her former ally, France.

After listening to the President, Miss Lewis was moved to write the chorus of the song . . . she says now, she didn't know why, because up to that time she had never written a song . . . yet the words just seemed to flow from her typewriter. She put them aside and it was not until several days later that she persuaded Milton Shaw to write a melody for them.

Like many another song, *Fall In* was not accepted at first. Nearly everyone who read the lyric declared that it was too partisan. At that time the country and particularly the major networks were leaning over backwards in an effort to be neutral. The policy of all-out aid to Britain had not yet been endorsed by the public in the second re-election of Franklin D. Roosevelt and by Congress with the lease-lend bill.

Even though she was unable to interest a publisher, Welcome Lewis, convinced of the value of the song's appeal, re-wrote the lyric in milder tone . . . had it okayed by music clearance and began to plug it as an unpublished number on her own audience participation show, the Welcome Lewis Singing Bee on the Columbia Broadcasting System.

The first performance of the song proved that she was right. She was deluged with letters and appeals for copies from patriotic societies as well as individuals throughout the country. For months the requests poured in, and finally in recent weeks when the appeal for Unity in the country reached nation-wide proportions and opened discussion on the floor of Congress, BMI became interested and decided to publish the song.

A stirring march, *Fall In* is easily singable as well as playable and will undoubtedly provide the strains for many a rookie's daily dozen on the parade grounds.

The girl who wrote it is a Californian, a petite brunette, and a member of a large family noted for musical accomplishments.

A graduate of Venice High School and the daughter of the former Mayor of Venice, California, she studied violin under her brother, the first violinist of the Los Angeles Symphony Orchestra, but became famous as a singer on the radio despite the fact that she never had a singing lesson in her life.

Her grandfather was Frank Emil Englander, former concert master of the San Francisco Symphony Orchestra and one of the most famous musicians on the West Coast.

I AM AN AMERICAN

ASCAP has advised the NAB that any station has permission to broadcast the composition "I AM AN AMERICAN" on I AM AN AMERICAN DAY.

DAYLIGHT SAVING TIME

Replying to Neville Miller's letter directing attention to the desirability of national daylight saving time, Mr. William S. Knudsen, Director General of the Office of Production Management, states that the matter is now under discussion in the various sections of the Office of Production Management.

Last week at a press conference the President is reported to have said that national daylight saving time is a matter for Congress to decide. It is generally felt in Washington that when, as and if the OPM indicates its approval, a national daylight saving bill will promptly be passed by Congress.

We print below the exchange of correspondence:

"April 8, 1941.

Honorable William S. Knudsen,
National Defense Commission,
Washington, D. C.

My dear Mr. Knudsen:

There have been introduced in Congress two bills to provide for daylight saving time on a nation-wide basis,—one H. R. 3789 by Representative McLean (R.-N. J.) and the other H. R. 4206 by Representative Keogh (D.-N. Y.) Our Board of Directors has voted unanimously to support national daylight saving time for the reason that it will solve the broadcasting industry's semi-annual programming problems arising out of the fact that some states operate on daylight saving time and others do not. The Association of American Railroads through its Board of Directors has also, I am informed, voted to support national daylight saving time.

I do not know what consideration, if any, the Defense Commission has given to the question of the desirability of national daylight saving time as a defense measure. Our Association, and others, deem it of transcendent importance. If you concur in our view, we urge that you make a public statement to that effect.

Very truly yours,
NM/hml NEVILLE MILLER."

"May 1, 1941.

Mr. Neville Miller,
National Association of Broadcasters,
Normandy Building,
1626 K Street, N. W.,
Washington, D. C.

Dear Mr. Miller:

This will acknowledge your letter of April 8 with reference to H. R. 3789 and H. R. 4206, bills to provide for daylight saving time on a nationwide basis.

I appreciate your thoughtfulness in bringing this matter to my attention, and it is now under discussion in the various sections of the Office of Production Management.

Yours very truly,
WILLIAM S. KNUDSEN."

The NAB Research Department mailed today to the NAB Board of Directors the report of the survey of broadcast stations and its study of the daylight saving time problem.

The report clearly indicates that 72% of the reporting stations favor universal daylight saving as the means to end the twice yearly programming problems which arise due to partial observance of daylight saving time.

COPYRIGHT AND LIBEL INSURANCE

The NAB Insurance Committee met in New York May 1 to review forms of insurance policies recently submitted by several insurance companies to cover broadcasters against libel, slander and copyright infringement suits. The committee passed a resolution that the Insurance Committee itself should draft a form of such an insurance policy for submission to underwriters so that they may consider writing the type of coverage recommended by the Insurance Committee, and thereby make this type of insurance,—which the committee feels is sorely needed,—available to all broadcasting stations. The committee instructed Charles A. Wall, NBC, a member of the committee, to begin preparation of a form of policy which will meet the needs of the broadcasters, and to negotiate with those insurance companies which are interested in writing this type of insurance.

SELECTIVE SERVICE

Responsive to numerous inquiries concerning deferment of radio technicians under the selective Service Act and Regulations, NAB today mailed questionnaires to the entire broadcasting industry to elicit the facts for submission to National Selective Service Headquarters for appropriate action. Blanket deferment is illegal under the Act, but there is the possibility that if the survey shows broadcasting to be unduly harmed by induction of technicians, the National Selective Service Headquarters may decide to instruct the 48 State Occupational Advisors to investigate all radio technicians before induction. In that event, stations should advise their State Selective Service Headquarters of the names of their technicians subject to draft, and request deferment for six months. Results of the survey, and further developments, will be released when known.

FEDERAL LEGISLATION

HOUSE

H. R. 4619 (SACKS, D-Penna.) COMMUNICATIONS ACT—To amend the Communications Act of 1934 so as to prohibit and penalize the unauthorized recording or mechanical reproduction of music and other program material transmitted by wire or radio. Referred to Committee on Interstate and Foreign Commerce.

STATE LEGISLATION

FLORIDA:

H. 666 (OVERSTREET) BROADCASTING STATIONS—Amend Sec. 1, Chapt. 19616, Acts of 1939, relating to civil liabilities of lessee operators of broadcasting stations and their agents and employees. Referred to Committee on Judiciary "A".

ILLINOIS:

S. 455 (FLAGG) LIBEL & SLANDER—Provides no action for libel or slander shall be started against any person, firm or corporation which publishes actionable matter through an honest mistake as to the truth thereof if, upon being appraised of the truth, such person, firm or corporation publishes a prominently displayed retraction of original erroneous matter. Referred to Committee on Judiciary.

S. 456 (FLAGG) LIBEL—Provides no prosecution for libel where person publishes prominently displayed retraction of same. Referred to Committee on Judiciary.

MICHIGAN:

S. 382 (BALDWIN) FOOD, DRUG, COSMETIC ACT—A bill to safeguard the purchasing public from injury by merchandising deceit, flowing from interstate commerce in food, drugs, devices, and cosmetics. Referred to Committee on Public Health.

S. 431 (BLONDY) GROUP LIBEL—A bill to prohibit group libel, and to provide a penalty therefor. Referred to Committee on Judiciary.

FEDERAL COMMUNICATIONS COMMISSION

TELEVISION GETS GREEN LIGHT

Following is the FCC report, giving commercial television a green light for July 1:

REPORT ON MARCH 20, 1941, TELEVISION HEARING

Docket No. 5806

By the Commission (Fly, Chairman, and Commissioners Walker, Payne, Thompson and Wakefield concurring; Commissioners Case and Craven not participating):

On March 20, 1941, a hearing was held for considering when television broadcasting "shall be placed upon a commercial basis" and for considering rules and regulations and standards for such stations.

Upon the hearings held in January and in April of 1940, the Commission found the industry divided upon the basic question whether television was ready for commercial broadcasting, and also found the industry divided as to transmission standards for television broadcast stations. Some believed that television had not reached the point where it could offer sufficient entertainment value to justify commercial operation and that standardization would result in the freezing of the science at the then level of efficiency. Others were determined to proceed at all costs with the launching of television on a large scale.

In its report of May 28, 1940, on the April hearing, the Commission declared:

> "As soon as the engineering opinion of the industry is prepared to approve any one of the competing systems of (television) broadcasting as the standard system the Commission will consider the authorization of full commercialization. That a single uniform system of television broadcasting is essential—so far as the basic standards are concerned—must also be amply clear. The public should not be inflicted with a hodge podge of different television broadcasting and receiving sets."

Because the situation was one which threatened to hold up coordinated television development indefinitely and to delay public service on a widespread basis, the Commission offered its cooperation to the industry along lines in furtherance of the achievement of higher standards by research and development.

First, it provided for new experimental television stations in various sections of the country to engage in practical demonstration of prevailing competing systems. Later, it collaborated with the Radio Manufacturers Association (RMA) in creating the National Television System Committee (NTSC). The RMA felt that "Because of the inadequacy of the various suggested standards for television" all existing systems should be explored and developed, and new standards formulated. The NTSC was given this task.

The Commission now finds the industry entirely in agreement that television broadcasting is ready for standardization. The standards as finally proposed by the NTSC at the March 20, 1941, hearing, represent, with but few exceptions, the undivided engineering opinion of the industry. Some difference of opinion exists among broadcasters as to the date when commercial operation should begin. The National Broadcasting Company and the Columbia Broadcasting System, in effect, urged some delay in beginning commercial television. However, the Commission is of the opinion that the reasons advanced for the delay are not controlling. Other leading figures in the industry that earlier opposed commercialization, such as Philco, Zenith, and De Forest, now express the view that the present stage of scientific development warrants prompt standardization and commercialization.

The demonstrations conducted by different broadcasters and manufacturers for the benefit of the NTSC and the Commission revealed the merits and demerits of the systems upon which standards could be based. The eleven volumes constituting the proceedings of the Committee and its subcommittees stand as evidence of the great volume of work done. The Commission acknowledges its appreciation to the RMA and NTSC for their cooperation in performing this worthwhile work.

The three-color television system demonstrated by the Columbia Broadcasting System during the past few months has lifted television broadcasting into a new realm in entertainment possibilities. Color television has been known for years but additional research and development was necessary to bring it out of the laboratory for field tests. The three-color system demonstrated insures a place for some scheme of color transmissions in the development of television broadcasting.

The NTSC proposals provide that color television be given a six-month field test before standardization and commercialization. The Commission finds this requirement necessary. However, immediate experimental color program transmissions are encouraged.

The standards proposed by the NTSC provide for most of the improvements held out as readily possible a year ago for monochrome transmissions (black and white pictures). These standards fix the line and frame frequencies at 525 and 30, respectively.[1] The 525 lines provide for greater detail in the pictures transmitted than the 441 lines advocated a year ago. They give substantially equal resolution and more fully exploit the possibilities of the frequency bands allocated for television. Different line and frame frequencies will likely be required for color transmissions. This, however, is a matter for future consideration after color transmissions have been adequately field tested.

A year ago one of the weakest phases of the proposed television standards was an unreliable synchronizing pulse which frequently caused the loss of the picture under interference conditions. A few weeks before the March 20, 1941 hearing, developments were brought forth for greatly intensifying the synchronizing signals transmitted. These developments have been incorporated in the new standards. The demonstrations witnessed by the Commission impressively showed the tenacity with which this new form of synchronizing signals hold the picture in place under extremely adverse interference conditions.

The proposed standards require frequency modulation for sound accompanying the pictures. Television is therefore benefited by the recent development of frequency modulation.

The standards proposed by the NTSC reasonably satisfy the requirement for advancing television to a high level of efficiency within presently known developments. These standards are adopted by the Commission and made effective immediately.

The Commission feels that this state of the science affords some reasonable assurance against early obsolescence of equipment. At the same time, it must explicitly recognize the advancing and necessarily fluid state of the science. Accordingly, procedure has been provided for the consideration of new developments, including, but by no means limited to color television.

Procedure is also provided for expediting completion of the television stations now authorized by the Commission. Existing licensees and permittees who can satisfy the Commission that their station construction will meet all the engineering requirements of the rules and regulations and standards for such stations may begin commercial operation on July 1, 1941.

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[1] Certain experimental systems require variable line and frame frequencies. However, the fixed values proposed appear to be best for monochrome transmissions, because only 30-frame pictures have been fully developed and as long as the frequency band for television channels (aural and visual) is limited to 6 megacycles not more than 525 lines can be employed to advantage with 30 frames.

The Commission finds that at least six months will be required for obtaining comparative test data on the alternative methods permitted for transmitting synchronizing signals. Such data are necessary for further limiting the signal synchronizing standards. The Commission is requesting the industry to provide the necessary test data as to both color transmissions and synchronizing signals within the six-month period following the beginning of commercial operation.

The regulations require that at least 15 hours program service per week shall be rendered by each station.

The Commission adheres to the policy set forth in its report on the April, 1940, television hearing regarding multiple ownership or control of television broadcast stations. Under this policy no person is permitted to own or control more than three television broadcast stations.

This is to preserve the public benefits of competition in the use of the limited number of channels available for television broadcasting.

The Order and appropriate regulations carrying out the principles of this report were adopted by a unanimous vote of the Commission en banc in its meeting of April 30, 1941. Copies of those documents are attached to this report.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, May 12. It is subject to change.

Friday, May 16

KMA—May Broadcasting Company, Shenandoah, Iowa.—Renewal of license, **930 kc.**, 1 KW night, 5 KW day, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

May 26

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, **890 kc.**, 500 watts night, 1 KW day, SH-KUSD.

Consolidated Hearing

WCAM—City of Camden, Camden, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WTNJ and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WTNJ and WCAM.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WCAM and WCAP.

WTNJ—WOAX, Incorporated, Trenton, N. J.—C. P., **1230 kc.**, 1 KW, unlimited, DA-day and night.

NEW—Trent Broadcast Corporation, Trenton, N. J.—C. P., **1230 kc.**, 1 KW, unlimited, DA-day and night.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—C. P., **1260 kc.**, 1 KW night, 5 KW day, DA-night, unlimited.

June 3

Broadcast
Consolidated Hearing
To Be Held in Portsmouth, Ohio
Court Room To Be Assigned Later

WPAY—Chester A. Thompson (Transferor) and The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio—Transfer of control of corporation, **1370 kc.**, 100 watts, unlimited.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Renewal of license, **1370 kc.**, 100 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WWNC—Asheville Citizens Times Co., Inc., Asheville, N. C.—Granted construction permit, subject to action on renewal proceedings, to move transmitter to Emma and Maple Crest Roads, near Emma, N. C., approximately 3 miles due west of center of Asheville; install new transmitter, increase power from 1 to 5 KW day and night, **570 kc.**, employing directional antenna at night, subject to approval by Chief Engineer (B3-P-2644).

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted construction permit to install new transmitting equipment, make changes in directional antenna for both day and night use, and increase power from 1 to 5 KW unlimited time on **570 kc.**, on condition that proof of performance and installation of a recording meter at a monitoring point on the radial toward WMCA, New York, be submitted (B1-P-2706).

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted modification of license to increase nighttime power from 1 to 5 KW, **570 kc.**, 5 KW day, unlimited time, using directional antenna day and night (B1-ML-1064).

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted construction permit to increase power from 500 watts night, 1 KW day to 5 KW, increase hours of operation from specified hours (sharing WOSU), to unlimited time, install new transmitter and directional antenna for night use; **570 kc.** (B2-P-2547).

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted modification of license to change hours of operation from specified hours (sharing WOSU) to unlimited, on condition that no operation pursuant to the grant shall be undertaken until station WOSU commences operation on frequency **820 kc.** (B2-ML-1059).

WOSU—The Ohio State University, Columbus, Ohio.—Granted construction permit to install new transmitter, change frequency from **570** to **820 kc.**, increase power from 1 to 5 KW, and hours of operation from specified hours (sharing WKBN) to limited to local sunset at Dallas, Texas (B2-P-3138).

WCBD—WCBD, Inc., Chicago, Ill.—Granted construction permit to make changes in equipment, change frequency from **1110** to **820 kc.**, increase power from 5 to 10 KW, and change hours of operation from L-WBT, sharing WMBI, to daytime only (B4-P-2974).

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted construction permit to increase night power from 1 to 5 KW, increase hours of operation from limited to unlimited time; move transmitter to Forsyth Road, approximately 6 miles west-north-west of the center of Macon, install directional antenna for day and night use; **940 kc.**, 5 KW day (B3-P-3043).

KGEZ—Donald Treloar, Kalispell, Mont.—Granted modification of construction permit for approval of directional antenna system for night use (B5-MP-1173).

WJBC—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, a Partnership (Assignor), Arthur Malcolm McGregor and Dorothy Charlotte McGregor, and Hugh L. Gatley (Assignee), Bloomington, Ill.—Granted application for assignment of license of station WJBC from Arthur Malcolm McGregor and Dorothy Charlotte McGregor, a Partnership, to Arthur Malcolm McGregor, Dorothy Charlotte McGregor and Hugh L. Gatley, a Partnership; station operates on **1230 kc.,** 250 watts, unlimited time (B4-AL-306).

KNET—John Calvin Welch, William M. Keller, and Bonner Frizzell, d/b as Palestine Broadcasting Association (Assignor), Bonner Frizzell (Assignee), Palestine, Tex.—Granted consent to assignment of license of station KNET from John Calvin Welch, William M. Keller, and Bonner Frizzell, d/b as Palestine Broadcasting Association, to Bonner Frizzell; station operates on **1450 kc.,** 100 watts, daytime only (B3-AL-287).

WSJS-WALH-WBLQ—Piedmont Publishing Co., Winston-Salem, N. C.—Granted consent to relinquishment of control by Gordon Gray over Piedmont Publishing Company, licensee of broadcast station WSJS and relay stations WALH and WBLQ, to 86 stockholders, conditionally, and granted renewal of license for station WSJS on a regular basis; **600 kc.,** 250 watts night and day, unlimited time; (under construction permit 1 KW night and day, directional antenna at night) (B3-TC-266).

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted construction permit to change frequency from **1230** to **620 kc.;** increase power from 250 watts night and day to 1 KW night and day; move transmitter to ½ mile north of Pine Island, Colchester, 2.8 miles north of center of Burlington; install new transmitter and directional antenna for day and night use (B1-P-3082).

Chilton Radio Corp., Dallas, Tex.—Granted construction permit for new station to operate on **660 kc.;** 1 KW; daytime. Exact site to be determined, and the grant is made upon the express condition that applicant later file an application for modification of construction permit, specifying the exact transmitter location (B3-P-2487).

Northwest Georgia Broadcasting Co., Cedartown, Ga.—Granted construction permit for a new station to operate on **1340 kc.,** 250 watts, unlimited time (B3-P-3029).

Cascade Broadcasting Co., Inc., Everett, Wash.—Granted construction permit, subject to engineering conference, for a new station to operate on **1460 kc.,** 500 watts; unlimited time. To specify transmitter site as Pacific Highway, outside city limits of North Everett, Wash. Studio site to be determined (B5-P-2008).

Tacoma Broadcasters, Inc., Tacoma, Wash.—Adopted order granting application for construction permit for a new station to operate on **1490 kc.,** with power of 250 watts, unlimited time, subject to the condition that permittee shall, within 2 months, file with the Commission an application for modification of construction permit requesting the use of frequency **1490** with operating power of 250 watts, unlimited time, specifying therein the exact transmitter location and antenna system to be used. If for any reason such application cannot be submitted within the time allowed, an informal request for extension of time must be submitted stating the necessity therefor (Docket No. 5229).

Michael J. Mingo, Tacoma, Wash.—Adopted order granting application for construction permit to operate a new station on frequency **1430 kc.** with 500 watts or 1 KW, unlimited time, subject to condition that permittee shall within two months file an application for modification of construction permit requesting authority to operate on the frequency **1430 kc.** with power of 500 watts or 1 KW, unlimited, to comply with the requirements of Sec. 3.22 (c) (2) of the Commission's Rules. If for any reason such application cannot be submitted within the time allowed, an informal request for extension of time must be submitted stating the necessity therefor (Docket 4937).

W45D—The Evening News Association, Detroit, Mich.—Ordered issuance of construction permit for new FM station and authority to operate a 3 KW transmitter for a period of 60 days, without prejudice to determination of newspaper issue.

W45CM—WBNS, Inc., Columbus, Ohio.—Ordered issuance of construction permit for new FM station and authority to operate a 3 KW transmitter for a period of 60 days, without prejudice to determination of newspaper issue.

W45BR—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Ordered issuance of construction permit for new FM station without prejudice to determination of newspaper issue.

APPLICATION DENIED

W1XG—General Television Corp., Boston, Mass.—Denied petition for 30 day extension of temporary authority to operate visual and aural television transmitters (Dockets 5988 and 5989).

DESIGNATED FOR HEARING

Fairfield Broadcasting Corp., Lancaster, Ohio.—Designated for hearing application for construction permit for new station to operate on **820 kc.,** 250 watts, daytime only. Exact site of transmitter and studio to be determined with Commission's approval (B2-P-2976).

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Designated for hearing application for construction permit to change frequency from **1400 kc.** to **1090 kc.,** increase power from 100 watts to 250 watts day and night, increase hours of operation from sharing with KRKO to unlimited, move transmitter and studio to 810-812 Third Avenue, Seattle, and install new equipment (B5-P-2023).

Nashville Radio Corp., Nashville, Tenn.—Designated for hearing application for new station to operate on **1410 kc.,** 1 KW night and day, using directional antenna, different patterns day and night (B3-P-3034).

A. M. Burton, Nashville, Tenn.—Designated for hearing application for new station to operate on **1410 kc.,** 1 KW night and day, with directional antenna with different adjustments day and night, unlimited time. Exact studio site to be determined. Joint hearing to be held on both Nashville applications (B3-P-3072).

WPRP—Julio M. Conesa, Ponce, P. R.—Designated for hearing application for renewal of license for station WPRP and application for construction permit to increase power and change frequency, and application for modification of construction permit for approval of antenna site, station now operates on **1420 kc.,** 250 watts, unlimited (B-R-882, B-P-2377 and B-MP-1024).

MISCELLANEOUS

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted special temporary authority to operate from 8:30 p. m. CST to conclusion opening baseball game of the Western Association on May 2, 1941, in order to broadcast said program only, using 500 watts only (B4-S-635).

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 10:45 to 11:30 a. m. CST, May 1, 1941, in order to broadcast Convocation and chapel exercises in connection with the annual Senior Day; from 3:30 to 4:30 p. m., and 5:30 to 6:30 p. m., May 1, 1941, in order to broadcast baseball game with the University of Iowa; from 3:30 to 4:30 p. m., and 5:30 to 6:30 p. m. CST, May 6, 1941, to broadcast a baseball game with Simpson College; from 3:30 to 4:30 p. m., CST, May 10, 1941, to broadcast a baseball game with Iowa State Teachers College; from 3:30 to 4:30 p. m., and 5:30 to 6:30 p. m. CST, May 15, 1941, to broadcast a baseball game with Northwestern University; from 3:30 to 4:30 p. m., and 5:30 to 6:30 p. m., CST, May 22, 1941, to broadcast baseball game with the University of California.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted special temporary authority to operate from 8 p. m. to 12 midnight, CST, April 30, 1941, in order to broadcast the President's address and rebroadcast same in a number of foreign languages only.

WMRO—Martin R. O'Brien, North Aurora, Ill.—Granted special temporary authority to operate until 8 p. m., CST, on May 1, 1941, in order to complete a program of the Protestant Religious Educational Society at Elgin, Ill., only (B4-S-995).

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Granted modification of construction permit (B4-P-2329), which authorized installation of new transmitter and DA for night use, increase in power, change of frequency, and move of transmitter, for change in directional antenna on **1300 kc.** under NARBA, and extension of commencement date to 30 days after grant and completion date to 60 days thereafter (B4-MP-1285).

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to rebroadcast transmission on April 30, at 4 p. m., of aircraft radio station aboard U. S. Army plane in order to aid recruiting drive of the U. S. Army.

WNYE—Board of Education, City of New York.—Granted extension of special temporary authority to continue to operate noncommercial Educational Broadcast station on **41100 kc.**, for the period May 1 to May 30, pending completion of construction under application (B1-PED-16).

W2XOY—General Electric Co., New Scotland, N. Y.—Granted extension of special temporary authority to operate high frequency experimental broadcast station on **43200 kc.**, 2500 watts, special emission for FM, for the period May 1 to May 30, 1941.

W2XQR—John V. L. Hogan, Long Island City, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on **48700 kc.**, with 100 watts power, special emission for FM, for the period May 1 to July 1, 1941. (No authority is granted to conduct a facsimile broadcast service.)

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 9:15 p. m., EST, to conclusion of President Roosevelt's address on April 30, 1941, in order to broadcast said address only.

WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Granted license to use old RCA 250-D transmitter as auxiliary transmitter, for emergency use only (B2-L-1377).

WMVA—Martinsville Broadcasting Co., Martinsville, Va.—Granted license to cover construction permit (B2-P-2226) for new station; **1450 kc.**, 100 watts night, 250 watts LS, unlimited time (B2-L-1384). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-814).

KFOR—Cornbelt Broadcasting Corp., Lincoln, Neb.—Granted license to cover construction permit (B4-P-3087, which reinstates B4-P-2537, for changes in transmitting equipment, antenna, increase in power, and move of transmitter), on **1240 kc.** under NARBA (B4-L-1375). Also granted authority to determine operating power by direct measurement of antenna input, on **1240 kc.** under NARBA (B4-Z-790).

WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Granted license to cover construction permit (B2-P-2711, for new transmitter, installation of DA for night use, increase in power and change in frequency) (B2-L-1376). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-791).

KPOW—Albert Joseph Meyer, Powell, Wyo.—Granted license to cover construction permit (B5-P-2593, for new station to operate on **1230 kc.**, 250 watts, unlimited time), (B5-L-1378). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-795).

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted special temporary authority to operate from local sunrise Glenside, to local sunset at Knoxville, Tenn. (Station WNOX) instead of daytime as stipulated in reallocation, for period beginning April 29 and ending no later than May 27, pending action on formal application for such authority (B2-S-339).

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted petition for extension of time to May 15 in which to file amendment to application for construction permit to change frequency and increase power.

KYUM—Yuma Broadcasting Co., Yuma, Ariz.—Granted authority to determine operating power by direct measurement of antenna power on **1240 kc.** under NARBA (B5-Z-799).

WAOV—Vincennes Newspapers, Inc., Vincennes, Ind.—Granted authority to determine operating power by direct measurement of antenna power on **1450 kc.** under NARBA (B4-Z-805).

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Cal.—Granted authority to determine operating power by direct measurement of antenna power on **1490 kc.** under NARBA (B5-Z-785).

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted authority to determine operating power by direct measurement of antenna power on **1340 kc.** under NARBA (B4-Z-800).

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted authority to determine operating power by direct measurement of antenna power on **1470 kc.** under NARBA (B4-Z-803).

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Granted authority to determine operating power by direct measurement of antenna power on **1230 kc.** under NARBA (B3-Z-815).

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Granted authority to determine operating power by direct measurement of antenna power on **1110 kc.** under NARBA (B3-Z-813).

KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—Granted modification of construction permit (B5-P-2920, which authorized increase in power and installation of DA for night use), for changes in directional antenna on **1310 kc.** under NARBA (B5-MP-1252).

WGCA—Gainesville Broadcasters, Gainesville, Ga.—Granted modification of construction permit (B3-P-2627, which authorized a new station) for approval of antenna, of transmitter and studio sites at Athens Road, Gainesville, and request frequency **1240 kc.** under NARBA (B3-MP-1040).

WWJ—The Evening News Assn., Detroit, Mich.—Granted modification of construction permit (B2-P-2880, which authorized changes in transmitting equipment, increase in power and installation of DA for night use), for changes in directional antenna on **950 kc.** under NARBA, and extension of completion date to 120 days after grant (B2-MP-1268).

KMA—May Broadcasting Co., Shenandoah, Iowa.—Granted authority to determine operating power by direct measurement of antenna power on **960 kc.** under NARBA (conditionally), (B4-Z-808).

KHAS—The Nebraska Broadcasting Co., Hastings, Neb.—Granted authority to determine operating power by direct measurement of antenna power on **1230 kc.** under NARBA (B4-Z-773).

KIUP—San Juan Broadcasting Co., Durango, Colo.—Granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA (B5-Z-812).

WLAV—Leonard A. Versluis, Grand Rapids, Mich.—Granted authority to determine operating power by direct measurement of antenna power on **1340 kc.** under NARBA (B2-Z-809).

WHK—United Broadcasting Co., Cleveland, Ohio.—Granted authority to determine operating power by direct measurement of antenna power on **1420 kc.** under NARBA (B2-F-216).

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Granted authority to determine operating power by direct measurement of antenna power on **1450 kc.** under NARBA (B2-Z-834).

WBAB—Press-Union Publishing Co., Atlantic City, N. J.—Granted authority to determine operating power by direct measurement of antenna power on **1490 kc.** under NARBA (B1-Z-823).

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Granted authority to determine operating power by direct measurement of antenna power on **1230 kc.** under NARBA (B4-Z-841).

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted authority to determine operating power by direct measurement of antenna power on **1070 kc.** under NARBA (B4-Z-840).

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted authority to determine operating power by direct measurement of antenna power on **1520 kc.** under NARBA (B1-Z-745).

KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, S. Dak.—Granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA (B4-Z-797).

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Granted authority to determine operating power by direct measurement of antenna power on **1290 kc.** under NARBA (B5-Z-798).

KPAB—Marvel M. Valentine, Laredo, Texas.—Granted authority to determine operating power by direct measurement of antenna power on **1490 kc.** under NARBA (B3-Z-826).

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority to determine operating power by direct measurement of antenna power on **1050 kc.** under NARBA (B4-Z-839).

WKBH—WKBH, Inc., LaCrosse, Wis.—Granted authority to determine operating power by direct measurement of antenna input on **1410 kc.** under NARBA (B4-Z-751).

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Granted license to cover construction permit (B2-P-2900), which authorized move of transmitter and installation of new antenna, specifying **1450 kc.** under NARBA (B2-L-1380).

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of construction permit (B5-P-2783, for new transmitter and increase in power from 10 to 50 KW), for extension of completion date to July 6, 1941 (B5-P-1273).

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Granted modification of construction permit (B4-P-2821, which authorized increase in power and installation of directional antenna for night use) for changes in directional antenna on **1320 kc.** under NARBA (B4-MP-1254).

KBWD—Brown County Broadcasting Co., Brownwood, Tex.—Granted modification of construction permit (B3-P-2672 for new station) requesting approval of antenna, new transmitter studio and transmitter sites, and **1380 kc.** under NARBA (B3-MP-1212).

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Granted modification of construction permit (B2-P-2947, for increase in power to 5 KW, installation of directional antenna for night use) for changes in antenna system and requesting **1320 kc.** under NARBA; extension of commencement date to 30 days after grant and completion date to 180 days thereafter (B2-MP-1269).

WALA—Pape Broadcasting Co., Mobile, Ala.—Granted modification of construction permit (B3-MP-932, which authorized increase in power, installation of new equipment, and DA for night use, and move of transmitter) for change in type of transmitter, and changes in directional antenna on **1410 kc.** under NARBA (B3-MP-1270).

WKMO—Kokomo Broadcasting Corp., Kokomo, Ind.—Granted license to cover construction permit (B4-P-2842, as modified, which authorized new station on **1400 kc.** under NARBA, 250 watts, unlimited time (B4-L-1386). Also granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA (B4-Z-820).

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted special temporary authority to operate an additional transmitter located at Alpine, N. J., on **43 mc.** with power not to exceed 40 KW, using frequency modulation for a period of 10 days beginning May 1 to May 10, in order to conduct further experiments on adjacent channel operation of high frequency broadcast stations and to demonstrate such operation to certain engineering committees of the RMA.

W2XBS—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate television broadcast station with special emission in addition to A3 emission on Channel No. 1, in order to conduct experimental tests for National Television Standards Committee and NBC, for period May 1 to May 25, 1941.

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted license to cover construction permit (B3-P-2969 for increase in power, 1 KW night, 2½ KW LS, to 5 KW LS, 1 KW night, and installation of new transmitter (B3-L-1387).

WAGE—Sentinel Broadcasting Corp., Syracuse, N. Y.—Granted license to cover construction permit (B1-P-1934, for new station to operate on **620 kc.**, 1 KW, unlimited time, DA-night (B1-L-1389). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-843).

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted authority to install automatic frequency control equipment (B1-F-217).

WCLE—United Broadcasting Co., Cleveland, Ohio.—Granted authority to install automatic frequency control equipment (B2-F-218).

KGVO—Mosby's, Inc., Missoula, Mont.—Granted authority to install automatic frequency control equipment (B5-F-220).

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Granted authority to install automatic frequency control equipment (B4-F-219).

W69PH—WCAU Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit (B2-PH-43, which authorized a new FM station) for approval of transmitter, changes in antenna, and change location of transmitter from 117 So. 17th St., to 1616 Walnut St., Philadelphia (B2-MPH-14).

The Metropolis Company, Ocala, Fla.—Referred to the full Commission the motion for immediate specification of issues fixing date and place of hearing and for other relief, in re application for license for new station.

Bay County Publishers, Inc., Panama City, Fla.—Referred to the full Commission the motion for immediate specification of issues fixing date and place of hearing and for other relief in re application for license for new station.

WPAY—Chester A. Thompson (Transferor) and The Brush Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio; WPAY—Vee Bee Corp., Portsmouth, Ohio.—Granted petition to hold hearing on applications for consent to transfer control of Vee Bee Corp., licensee of station WPAY together with application for renewal of license, in Portsmouth, and change date of hearing, now scheduled for June 2.

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Granted motion to dismiss without prejudice application to change frequency from **1210** to **600 kc.**; increase power from 100 watts to 500 watts night, 1 KW, local sunset.

WRDO—WRDO, Inc., Augusta, Me.—Granted petition for leave to amend application for renewal of license.

W3XMC—McNary & Chambers, Washington, D. C.—Granted extension of special temporary authority to continue operation of high frequency experimental broadcast station on **42600 kc.**, 100 watts, special emission for frequency modulation, with transmitter located at 2701-14th St., N. W., Washington, D. C., for the period May 2 to not later than July 1, 1941.

WDRC, Inc., Hartford, Conn.—Granted special temporary authority to operate frequency modulation station commercially on **46500 kc.**, 1000 watts, special emission for frequency modulation, with transmitter at Meriden, Conn., and described as Composite, Type FM1, Maximum rated carrier power 1000 watts, for a period not to exceed 60 days, pending completion of construction pursuant to construction permit.

W65H—WDRC, Inc., Hartford, Conn.—Granted special temporary authority to rebroadcast high frequency broadcast stations W2XMN and W1XOJ emissions for a period not to exceed 60 days.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate the relay mobile unit (WADA) of the Charleston Broadcasting Co. for a series of special programs consisting of interviews with housewives of Huntington, W. Va., the program originating in the studio and being transferred to the various homes where the interviews take place, during the period May 2, 9, 16, 23, 30, 1941, only.

WFLA—The Tribune Co., Tampa, Fla.—Granted license to cover construction permit which authorized a new broadcast station to operate on **940 kc.**, 1 KW, 5 KW LS, unlimited time, using directional antenna night (B3-L-1327). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-563).

WBEN—WBEN, Inc., Buffalo, N. Y.—Granted modification of construction permit for change in frequency from **900** to **930 kc.** and changes in directional antenna.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitter units to be installed and operated from the State-Lake Bldg., Chicago, Ill.; Link Transmitter Type No. 50-UTX with 100 watts power for visual and Link Transmitter Type No. 25-UBX 25 watts power for aural; temporary steel tower to be used on roof of said building, in order to conduct tests for period May 19 to not later than June 17, 1941, in accordance with construction permit.

WHJB—Pittsburgh Radio Supply House, Greensburgh, Pa.—Granted special temporary authority to operate from 7:30 p. m. to conclusion of program, approximately 10 p. m., EST, May 6, 1941, in order to cooperate with the Indiana County Music Supervisors Assn. in the Indiana Music Festival, to be held in the High School, Indiana, Pa.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from sign-off (April 7 p. m., CST) to conclusion of President's radio address and Secretary of Treasury Morgenthau and Postmaster Walker, only, approximately 9 p. m., CST, April 30, 1941.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Continued hearing in re application for renewal of license now scheduled for May 7, 1941, until May 26, 1941.

WWDC—Capital Broadcasting Co., Washington, D. C.—Granted modification of construction permit (B1-P-2679, which authorized a new station on **1450 kc.**, 250 watts, unlimited time, and 100 watt amplifier, for changes in type of transmitter and extension of commencement and completion dates to 1 and 2 days after grant respectively (B1-MP-1297).

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted modification of construction permit (B4-P-2696, for increase in power, installation of DA for night use) for extension of completion date to June 6/41 (B4-MP-1278).

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-P-243, which authorized increase in power and installation of DA for night use) for **980 kc.** under NARBA (B1-MP-1249). Also granted modification of construction permit (B1-P-243) for extension of completion date to June 5/41 (B1-MP-1277).

WLAC—WLAC Broadcasting Service, Nashville, Tenn.—Granted special temporary authority to rebroadcast program originating in plane of Vultee Aircraft Co. at Nashville, Sunday, May 4, between 2:30 and 4 p. m., CST, only (B3-S-482).

WHBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted modification of construction permit (B1-PIB-28, which authorized changes in equipment, etc., in International broadcast station) for extension of completion date to June 6, 1941 (B1-MPIB-26).

WKBX—Community Broadcasting, Inc., Wheeling, W. Va.—Granted modification of construction permit (B2-P-2967, as modified, for new station), authorizing installation of new transmitter (B2-MP-1283).

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted special temporary authority to rebroadcast program originating in U. S. Army plane in vicinity of Milwaukee on May 2.

W2XQR—John V. L. Hogan, Long Island City, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.** with 100 watts power, special emission for FM, with transmitter located at 3104 Northern Blvd., Long Island City, for the period May 1 to May 30. No authority is granted to conduct a facsimile broadcast service.

The Evening News Press, Inc., Port Angeles, Wash.—Placed in pending files application for new broadcast station to operate on **1450 kc.**, 250 watts power, unlimited time, and specifying exact transmitter location, pending disposition of newspaper issue.

APPLICATIONS FILED AT FCC

930 Kilocycles

WSAZ—WSAZ, Inc., Huntington, W. Va.—Modification of construction permit (B2-P-2856) for approval of transmitter site and changes in directional antenna from day and night to night use only, and **930 kc.** under NARBA.

970 Kilocycles

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Modification of construction permit (B1-P-2704) as modified, for new transmitter, install directional antenna, change in hours of operation from daytime to unlimited, increase in power from 500 watts to 1 KW and move of transmitter for extension of completion date from 5-25-41 to 7-25-41.

980 Kilocycles

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Construction permit to from **950 kc.** to **690 kc.**, power from 5 to 50 KW, install new transmitter, new directional antenna for night use, move transmitter and move studio from Kansas City, Mo., to Kansas City. Kansas, requesting facilities KGGF, WNAD and KFEQ as proposed by NARBA. Amended: To change location of transmitter from near Wolcott, Kans., to near Sibley, Mo., omit request for move of studio, change frequency from **690 kc.** to **770 kc.**, make changes in directional antenna for day and night use and omit request for facilities of KFEQ. KGGF and WNAD.

990 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Authority to determine operating power by direct measurement.

1050 Kilocycles

WHN—Marcus Loew Booking Agency, New York, N. Y.—Modification of construction permit (B1-P-2899) for new transmitter, directional antenna for day and night use, change in frequency, increase in power and move of transmitter, for authority to install new transmitter and make changes in antenna.

1070 Kilocycles

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—License to cover construction permit (B4-MP-896) as modified, for decrease in power, change in hours of operation and installation of directional antenna for night use.

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Modification of construction permit (B4-MP-896) as modified, for changes in directional antenna on **1070 kc.** under NARBA.

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Authority to determine operating power by direct measurement of antenna power.

1090 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Authority to determine operating power by the direct method.

1110 Kilocycles

WCBD—WCBD, Inc., Chicago, Ill.—Authority to determine operating power by the direct method.

1150 Kilocycles

KTBC—State Capitol Broadcasting Assn., Inc., Austin, Texas.—Authority to determine operating power by direct measurement.

1230 Kilocycles

WJNO—WJNO, Inc., West Palm Beach, Fla.—Authority to determine operating power by direct measurement.

KVNU—Cache Valley Broadcasting Co., Logan, Utah.—Authority to determine operating power by the direct method.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Authority to determine operating power by direct measurement.

1240 Kilocycles

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Construction permit to install new transmitter, install directional antenna for night use, change frequency from **1210 kc.** to **900 kc.**, and power from 250 watts to 1 KW. Amended: To request change in frequency from **1240 kc.** (under NARBA) to **640 kc.**, Class II, changes in directional antenna and equipment and requesting limited time to local sunset at Los Angeles, directional antenna from sunset Beckley to local sunset Los Angeles.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Authority to determine operating power by direct measurement.

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Authority to determine operating power by direct measurement.

1250 Kilocycles

WDSU—WDSU, Inc., New Orleans, La.—Modification of construction permit (B3-P-2923) for extension of completion date from 6-1-41 to 9-1-41.

1260 Kilocycles

KYA—Hearst Radio, Inc., San Francisco, Calif.—Authority to determine operating power by direct measurement for auxiliary transmitter.

KYA—Hearst Radio, Inc., San Francisco, Calif.—Authority to determine operating power by direct measurement for main transmitter.

1270 Kilocycles

KFJZ—Tarrant Broadcasting Co., Fort Worth, Tex.—Modification of construction permit (B3-P-2497) which authorized new transmitter and installation of directional antenna, increase in power and move of transmitter, for extension of completion date from 5-17-41 to 8-15-41.

1300 Kilocycles

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Modification of construction permit (B4-P-2329) as modified, for installation of new transmitter and directional antenna for night use, increase in power, change of frequency and move of transmitter, requesting changes in directional antenna on **1300 kc.** under NARBA, and extension of commencement and completion dates from 1-4-41 to 7-4-41 to 30 days after grant and 60 days thereafter, respectively.

1320 Kilocycles

WNEL—Juan Piza, San Juan, Puerto Rico.—License to cover construction permit (B-P-2762) which authorized equipment changes, antenna changes, increase in power and move of transmitter, specifying **1320 kc.** under NARBA.

1340 Kilocycles

NEW—Jefferson Broadcasting Corp., Birmingham, Ala.—Construction permit for a new broadcast station to be operated on **1340 kc.**, 250 watts, unlimited time. (Facilities of station WSGN when vacated.)

KVOX—KVOX Broadcasting Co., Moorhead, Minn.—Authority to determine operating power by direct measurement.

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Authority to determine operating power by direct measurement.

KMYR—F. W. Meyer, Denver, Colo.—Authority to determine operating power by direct measurement.

KMYR—F. W. Meyer, Denver, Colo.—License to cover construction permit (B5-P-2067) as modified, for a new station.

KRBA—Red Lands Broadcasting Assn., Ben T. Wilson, Pres., Lufkin, Tex.—Authority to determine operating power by direct measurement.

1360 Kilocycles

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—License to cover construction permit (B3-P-2230) as modified, for new transmitter, increase in power, move transmitter and changes in antenna.

1390 Kilocycles

KGER—Consolidated Broadcasting Corp., Long Beach, Calif.—Construction permit to make changes in equipment, increase power from 1 KW to 5 KW, install directional antenna for night use. Amended to make changes in directional antenna.

1400 Kilocycles

KRLC—H. E. Studebaker, Lewiston, Idaho.—Authority to determine operating power by direct measurement.

KRLC—H. E. Studebaker, Lewiston, Idaho.—License to cover construction permit (B5-P-3020) for changes in equipment and to specify **1400 kc.** under NARBA.

WORD—Spartanburg Advertising Co., Spartanburg, S. C.—Authority to determine operating power by direct measurement.

WHBQ—Broadcasting Station WHBQ, Inc., Memphis, Tenn.—Authority to determine operating power by the direct method.

WHBQ—Broadcasting Station WHBQ, Inc., Memphis, Tenn.—License to cover construction permit (B3-P-3075) for new transmitter and increase in power.

KTUC—Tucson Broadcasting Co., Tucson, Ariz.—Transfer of control from John Merino (100 shares)), Glenn Snyder (50 shares), Geo. R. Cook (50 shares), Burridge D. Butler (38 shares), Carleton W. Morris (30 shares), Louis F. Long (30 shares), Ralph W. Bilby (1 share) and Frank Z. Howe (1 share) to John Merino (50 shares), Glenn Snyder (50 shares), Geo. R. Cook (50 shares), Burridge D. Butler (69 shares), Louis F. Long (30 shares), Ralph W. Bilby (50 shares) and Frank Z. Howe (1 share).

1450 Kilocycles

KDNT—Harwell V. Shepard, Denton, Tex.—Authority to determine operating power by direct measurement.

1480 Kilocycles

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Construction permit to change frequency from **1450** to **590 kc.**, increase power from 500 watts night, 1 KW day to 1 KW night, 5 KW day, install new equipment and directional antenna for night use and move transmitter. Class III-B station. Amended to change power to 5 KW day and night and make changes in directional antenna for night use.

1490 Kilocycles

NEW—San Jose Broadcasting Co., San Jose, Calif.—Construction permit for a new broadcast station to be operated on **1490 kc.**, 250 watts, unlimited time. Amended to change requested transmitter site.

NEW—William Price, Burlington, N. C.—Construction permit for a new broadcast station to be operated on **1490 kc.**, 250 watts, unlimited time. (Contingent on WDNC going to new frequency.)

FM APPLICATIONS

NEW—Cherry & Webb Broadcasting Co., Providence, R. I.—Construction permit for a new high frequency broadcast station to be operated on **47500 kc.** Coverage: 6,207 square miles; population: 4,230,838. Amended: re antenna.

W47PH—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-PH-69) for a new high frequency broadcast station, for change in type of transmitter and changes in antenna system; population from 4,474,940 to 4,214,336.

MISCELLANEOUS APPLICATIONS

W6XAO—Don Lee Broadcasting System, Los Angeles, Calif.—License to cover construction permit (B5-PVB-38) as modified, which authorized move of station and change in frequencies.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Peoples Hardware Stores—A complaint has been issued charging Domenico Del Vecchio, trading as Peoples Hardware Stores, 1434 Florida Ave., N. E., Washington, D. C., with misleading representations in violation of the Federal Trade Commission Act in the sale of paint products.

The complaint alleges that the respondent has advertised that "Our factory-to-you plan brings savings of 20% to 35%", when in fact he does not own or control a plant in which the products he sells are made but orders them from the manufacturers and his prices do not represent a saving of 20 per cent to 35 per cent to purchasers as compared to prices charged by his competitors for similar products made of comparable materials.

The complaint also alleges the respondent advertised that "Lawrence Master Painters Flat Paint—covers 1100 square feet per gallon", when in fact such coverage cannot be obtained under normal conditions of use and can be obtained only when employed over a pigment sealer on a smooth surface. (4495)

Tag Manufacturers Institute—A complaint has been issued charging the Tag Manufacturers Institute, 370 Lexington Ave., New York, Frank H. Baxter, its secretary-treasurer and executive director, and 31 member companies, with practices in restraint of trade and in violation of the Federal Trade Commission Act in the sale of tags, pin tickets and similar marking and pricing devices. According to the complaint, the respondents are majority of the country's manufacturers of such tag products.

The complaint alleges that the respondents, acting directly, through their representatives, and in cooperation with each other and with the respondent institute and the respondent Baxter, entered into an agreement, combination and conspiracy to restrict and eliminate price competition in the sale of tag products by fixing and maintaining uniform prices, terms and conditions of sale for their products; by holding meetings under the auspices of the institute to devise methods for such price maintenance, and by a "Tag Industry Agreement".

According to the complaint, the "Tag Agreement" provides:

(1) That each subscribing respondent member send to the respondent Baxter a complete statement of every "general offer" to sell tag products, including available prices, terms and sale conditions, and of every "restricted offer", including prices, terms and sale conditions more favorable to the purchaser than the "general offer" for similar products.

(2) That the respondent Baxter disseminate to all subscribing respondent members the information furnished under the two offers.

(3) That each respondent subscribing member furnish the respondent Baxter with duplicates of every invoice or other shipping memorandum for products sold, and duplicates of all credit memoranda covering rebates.

(4) That the respondent Baxter compile and disseminate to members such information in a manner not disclosing the identity of any one subscriber or the names of any purchasers.

(5) That each subscribing respondent member submit to a "Determination Board" appointed by the respondent members all pertinent records in its possession and permit an examination of such information by the board to determine whether or not such subscribing member has complied with the Tag Industry Agreement rules concerning the furnishing of such information.

(6) That the Determination Board announce its findings pursuant to such investigations; such findings to be accepted by the subscribing members any of whom are to be subject to fines, assessments and liquidated damages in case of breach of rules or regulations.

(7) That each subscribing respondent member pay annually not less than $120 to the respondent Baxter as institute secretary for an "Operating Fund", and not less than $200 into a "Revolving Fund", to provide funds from which operating and investigating expenses and into which fines and assessments are to be paid.

Respondent manufacturer members of the respondent institute are: Acme Tag Co., Minneapolis; Allen-Bailey Tag Co., Inc., Caledonia, N. Y.; American Tag Company, Chicago; American Tag Company of New Jersey, Newark; Atlas Tag Company, Neenah, Wisc.; Badger Tag Co., Inc., Random Lake, Wisc.; A. C. Baldwin & Sons, Austin, Tex.; Campbell Box and Tag Company, South Bend, Ind.; Central Tag Co., Chicago; Cupples-Hesse Envelope and Litho. Co., St. Louis; Dancyger Manufacturing Company, Cleveland; The Denney Tag Company, Incorporated, West Chester, Pa.; Dennison Manufacturing Co., Framingham, Mass.; Eastman Tag & Label Company, San Francisco; Ennis Tag and Printing Company, Ennis, Tex.

Haywood Tag Company, Lafayette, Ind.; International Tag & Salesbook Co., Chicago; Keystone Tag Company, West Chester, Pa.; A. Kimball Company, New York City; Marion Manufacturing Company, Atlanta; J. L. May Company, New York; Michigan Tag Company, Grand Rapids; Midwest Tag Company, St. Louis; The National Tag Company, Dayton; The Reyburn Manufacturing Company, Inc., Philadelphia; The Robinson Tag and Label Company, New York; Rockmont Envelope Company, Denver; Salisbury Mfg. Co., Central Falls, R. I.; The Standard Envelope Mfg. Company, Cleveland; Tagcraft Corporation, Lancaster, Pa.; and Waterbury Buckle Company, Waterbury, Conn. (4496)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Ethel Bellamy, Inc., Nutley, N. J., has been ordered to cease and desist disseminating advertisements which represent that "Ethel Bellamy Eyelash Luxuriant" possesses therapeutic value in the treatment of granulated eyelids, promotes eyelash growth, supplies pigment to the eyelashes, darkens eyelashes permanently or has any effect on eyelash color in excess of such temporary effect as it may produce by reason of its properties as a dye. (4424)

Consumers Bureau of Standards—Albert Lane, an individual trading as Consumers Bureau of Standards, who has conducted his business at various locations in New York, Chicago, Philadelphia, and Long Island City, N. Y., has been ordered to cease and desist from misrepresentations and other unfair practices in the sale of publications advertised as being the result of research on behalf of the consumer. The respondent's publications were: "Consumers' Preference," "Consumers Bureau Reports" and "Consumers Bureau Guide."

Commission findings are that:

The respondent represented the Consumers Bureau of Standards as being "a national non-profit consumers' research and educational organization which investigates, tests and reports on goods and services for the benefit of the ultimate consumer," when in fact the respondent did not conduct a real research and testing bureau for consumers and maintained no staff or laboratory equipment.

The Commission order directs that Albert Lane, trading as Consumers Bureau of Standards, or Consumers Bureau, in connection with the sale of any book, magazine, periodical or circular letter purporting to give appraisals or classifications of merchandise, goods or services, cease and desist from representing in any manner, or using any trade or other name which implies, that such publication is compiled, issued, sold or offered for sale by or under the direction of any bureau, institute, or organization engaged in research work for the benefit of consumers, or devoted to aiding consumers in making wise or economical purchases, or which by means of any scientific or adequate tests of any nature designates the comparative consumer value of any merchandise, goods, or services.

The respondent also is ordered to cease and desist from:

Representing that any such publication is or will be issued, printed, or distributed at any stated time or times other than those at which it is actually issued, printed, or distributed;

Representing that the respondent's business is operated on a non-profit basis;

Representing that the respondent's business is national in scope, or representing in any manner that such business is greater in size or scope than is the fact;

Representing that the respondent is, or represents, any consumers' research group or movement;

Representing that the respondent has any arrangement with the Mellon Institute of Industrial Research, Massachusetts Institute of Technology, or any similar organizations or institutions, for the submission thereto for determination of any questions concerning the value or comparative value of merchandise, goods, or services;

Representing that the respondent is, or represents, any consumers' special training, education, or experience to determine, or has any employees, staff, equipment, or facilities for determining, by any scientific method or adequate investigation or tests, the value or comparative value of any merchandise, goods, or services;

Threatening, inferring, or implying to any manufacturer or distributor of merchandise, goods, or services that a refusal to buy copies of or contribute financially to such publication or directly or indirectly to the respondent, will or may result in unfavorable, disparaging, or derogatory listing of, or reference to, such manufacturer or distributor or his merchandise, goods, or services in or in connection with such publication. (3718)

Gly-Case Medicine Company—Medora Whinrey, trading as Gly-Cas Medicine Co., and the concern's manager, Robert B. Whinrey, Muncie, Ind., distributors of the medicinal preparation "Gly-Cas," has been ordered to cease disseminating advertisements which represent that their product constitutes a cure or remedy for constipation or has therapeutic value in treating it in excess of temporary relief afforded by causing a partial evacuation of the intestinal tract; that indigestion, gas, bloated or sour stomach, rheumatic or neuritis pains, sore or aching muscles, limbs or joints, backaches, dizziness, nervousness, kidney trouble, sleeplessness, biliousness or headaches are typical or usual symptoms of constipation or faulty elimination; that their product "Gly-Cas" is a cure, remedy or competent treatment for such conditions, or has therapeutic value in their treatment when they are due to causes other than constipation or faulty elimination or other than that furnished by causing a partial evacuation of the intestinal tract. (4432)

Hartig Drug Co., also trading as H. K. Pharmaceutical Laboratories, and A. J. Hartig, president of Hartig Drug Co. and trading as H. K. Pharmaceutical Laboratories, 756 Main St., Dubuque, Iowa, has been ordered to cease and desist from misrepresentation in the sale of certain medicinal preparations for women. The Commission order directs that in the sale of "Menstruaid Nos. 1, 2, 3, 4 and 5" the respondents cease disseminating advertisements which represent that these products constitute a competent or effective treatment for delayed menstruation; that they are scientific, safe or harmless and are guaranteed, and which advertisements fail to reveal that their use may cause gastro-intestinal disturbances and other serious conditions. (4406)

Universal Industries, Inc., 2222 Diversey Parkway, Chicago, and Abraham Leonard Koolish and George William Ehrlich, officers and directors of the corporation, has been ordered to cease and desist from misrepresentations in the sale of sales stimulator plans or devices including trade cards, circulars, and other advertising material, and also tableware and other products used as premium merchandise under such plans.

Commission findings are that in advertisements circulated in various States the respondents have represented that for a cost of only one cent merchants participating in the respondents' sales plans would receive $5 worth of business from their customers when in fact the merchants purchase from the respondents at 50 cents a set tableware which they resell to customers at 49 cents a set when such customers have purchased $5 worth of other merchandise.

Also, the findings continue, the merchants pay the respondents $4.95 for the sales plan which includes cards, literature and two display sets of tableware, none of which amount the respondents refund until the merchants have purchased eight dozen tableware sets; and the respondents deduct from such refund, if and when made, the resale value of the two display sets furnished the merchants.

The Commission order directs the respondents to cease misrepresenting the cost of any sales plan or sales stimulator to any dealer or merchant by failing to reveal that additional sums must be paid by the merchant or dealer in operating the plan or using the sales stimulator; to discontinue misrepresentations found to have been made concerning salesmen's earnings, the price and value of products sold, and the respondents' length of time in business and financial standing, and to cease using the term "free" to describe articles offered as compensation for distributing the respondents' merchandise, unless all conditions are clearly explained and there is no deception as to price, quality, character, services to be performed, or other features.

The Commission dismissed its complaint in this proceeding as to Mrs. Ida B. Koolish, an officer of the corporate respondent, there being no evidence that she has taken an active interest in the business. (3882)

STIPULATIONS

Following stipulations have been entered into by the Commission:

Chelf Chemical Co., 118 South Seventeenth St., Richmond, Va., stipulated that it will cease certain representations in the sale of its preparation known as "Chelf's C. C. Comp'd" and also as "C. C. C. C." and "4 C's," containing, among other ingredients, potassium bromide and acetanilid.

The respondent agrees to cease representing that its preparation will remove the cause of headaches, indigestion or nervousness or remedy these conditions; may be safely used by all persons under all conditions; will not have a depressing effect upon the heart, and will relieve colds generally or head colds, unless the representation is limited to palliative relief of aches and pains accompanying such colds.

The respondent also agrees to cease disseminating advertisements which fail to reveal that the preparation should not be used in excess of the dosage recommended and that its frequent and continued use may be dangerous; provided that such advertisements need contain only a statement that the preparation should be used only as directed on the label, if the label either contains a warning of the possible consequences of the use of the product or directs attention to a similar warning in the accompanying labeling. (02787)

Eagle Electric Manufacturing Co., Inc., 59 Hall St., Brooklyn, entered into a stipulation to cease certain representations in the sale of electrical heating pads. The respondent agrees to cease using the words or symbols "Three Heat" or "3-Heat" as descriptive of such pads or the switches used to operate them and to cease employing the words "Three Heat" or other similar words to imply that its electrical pads are capable of maintaining, or that the operation of the switches results in maintaining, three different, distinct temperatures. (3093)

Federal Enameling & Stamping Co., McKees Rocks, Pittsburgh, Pa., disributor of enameled kitchenware, stipulated to cease representing or placing in the hands of others a means to represent, directly or inferentially, that any enamelware product not completely covered with three separate coats or applications of enamel, is "triple coated" or that its enameling consisted of the application of three separate coats of enamel. (3092)

A. Freedman & Sons, Inc., shoe manufacturer, New Bedford, Mass., has entered into a stipulation to cease using the words "Designed by an English Bootmaker" as descriptive of certain of its shoes which are not designed by an English bootmaker, such words appearing as a stamp, brand or label upon shoes or the boxes in which they are sold. The respondent corporation also stipulates that it will desist from using these quoted words or the words "John McVey, Ltd.", alone or in connection with the words "Distinctly English" or with other similar words so as to imply that such shoes are either designed by an English Bootmaker or are made in England. The stipulation recites that the respondent's shoes are not designed by an English bootmaker and are not made in England but at its New Bedford, Mass., plant. (3091)

Humania Hair Goods & Specialty Company—Gustave Goldstein, hair goods and cosmetics dealer trading as Humania Hair Goods & Specialty Co., 303 Fourth Ave., New York, a stipulation to cease disseminating advertisements which fail conspicuously to reveal certain dangerous possibilities in the use under certain conditions of "Magic Shaving Powder" and "Kongolene", and which advertisements represent that "Apex Pomento" and "Humania Dandruff Treatment" will prevent dandruff or do more than remove dandruff already formed on the scalp; that "Humania Dandruff Treatment" and "Amron New Hair Aid" will stop falling hair or keep it from coming out, and other similar representations. (3094)

Charles B. Knox Gelatin Co., Inc., Johnstown, N. Y., engaged in selling Knox Gelatin or Knox Sparkling Gelatin, has entered into a supplemental stipulation in connection with the dissemination of advertising of the products in which it agrees to cease and desist from representing, directly or by implication:

(1) That scientific laboratory tests have established as a matter of scientific fact that Knox Gelatin increases vim and vitality, increases endurance, builds resistance to fatigue, cuts down and lessens fatigue, increases stamina and "staying power", curbs tiredness, restores vigor or stores energy.

(2) That Knox Gelatin or Knox Sparkling Gelatin prevents fatigue; keeps one in top form for working hard and playing hard; enables a person to sleep better or awaken more refreshed; lessens the seriousness of athletic injuries or causes minor athletic injuries to respond quicker to treatment; increases muscular work capacity 50% to 100% or is of any substantial benefit in increasing muscular work capacity; doubles energy or increases energy output 37% to 240% or is of any substantial value in increasing energy output; is an amazing discovery or stores energy.

(3) That it is a manufacturer; but nothing in the stipulation shall prevent the Charles B. Knox Gelatin Co., Inc., from representing and stating that Knox Gelatin is manufactured under the laboratory supervision of the Charles B. Knox Gelatin Co., Inc.

The stipulation provides that in the event future facts and circumstances should, in the judgment of the Commission, so warrant, such suitable modification thereof may be made as may be necessary to conform to the facts. (02436)

Leonard Sales Company—Benjamin Ingber, trading as Leonard Sales Co., 237 North Ninth St., Philadelphia, has entered into a stipulation to cease advertising that a drug preparation designated "Corn-Go" will instantly stop the pain of corns or calluses; will prevent their recurrence, and will remove bunions or has any value in their treatment. (02786)

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 20, May 23, 1941

Senator Wheeler Calls Hearing On White Resolution

Chairman Wheeler (D-Mont.) of the Senate Interstate Commerce Committee has called a hearing, starting Saturday, May 31, on the resolution introduced by Senator White (R-Maine) regarding the FCC network rules.

The hearing is slated to continue through Wednesday, June 4. The NAB will appear in support of the resolution, the text of which follows:

S. RES. 113

77th CONGRESS, 1st Session

IN THE SENATE OF THE UNITED STATES

May 13 (legislative day, May 8), 1941

Mr. White submitted the following resolution; which was referred to the Committee on Interstate Commerce

RESOLUTION

Whereas the Federal Communications Commission (hereinafter referred to as the Commission) is an administrative agency created by the Act of June 19, 1934 (48 Stat. 1064), known as the Communications Act of 1934, as amended, by Act of June 5, 1936 (49 Stat. 1475), and by Act of May 20, 1937 (50 Stat. 189); and

Whereas said Commission has by the terms of said Act certain delegated powers and duties in respect of interstate commerce in communications and the facilities and instrumentalities used and usable in said commerce and has no powers and duties not so specifically conferred upon it; and

Whereas the Commission on May 2, 1941, in a proceeding before it styled "In the Matter of the Investigation of Chain Broadcasting," Docket Numbered 5060, made and published certain rules and regulations enacted and promulgated by it which said rules and regulations are alleged to constitute an attempt upon the part of the Commission to exercise a supervisory control of the programs, of the business management and of the policy to be employed by radio-broadcast stations which are licensed by said Commisison pursuant to said Act; and

Whereas it is urged that the Supreme Court of the United States in the case of Federal Communications Commission v. Sanders Brothers Radio Station, decided March 25, 1940, interpreted and construed the Communications Act of 1934, as amended as conferring no such power or authority upon the Commission as that which it is charged the Commission has attempted to exercise in its said rules and regulations of May 2, 1941, as aforesaid, and in so doing stated:

> "But the Act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management, or of policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel."

Now, therefore, be it

Resolved, That the Committee on Interstate Commerce of the Senate, or a subcommittee thereof, be, and it hereby is, authorized and requested to undertake a study (1) of said rules and regulations; (2) of the probable effects thereof upon the broadcast system of the United States and in particular upon the network organizations and licensees affiliated with said organizations or independent thereof; (3) of the probable effects thereof upon the quality of programs broadcast to the American public; (4) of whether said rules and regulations attempt to confer or do confer upon the Commission supervisory control of the programs, business management, or policies of network organizations and of broadcast licensees; (5) of whether said rules and regulations if enforced will adversely affect the broadcast structure of the United States and the service rendered thereby to the people thereof; (6) of whether they constitute a threat to the freedom of speech by radio in the United States; (7) of whether they will contribute to Government ownership and operation of broadcast stations or to regulation of them as common carriers; (8) of whether said rules and regulations are in their effect an effort to define monopoly or monopolistic practices and to assert the power of the Commission to find a licensee guilty thereof and to deny a license to an applicant because of such finding; (9) of any problem of radio broadcasting which said committee finds is raised or is affected by said rules and regulations and of the principles and policies which should be declared and made effective in legislation for the regulation of the radio industry, of broadcasting and of interstate and foreign communication by radio and which should guide and control the Commission in the administration of said Communications Act of 1934, as amended; (10) and finally to consider whether said Commission is authorized by present law to promulgate and enforce the rules and regulations adopted by it as aforesaid; be it further

Resolved, That all testimony, exhibits, briefs, arguments, and reports or photostatic copies thereof, submitted by or to the Commission in connection with said proceeding Docket Numbered 5060 be transferred to and filed with said committee of the Senate for its study and consideration; be it further

Resolved, That the committee shall report to the Senate as soon as practicable its findings and its recommendations concerning the matters which it is hereby requested to study; and be it further

Resolved, That said Commission be, and it hereby is, requested to postpone the effective date of said rules and regulations until said Interstate Commerce Committee shall have made its report to the Senate in pursuance of this resolution and for sixty days thereafter.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings; to sit and act at such times and places, either in the District of Columbia or elsewhere, during the sessions, recesses, and adjourned periods of the Senate, in the Seventy-seventh Congress; to employ such experts, and clerical, stenographic, and other assistants; to require by subpena or otherwise the attendance of such witnesses and the production and impounding of such books, papers, and documents; to administer such oaths; and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

The Convention

A ringing denunciation of the FCC's new network rules and unanimous approval of a plan to continue BMI were

(Continued on page 438)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

THE CONVENTION

(Continued from page 437)

the highlights of the largest and most enthusiastic convention in the NAB's history, held May 12-15 in St. Louis.

By unanimous vote, the convention endorsed a resolution introduced by Senator White (R-Maine), calling for a Senate investigation of the effect of the new network rules and asking the FCC to postpone their effective date pending the investigation. (*The text of the White resolution will be found on page 437*).

This vote was taken at a business session following a talk by Mark Ethridge, WHAS, Louisville, Ky., in which he said that the FCC's network order was "founded on a basis of bad temper, impatience and vindictiveness." Mr. Ethridge announced that he was giving up his presidential commission to review "the status and needs of the industry" and urged the delegates to support Senator White's measure. (The text of Mr. Etheridge's talk can be found *on Page 444. Printed copies are available at the NAB*).

Endorsement of BMI followed the signing of a new contract between ASCAP and the Mutual Broadcasting System, a factual analysis of which appeared on Page 409 of the NAB Reports. Stations WOR, WGN and KHJ, Mutual key stations, and WFBR withdrew from the NAB on the ground that the NAB had taken sides in intra-industry disputes in both the music copyright and "monopoly" matters.

The convention was by far the largest in the NAB's history. More than 1,000 registered, while several hundred others were present.

Following is a day-by-day account of the convention:

Monday, May 12

The NAB Board, 24 to 1, approved Neville Miller's correspondence with officials of the Mutual Broadcasting System regarding NAB policy on the "monopoly report" and in the music copyright situation. The board then voted, 24 to 0, to extend Mr. Miller's term of office to July 1, 1944.

Tuesday, May 13

A panel discussion on "national defense" started the convention fireworks. Participants were Major General Robert C. Richardson, public relations director, U. S. army; Commander H. R. Thurber, public relations officer, N. S. navy; director, Office of Government Reports, and James Lawrence Fly, FCC chairman. Mr. Mellett spoke off the record; General Richardson's talk is printed on Page 448; Commander Thurber's talk is printed on Page 450; Mr. Fly's talk is printed on Page 442.

Mr. Fly dealt at some length with the network rules, charging at one point that "monopolistically controlled sources in the industry . . . to divert attention from the fact of monopolistic control in their hands, conjure up insistently the bogeyman of government operation."

At the close of Mr. Fly's talk, Neville Miller asked:

"May it not also be said that those who favor government operation conjure up the bogeyman of monopoly, to divert attention?"

That evening, informed of the withdrawal from the NAB of the three Mutual key stations, Mr. Miller said:

> We naturally regret the withdrawal of any members from the NAB. However, we believe that the issues subtly concealed in the Monopoly Report represent a direct challenge to the freedom of radio, and, if not opposed, would be the first of a series of events leading to the destruction of not only the freedom of radio but also the freedom of the press and the freedom of speech.
>
> We would be derelict in our duty not only to our members but also to the public if we sat idly by merely to maintain our membership. We intend to protect the freedom of radio in opposing all attacks upon it, including those contained in the Monopoly Report. In so doing we believe that we represent the views of an overwhelming majority of our industry and of the public.

Vice-President Henry A. Wallace addressed the Tuesday luncheon session by remote control from Washington. His speech, dealing with how radio could best serve in National Defense, is printed on Page 446.

At its annual convention Tuesday, attended by representatives of approximately 250 independently owned network-affiliated stations, IRNA adopted a resolution expressing strong disapproval of the new regulations promulgated by the FCC to regulate network broadcasting.

The resolution reads:

> "Resolved, that in the opinion of the members of Independent Radio Network Affiliates, Inc., here assembled, the FCC regulations on network broadcasting issued May 2, 1941, will, if carried out in their present form, seriously impair the ability of network affiliates as radio licensees to render the service which the public has been receiving and to which it is entitled, and which has been proclaimed as the finest broadcast service in the world."

The convention also endorsed the resolution introduced this morning in the United State Senate by Senator Wallace H. White, Jr., of Maine, requesting a suspension of the new network regulations and an investigation looking toward the drafting of a new radio law.

John A. Kennedy, West Virginia Network; I. R. Lounsberry, WGR-WKBW, Buffalo; Paul W. Morency, WTIC, Hartford; C. W. Myers, KOIN-KALE, Portland, Oreg.; and W. J. Scripps, WWJ, Detroit, unanimously were reelected for three-year terms as IRNA directors.

The IRNA board was authorized by the membership to take such action as in its judgment will be effective in carrying out the spirit of the resolution on the monopoly report.

Later, at the organization meeting of the Board of Directors of IRNA, the resignations of Samuel Rosenbaum as Chairman and Paul W. Morency as Vice Chairman, were rejected by the Board, and they were requested and agreed to continue to serve until the next meeting of the Board to be held at the call of the chair.

The Board adopted the following resolution: "The Officers are directed to prepare and submit a plan for approval by the Board and for IRNA to support such offers as will be organized by any and all agencies in the industry to endorse the White Senate resolution and endeavor to obtain its passage."

The Board also authorized the officers to submit a recommendation for the engagement of a paid representative to conduct negotiations with the networks in further offers to obtain adoption of the changes in network operating practices recommended by IRNA for the past three years.

Wednesday, May 14

At the morning session of Wednesday, Neville Miller introduced for the presentation of BMI's picture, the following speakers: Merritt E. Tompkins, Vice President and General Manager, Carl Haverlin, Director of Station Relations, Sydney M. Kaye, Vice President and General Counsel.

Mr. Tompkins gave an account of the physical operations of BMI. He pointed out that BMI had within one year built up an organization which employed 323 persons. Mr. Tompkins said: "BMI under contract has acquired for its licensees performance rights in the catalogues of 111 affiliated music publishers. . . . I have not broken down the exact number of titles involved, but a conservative estimate would place the grand total in excess of 400,000 different compositions. . . ." He read to the meeting letters from music publishers expressing their gratitude to BMI for enabling them to popularize their music which had hitherto been barred because of the ASCAP monopoly. Said Mr. Tompkins: "Since our inception, commercial phonograph record companies have sold in excess of four millions of records of BMI copyrighted titles. Add to this an additional six million records of the music of our affiliated publishers, and we have a grand total of in excess of ten million phonograph records sold." Mr. Tompkins further said: "From October 1, 1940 to April 30, 1941, we averaged in sales 52,250 copies weekly. For the first quarter of 1941, we have averaged 74,600 copies a week. I contend that this in an all time high record of sales from the catalogue of one publisher."

Carl Haverlin reported to the convention that during the first license period of BMI, radio stations had bought 73,692 shares of stock, which, with the BMI license fees, brought total revenue to BMI of $1,849,050.

"It is significant," Haverlin declared, "that, quite to the contrary of ASCAP's statement that BMI is controlled by the networks, only 18½% of BMI stock was bought by the networks and 82% of BMI stock was purchased by independent radio stations."

The BMI renewal period which commenced April 1st of this year, he added, saw an increase in the number of stations subscribing to BMI. Over 654 stations have this year agreed to pay BMI for their license fees $1,973,500.

Haverlin pointed out that BMI was created during a series of district meetings of the National Association of Broadcasters in the winter of 1939 and spring of 1940, and that every promise made by the organization to the radio stations had, according to these stations, been completely fulfilled.

BMI took as its premises that there is a direct relation between radio performances of popular music and its popularity and sale, he explained, and that it was perfectly feasible by exploring hitherto untapped fields to bring to the public a fresh source of music supply. Special emphasis was laid by the BMI station relations director on the solidity of the industry during BMI's first and second license period, particularly among the lower income radio stations. Of this group, numbering over 400, with incomes below $50,000 per annum, 67%, or 270 stations, are BMI stockholders. It is interesting to note, he concluded, that this BMI group of 270 exceeds one-third of all the commercial stations in the United States.

Sydney M. Kaye, Vice President and General Counsel of BMI, pointed out that not only had broadcasting maintained its full advertising revenues but that listener interest in popular as well as concert music programs had, according to recent surveys, actually increased from January, February and March of 1940 to January, February and March of 1941, a period during which BMI music was exclusively on the air. Mr. Kaye pointed out that it had been conclusively established that radio performances, contrary to ASCAP's previous statements, did not hurt music sales but helped them. Said Kaye, "We have not only paid our composers well, but we have paid them honestly and on a scientific basis in exact proportion to the use which radio has made of their works. This has never been done before in this country, and BMI is proud of it." Mr. Kaye said, "The importance of radio as a medium for the exploitation of music carries with it the social responsibility not to leave that field in the hands of ASCAP, an organized monopoly. It is a fallacy to say, as ASCAP has repeatedly said, that it is none of radio's business where its money goes or how it is divided among writers. The only way to encourage creation of music is to pay for it, and the only way to do that is to see that the money which radio pays for music gets into the hands of the people who create it."

Mr. Kaye pointed out that BMI, during its first year of activity, during which it had acquired offices, fixtures, furniture, catalogues and other permanent assets, had spent $1,800,000, or less than ASCAP spends annually on the mere administrative duty of collecting license fees and paying them out again. He pointed out that BMI's income from license fees for its second year was in excess of $2,000,000.

"It is perfectly obvious," he said, "that we can do the same job for less money during the second year than we did it during the first year. We do not have the same capital investments to make or the same emergency situation to face on time limit. BMI will be able to continue an undiminished service to you at a substantial decrease in the rates you pay. The reductions of 33⅓% which can be made in your present contract will mean that our rates will commence from 1% and will range up to 1⅔%, dependent upon station revenue. This means that BMI can do its full job for the coming year at approximately $1,400,000, a rebate to the broadcasting industry of approximately $600,000."

Mr. Kaye also reported on the per program basis of payment which, unlike ASCAP's, involves no guaranties. Per program rates for BMI music range from 3% to 5½% on commercial programs which use BMI music and from ½% to 1% on sustaining programs.

"I am almost afraid to mention these rates to you for fear that someone will think we are depreciating the value of our catalogue or thinking of cheapening our service, but that is what can be done when there is no exaggerated overhead, and no desire to fix prices on anything but a competitive and economic basis, doing full justice to authorship."

Mr. Kaye pointed out the necessity of maintaining BMI as a competitive factor in the music business. He said, "Some people recently have treated the ASCAP tiger as though it were a pussy cat. I am not fooled. The tiger is purring only because it pays it to purr. If we ever lay down BMI as a weapon, we will soon find that the tiger still has its claws." The competition which BMI has created must be permanently maintained."

Discussion was followed by the unanimous adoption of the following resolution:

Whereas Broadcast Music, Inc. has not only attained but has exceeded by far the expectations of the broadcasting industry in creating an alternative source of music; and

Whereas by so doing BMI has opened the door of opportunity to composers and publishers, has prevented the monopolistic control of radio by ASCAP as a means of music exploitation and has brought about the attendant benefits of competition, not only for the broadcasting industry but for all music users, and for the public at large; and

Whereas the industry recognizes a continuing obligation to maintain the open door in music;

Now, Therefore, Be it Resolved that this Convention wholeheartedly endorses the ideals, accomplishments and purposes of BMI, and reaffirms its obligation to perpetuate BMI in the field of music as a service not only to its own industry but to composers, other music users, and to the public.

Neville Miller, president of the National Association of Broadcasters, issued the following statement in connection with the MBS contract with ASCAP:

The NAB cannot agree with the statement of Mutual stockholders that "the music war is over". The preponderant elements of the broadcasting industry, including many Mutual affiliates, have still not received terms satisfactory to them from ASCAP. Even more important, ASCAP has yet to offer a music licensing plan which complies with the terms of the Consent Decree which ASCAP signed in the action brought against it by the Government, and which becomes operative on June 1st. Until the problem is solved for broadcasters generally, not only with respect to network programs but also with respect to local programs, the NAB will continue to regard the music problem as a vital one. The music situation, as it affects the industry, will be the subject-matter of discussion at the Wednesday meeting of the NAB Convention.

Broadcast Music, Inc. issued the following statement:

There is nothing in the action of Mutual stockholders in ratifying an ASCAP contract for network service which in any way affects the future plans of BMI. BMI was, in fact, organized to bring competition into the field of music licensing. BMI will continue to render a full music service not only for the benefit of those stations who are relying chiefly upon its catalogues but also for the benefit of those of its licensees who have ASCAP as well as BMI licenses. Over 95% of Mutual affiliates are BMI licensees. The character of the BMI music service has been demonstrated by the successful use which has been made of it during the last four months. During that period such hits as *I Hear a Rhapsody, There I Go, You Walk By, My Sister and I,* and many others have been taken to the public heart, and have proved that the younger writers of America are rich in talent. BMI's repertory now includes the publications of over a hundred publishers whose catalogues contain in excess of four hundred thousand compositions. BMI's perpetuation as a competitive factor in the field of music is assured, and its permanent support from Mutual stations, from stations on other networks, and from independent stations is established without question.

BMI also announced that all of the stockholders of the Mutual Broadcasting System had individually assured BMI of their continued support. This includes, of course, WOR, New York, WGN, Chicago, the Don Lee network of California, the United Broadcasting Company of Cleveland, the Yankee Network, and WKRC, Cincinnati. BMI executives expressed their gratification at the unanimous support that they had received at the Convention and at the obvious evidences that had been given of the enthusiasm and loyalty of the industry. "We are stronger than ever before," said Sydney Kaye, executive vice president.

Wednesday Luncheon

With Chairman Fly at the speakers' table, Mark Ethridge made his talk at the Wednesday luncheon. After adjournment of the luncheon had been announced, Neville Miller was informed that Mr. Fly had desired to reply to Mr. Ethridge. Mr. Miller immediately spoke to Mr. Fly and offered to arrange for Mr. Fly to speak then or any time Wednesday afternoon or any time Thursday. Mr. Fly declined to accept the invitation. Later Wednesday afternoon, a committee of Directors called on Mr. Fly and asked him if he wished to talk at the Thursday luncheon session. Mr. Fly said de did not. Nevertheless, Mr. Fly indicated to newspaper reporters that he had not been given a fair opportunity to reply to Mr. Ethridge and compared the "management" of the Ethridge speech and the consequent unanimous endorsement of the White resolution to "a dead mackerel in the moonlight" which "both shines and stinks."

Wednesday Afternoon

Recording standards and daylight saving were discussed at the afternoon session. That evening, other-than-standard-band broadcasting was discussed at a public meeting.

C. J. Burnside of the Westinghouse Electric and Manufacturing Company presided at the meeting and talked about developments in general. The other speakers were:

Facsimile Broadcasting—Jack DeWitt, Jr., WSM.
Frequency Modulation Broadcasting—Major Edwin H. Armstrong.
Television Broadcasting—A. H. Morton—National Broadcasting Company.
International Shortwave Broadcasting—Antonio C. Gonzales, Assistant Director, Latin American Relations, CBS.

Thursday, May 15

At the business session of the Convention Thursday morning the following limitations on the length of commercial copy in 5, 10 and 25-minute programs were unanimously adopted, effective immediately:

Daytime

Five-minute programs	2:00
Five-minute news programs	1:45
Ten-minute programs	2:30
Twenty-five minute programs	4:15

Nighttime

Five-minute programs	1:45
Five-minute news programs	1:30
Ten-minute programs	2:00
Twenty-five minute programs	2:45

As to Five-minute News Programs, both daytime and nighttime, further restriction by individual stations was recommended.

Revision of the Commercial Section of the Code Manual to incorporate this amendment is in the printers' hands and will be mailed stations shortly.

Colonel Willard Chevalier, publisher of *Business Week,* was the guest speaker of the session.

At lunch Thursday, Neville Miller made the following statement:

Just to keep the record straight, I wish to say that Chairman Fly has been offered every opportunity to reply to Mr. Mark Ethridge before a full meeting of the NAB, and in addition was invited to be our guest speaker at luncheon today. All of these invitations he has declined.

When plans for this convention were made, we were agreed that it was to have one dominating objective. That objective was to arrive at decisions on how we could be of the utmost help in the problem of National Defense. That problem, all of us still agree, is still the vital problem facing America today.

But between the laying of those plans and our arrival here, something happened. By a majority vote of 5 to 2 the Federal Communications Commission chose that time to let loose against us through the press, charges of monopoly, and regulations so drastic as to change the very structure on which the American system of radio is built.

We must confess that when we arrived here for the opening sessions of this convention we were apprehensive. In our talks with each other we have been full of grave worry. We left home with a strong desire to do everything in our power to help our country at this critical time to mobilize for national defense. We arrived filled with fear that the very freedom of radio was being endangered.

As individuals and in groups we, more than a thousand loyal American citizens from all parts of this land, have been attempting to appraise this situation, because we know that we must make a decision. We have not wanted to be hurried by groups outside of our industry. We believe in the democratic processes by which free people make up their minds.

No one could have been in this room yesterday and listened to Mark Ethridge's straightforward talk without realizing that we have made up our minds.

We believe that government regulation is now in danger of becoming punitive and arbitrary government control.

We believe that the people of America expect us to act when we think the freedom of radio is threatened, and we believe that we would be traitors to their trust if we did not do so.

We therefore propose to act.

Yesterday, by unanimous vote, the convention adopted a resolution urging the U. S. Senate to give prompt and favorable consideration to a resolution introduced by Senator Wallace White, of Maine, which would result in a thorough investigation of the whole radio structure with a view to the enactment of a new radio law, and requesting the FCC to suspend operation of the new networks rules pending the Senate investigation. I am asking the Board of Directors to appoint a committee representative of all of us for that purpose. It will be the function of that committee to report to us, as soon as they are able, just what program of action they recommend.

I know that I would not be fair to the feeling of all of us if I did not say that this is not to be considered a "fight" between "Government" and "Radio". It is to be the implementing of our determination to tell the people of America how and why, in our opinion, their wishes are being betrayed. We are loyal citizens and supporters of our Government.

The people of this country are our customers, as we are their Trustees. When we get out of step with what American People want, American Radio is through.

We cannot believe that we are as far out of step as some would have us believe we are.

Ralph R. Brunton, KJBS, and Edgar Bill, WMBD, talked about industry-labor problems at the luncheon.

Cleveland, New Orleans and New York were given preference for next year's convention at the afternoon session. The report of the resolutions committee, unanimously adopted, appears on Page 451. The convention also adopted separately a resolution thanking Mr. Fly for attending the convention.

Mr. Miller closed the convention with the following statement:

Following a full discussion by the Board of Directors yesterday, of the tremendous job which lies ahead for radio in the national defense, I have been asked to appoint a Radio National Defense Committee. This I shall do.

The Committee, which will be representative of the industry and of all sections of the country, will be called to meet in Washington in the immediate future to confer with officials of War, Navy and State Departments and other governmental and civilian agencies engaged in the promotion of the country's defense. Through this committee the industry will be enabled to further coordinate radio's vast national defense programming by stations and networks.

The radio industry has already manifested its patriotic devotion to the national security. It is prepared to extend this in every direction. We deeply appreciate the expressions of confidence which came from General Robert C. Richardson, of the War Department, and from Commander H. R. Thurber, of the Navy Department. Like the Army and the Navy, American radio is ready, come what may!

Broadcasters of the United States are already rendering this nation an unparalleled service in National Defense.

Civil Service

Broadcasters are engaged in recruiting skilled workers for the United States Civil Service Commission—men to manufacture munitions, tanks, artillery, small arms, naval torpedoes, airplanes air fighting ships for the Navy. The first request for assistance to locate needed manpower came to NAB last July. The need then was for 100,000 skilled workers—men vitally needed but who could not be located through ordinary channels which had been used heretofore. The need for 100,000 men soon became 200,000; the 200,000 became 300,000 and as of the first of May, I am happy to state that the cooperating broadcasters have been able to deliver a total of 375,000 skilled workers to the Army and Navy alone, and the end is not yet in sight.

The Navy

Broadcasters are engaged in recruiting 10,000 flyers for the United States Navy. These men go to Jacksonville, Pensacola and

Corpus Christi for advanced flying instructions. Since the time a few months ago when broadcasters began making announcements for these men, the number of accepted student flyers has increased over 600% weekly. In fact, radio has been so productive of naval aviators that temporarily the announcement for Navy flyers has been suspended. In the meantime these same radio stations are recruiting aviation mechanics—the men to keep the planes mechanically fit for the 10,000 flyers.

Treasury Department

Broadcasters are engaged in assisting the Treasury Department in selling several billions of dollars worth of government securities—to finance the purchase of National Defense materials and equipment. In fact, radio is the backbone of this sales effort.

Flying Cadets

On next Tuesday broadcasters of the United States will be mailed a letter from Arthur Stringer of the NAB staff which will solicit their cooperation in recruiting 30,000 flying cadets for the Army.

This is a tremendous task. Army statisticians estimate that 120,000 eligibles will have to be examined to produce the needed 30,000 flyers.

Broadcasters Help Raise $30,000,000

Broadcasters have assisted in raising nearly $30,000,000 for the relief of sufferers in war-torn Europe and elsewhere throughout the world.

Civilian and Soldier Morale

Broadcasters have given and are giving their facilities to maintain the morale of the citizen army, the men in the United States Navy and the morale of civilians.

Selective Service

Not many months ago radio took the story of Selective Service to the country. Hundreds of programs were broadcast in every state.

Alien Registration

Alien Registration, under the direction of the Department of Justice, would never have been so successful without the help of broadcasters everywhere.

Two Current Campaigns for Funds

Two current campaigns, both receiving the support of the broadcasting industry, are those of the United Service Organizations and United China Relief.

"USO" is composed of the Young Men's Christian Association, the National Catholic Community Service, the Young Women's Christian Association, the Jewish Welfare Board and the National Travelers Aid Association. Their goal is almost 11,000,000 dollars for recreational facilities in over 339 locations adjacent to camps, naval stations and defense centers throughout the United States and its overseas bases.

Five million dollars are to be raised for relief and rehabilitation of the Chinese.

These are but a few of the highlights of the National Defense services in which broadcasters are engaged.

Friday, May 16

The Board of Directors, after its Friday meeting, issued the following statement today in response to an attack on the Association which was released on Thursday by Chairman Fly of the Federal Communications Commission. The Chairman made his attack after he had declined repeated invitations to address the NAB convention in reply to an address critical of Mr. Fly's administration of the FCC which had been delivered by Mark Ethridge of Louisville, Kentucky. Mr. Ethridge, in his address, announced that he was dropping a survey of the radio industry which he had been requested to undertake by President Roosevelt, explaining that in his judgment his work had been rendered ineffective by the action of the Commission's majority in suddenly issuing regulations violently altering the structure of the American System of Broadcasting before Mr. Ethridge could complete his work and make recommendations. Mr. Fly was repeatedly invited to address a later session of the convention in reply to Mr. Ethridge, but refused to do so:

> "The broadcasters have contended that regulation under the present Chairman of the FCC, Mr. Fly, has been punitive, capricious, biased and destructive.
>
> "Mr. Fly's violent statement of yesterday was the strongest substantiation of the truth of what we have been saying. We leave to the public the judgment of whether the state of mind exhibited by Mr. Fly qualifies him to be Chairman of a government commission calling for judicial impartiality."

Mr. Fly replied from Washington with the following statement:

> It is of no great concern to our democracy whether any one particular man or group of men shall occupy public office. It is of real concern to the Nation, however, that official positions be held by men of sufficient strength of character to do their duty in the face of the strongest pressures which can be turned upon them.

Chairman Fly

National defense in its narrowest aspect means purely the defense of our country against actual invasion. In its broadest aspect it includes everything which contributes towards our national existence and preservation of our American way of life. I want to talk briefly about the role of radio broadcasting in national defense construed both narrowly and broadly.

The problems of communications in the event of actual military peril are, as you know, being studied by the Defense Communications Board. Its chief focus is on communications, though it is incidentally concerned also with some technical and physical aspects of broadcasting. The Board is purely and simply a planning body. Its plans are designed to abolish the danger which lurks in "unforeseen contingencies" by applying foresight.

An example will show what I mean. In the event of an actual threat of invasion, some American broadcasting stations become potential beacons for enemy aircraft equipped with suitable direction-finding apparatus. Simultaneously these stations may be needed to perform a basic role in giving air raid alarms. How to reconcile the dangers of broadcasting in an area of military operations with the need for broadcasting service in such an area is a problem which requires our best technical skill and ingenuity.

If such plans lie idle forever—and I trust the occasion for their use will never arise—no harm is done. But if the occasion should arise, the plans will be ready.

Down in the Tennessee Valley where I served in the T. V. A. for several years, the engineers were concerned with a not dissimilar problem. They laid detailed plans for protecting the valley in the event of what they called a "hundred-year flood". A hundred-year flood is not something which occurs every hundred years; it's something which might occur once in a hundred years. Nevertheless, plans must be readied to meet the contingency. The Defense Communications Board's plans are of a similar nature. In preparing them, I know that we can continue to count on the full cooperation of the broadcasting industry for information and for the technical skill required in solving such of the complex problems as relate to broadcasting. Defense in communications as you know is of much greater scope than broadcasting.

I would turn now to the broader aspects of broadcasting itself in national defense. I assume that this is the appropriate place to reiterate what I said at your San Francisco Convention and, indeed, in many expressions and statements to the industry since that time. It seems strange that there should be any necessity to repeat this thought, and I do it only in view of certain dire forebodings which have come recently from monopolistically controlled sources in the industry. These men, to divert attention from the fact of monopolistic control in their hands, conjure up insistently the bogeyman of government operations. I can categorically state again that there is no present foreseeable emergency which would result in the government's taking over the broadcasting industry. Th Federal Communications Commission has no desire and no plans to take over the nation's broadcasting system. Neither has the Defense Communications Board. Neither, so far as I know, has any other government agency.

We of the Federal Communications Commission are fully determined that control over broadcasting shall not gravitate into Governmental hands, even in the most critical foreseeable emergency. But we are equally determined that such control shall at no time gravitate into the hands of two or three private groups. That, it seems to me, is one mainspring of the Commission's Report on Chain Broadcasting handed down two weeks ago. I cannot make the point clearer than by quoting a passage from the report, a passage which was also quoted in the Commission's accompanying press statement, but which I think worth repeating because I do not recall having often seen it in the press or heard it on the radio. What we said was this:

> "The United States has rejected governmental ownership of broadcasting stations, believing that the power inherent in control over broadcasting is too great and too dangerous to the maintenance of free institutions to permit its exercise by one body, even though elected by or responsible to the whole people. But in avoiding the concentration of power over radio broadcasting in the hands of government, we must not fall into an even more dangerous pitfall: the concentration of that power in the hands of self-perpetuating management groups."

And we also said:

> "Decentralization of this power is the best protection against its abuse."

In a very real sense, you who own and operate our radio stations have been engaged in the national defense since the first radio program went out from the transmitter of the first broadcasting station. Your news programs contribute to the national defense since the first radio program went out from the transmitter of the first broadcasting station. Your news programs contribute to the national defense directly and immediately by giving each citizen an honest picture of the state of the nation and of the world. Your forum and discussion programs, insofar as they are well-rounded, similarly contribute by giving listeners access to the pros and cons of current issues, thus enabling them to decide wisely those issues which in a democracy they and their fellows must decide for themselves. Even the lightest variety program, if it is well and sensitively produced, contributes in a measure by making us a stable and emotionally well-balanced nation.

But if control over our whole broadcasting system, or over the most important units in it, it is to be concentrated in the hands of a couple of private management groups, the situation is very different. In that event an error in judgment or in policy can have a most disastrous result for the nation as a whole. Suppose, for example, that groups exercising a tremendous degree of control over 97 per cent of the nation's total nighttime broadcasting power should decide that the public interest required the suppression of statements by the Republican Party, or the Democratic Party, or any other party. Here more is at stake than misuse of broadcasting facilities. The very survival of our free democratic institutions—which is what national defense in its broadest aspect means—is at stake.

I could hardly render a greater service to the broadcasters of America: than to commend for their consideration the language of the Association's President, Mr. Neville Miller, in his statement of yesterday. Mr. Miller applauded the statement by the President of the United States that we should keep radio free, and urged that we be guided by that thought (and I quote) "to the end that freedom of radio might continue to exist unimpaired and that Democracy in America as we know it may be preserved." Mr. Miller continued, "I believe that there are those in radio who have experience and the ability and the patriotism to guide this industry, and that radio as a privately operated competitive business will render a greater service than under Government control." These are the same thoughts which I have expressed to you today and which I have repeatedly emphasized to the industry and in public statements throughout my term in office.

Perhaps we might render a more complete and well-rounded service, however, by noting a few lines in the President's letter immediately following the quotation stressed by Mr. Miller. There our great President frankly recognized the following problem: "how to keep radio free as part of our purpose to keep all channels of public information free. This includes, naturally, how to prevent monopoly of radio operation or ownership."

One way of preventing such a catastrophe is to lodge in the FCC or some other government agency day-to-day supervision over the fairness and impartiality of stations and networks. The Commission unanimously rejects such proposals. We are as opposed to concentration of power in the hands of government as we are opposed to concentration in the hands of a few networks. We believe that the way to avoid abuse of the power is to decentralize it—to return it, in short, to you gentlemen, the individual licensees. That is where under the law the power and the duty lie. Let me quote again from our report on chain broadcasting:

> "It is the station, not the network, which is licensed to serve the public interest. . . . The licensee is obliged to reserve to himself the final decision as to what programs will best serve the public interest."

I have called the Commission's chain broadcasting order a "Magna Charta of American broadcasting stations." I should like to go even further, and call it the keystone of a free broadcasting system. The Commission is implementing the Congressional decision that control over broadcasting should rest with the hundreds of station licensees, subject only to the public interest provisions of the Communications Act. It is your unfettered judgment which must prevail if the American broadcasting system is to be set free and kept free. Such freedom, I need not remind you, is essential to America's national defense in the broadcast sense.

As Chairman of the Commission during these critical times I shall consider that, as a part of the job of defense planning, one of my primary tasks will be to keep American broadcasters free from domination by any private corporation or combination of corporations. As I said to you in San Francisco, your freedom is essential to the maintenance of our democratic institutions.

As to the ways in which your handling of programs on a purely voluntary basis may best forward the defense needs of the Government departments, I am happy to defer to my distinguished associates here today, Mr. Lowell Mellett, General Richardson and Commander Thurber.

Ethridge Speech

What I have to say is the hardest thing I ever had to say, and the only justification for saying it is that it is the truth, as I see it.

I want to acknowledge in the beginning that for the first time in my life I agree with the *Chicago Tribune*. Mr. MacFarlane, its business manager, was kind enough recently to disavow an "unnamed individual, acting as self-constituted mentor and representative of the industry", whom I took to be myself—although I wish people would call my name when they are talking about me—as speaking for him. God forbid that I should ever be able to speak for the *Chicago Tribune!* Nor am I speaking for the radio industry today. I have resigned every connection I ever had with this association, even to the mission which the president asked me to undertake. I speak for myself, and myself alone, and I hope that if there be those with Gestapo minds who know and like Gestapo methods, they will not visit their punishment upon you because of bias against me, or in retribution for what I have to say here.

I want to make one thing more clear. Because I feel as I do today does not mean that I have renounced the New Deal. The New Deal to which I subscribed before this administration came into power, to which I shall subscribe after it is history, is a basic democracy that does not like undue concentrations of power in any hands, whether private of governmental. I have never been one of those to subscribe to the absurd notion that Mr. Roosevelt wanted to be a dictator. I have felt, and I do feel, that if we ever have any perversion of democracy in this country, it might be through a form of Praetorian guard, or French bureaucracy—that is, the fast boys moving in and seizing power to defeat the people in the exercise of their rights. I think that is perhaps an element in this situation, and as far as I am able, I intend to fight it to preserve the deep, basic purposes of the real New Deal.

I am not a radio man but I assumed certain obligations from time to time. One of them was the presidency of The National Association of Broadcasters. During my term, as short as it was, I began to study radio, to try to get a philosophy about it, and to try to understand what it was all about. I found, to my dismay, that nobody, including the government, had any philosophy about where radio was going or where it should go. I undertook, three years ago tomorrow night, to give something of the viewpoint of the broadcaster. One of the things I said was:

"What is their attitude toward regulation? The great majority with whom I have talked are willing to accept the thesis that the air belongs to the people and that they are licensed to use a natural resource. The mere acceptance of that thesis implies their recognition that we not only *do* have, but that we *should* have regulation as an industry. They recognize, moreover, that the Commission and Congress . . . are groping for a permanent policy. Most of the broadcasters with whom I have talked recognize the desirability of an permanent policy, providing it is shaped toward the end of taking the confusion and uncertainty out of the industry and out of its regulation. But they do want to come out of all these hearings and all this probing, a policy that is fair to them and fair to the public, and a method of regulation that is intelligent."

That is still, I may say, what the broadcasting industry wants and that is what I have been working for for these three years. I felt a particular obligation to try to do something about it for two reasons: One was that the president had said upon one occasion that he would want my suggestions when the time came to consider a new law; and the other was that I had been concerned a long time about the trend radio regulation was taking.

I came to feel strongly some time ago that the Federal Communications law belonged to the "horse and buggy days". The President himself said, in a letter of January 24, 1939, to the chairman of the Senate and House Interstate Commerce Committees:

> "Although considerable progress has been made as a result of efforts to reorganize the work of the Federal Communications Commission under existing law, I am thoroughly dissatisfied with the present legal framework and administrative machinery of the Commission. I have come to the definite conclusion that the new legislation is necessary to effectuate a satisfactory reorganization of the Commission.
>
> "New Legislation is also needed to lay down clearer congressional policies on the substantive side—so clear that the new administrative body will have no difficulty in interpreting or administrating them."

I have never abandoned that idea for a moment. In fact, since Mr. Fly took office, I have felt all the more strongly about it. I have felt, along with the radio industry, I believe, that we have been the victims of an outworn law and of bad administration. I have felt that the Commission has gone beyond any powers conferred in the law and that it has been prejudiced and frequently punitive. I have felt, moreover, that the Commission has not reflected upon the whole either the attitude or the desires of the administration. I felt, moreover, that the Commission was the victim of tremendous, and frequently improper, pressures, for which everybody was responsible.

I took occasion to say to responsible people that both the Commission and the industry had reached an almost psychopathic state—the Commission because a majority of its members displayed something that was at least close to a phychosis against certain people and elements in the industry, and those of us in the industry because of the harassments and uncertainties. The Commission could not be expected, out of that atmosphere, nor has it ever been able, in my knowledge, to formulate a policy defining what place radio was to have in the social and economic structure of the country.

What I proposed was a study of an impartial mind, trusted by the president, to determine and report to him, (1) What type of law would best serve public interest; (2) what changes in the law would make for clarification for the administrators, and stability, certainty and freedom from harassments for the industry, and (3) how to clarify a situation and bring an industry that has always been regulated, expects to be regulated, and needs to be regulated, to a better understanding of its own future and to a better atmosphere.

I urged the study as desirable for several reasons. The Commission had made an attack on every front in radio—an attack of such breadth and vigor that there was on the part of almost every person I knew the feeling that something deep and underlying was going on. The independent stations, while not being shot at, certainly realized that whatever pattern emerged would apply to them. The networks were of course disturbed and their affiliates—about

500 serfs under Mr. Fly's conception, as expressed yesterday—were certainly not happy. These matters were up in the air: Frequency modulation, television, newspaper ownership, multiple ownership, network structures, network-station relationships, network managed and owned stations, exclusivity, clear channels and high power. There were not enough brain cells for each to take up an individual worry.

I felt that no sane operator of stations affected by questions pending before the commission would make a move; in short, that the industry was stifled. I felt it was tragic that an industry which depends so much for its development upon creative imagination should have to devote so much of its mental faculty to worrying about where the next flow from the Commission was coming from. More than that, I had a much deeper reason for not wanting to see a fight precipitated between the administration and the radio industry.

We are engaged in a war besides which the adjustment of the 19-year-old structure of radio is trivial. I am aware of the argument of Washington bureaucrats that they are always being told that "now is not the time to touch us." But it happened to be simple truth in this case.

Here is an industry that was born of regulation. The government was its midwife; it has certified, in granting licenses, to the legal, moral and financial responsibility of everybody who runs radio stations. It has set up every situation that exists in the country. If there be monopolies, the government made them, frequently by granting licenses to favorites. If there are restraints of trade in contracts, the government has been aware of them for years. It is not a case in which the government must suddenly step in to correct abuses which are victimizing the public. This is a case in which the 800 licensees have been suddenly told, in a burst of piety by the government, that they were in effect operating illegally. Told that after 19 years! Told that at a time when radio was doing perhaps the best job of any medium in bringing to the people the realization of what all of us face in international peril.

Simple truths are sometimes more unpleasant because they are simple. I said, and I repeat now, that it was no time drastically to alter the radio structure of this country in pursuance of will-o'-the-wisp theories. The most important job for all of us is to beat Hitler, and next to the military forces, there is no instrument more important in doing that than radio. I firmly believe the President was deceived as to the extent of radio's ills and almost betrayed in not being told the divisive possibilities of the sort of fight which was being invited. If that fight comes, he must blame the majority of the Commission which insisted upon it.

I did not want to see the fight. I felt it was tragic. When the President asked me to make a study and assured me that Mr. Fly would welcome it, I was glad to undertake it. (It turns out, of course, that Mr. Fly did not welcome it.) But I did undertake it in good faith, not with the idea of saving anybody's skin, but of making honest and objective recommendations. I carried on conversations with a great number of people in the industry and invited memoranda from a number of them, including the attorney for Mutual, from whom I have received nothing so far. I soon discovered that there were no insoluble problems; indeed, no problems that could not be worked out to the advantage of both the industry and the government if good faith were demonstrated on both sides.

I felt that the first gesture of good faith should come from the government, because, to my chagrin and disillusionment, I discovered that so many gestures of bad faith had come from the government. I do subscribe deeply to the idea that the air belongs to the people and that the government is merely the trustee for the people in issuing licenses. If that be true, there is one test, and one test only, that should be made to determine who shall have them: who can best use them in the public interest. But nobody would pretend that that test has always been applied. All too frequently, licenses have been issued upon a basis of what appeared at least, to be, political pull.

I know of three instances in which the Commission laid down principles, or had the determination of principles under consideration, and violated them by almost immediate action in favor of people who were not unfriendly to the administration. I believe so strongly in democratic government that I am old-fashioned enough to insist that it should set higher standards than the people it regulates.

I have never defended the status quo in radio and I do not intend to do so. I am perfectly willing to admit there are situations that call for change; indeed, I have said so inside and outside the industry. Nobody could ever say that I have advocated a "hold-fast-to-what-you-have policy." But I must say in all honesty that I have found that the radio operator is willing to take his chances with the most stringent sort of government regulation if he is assured of two things: (1) That the regulation is honest and intelligent; (2) that he has assurance that what is done is not done to produce chaos, to further an eventual taking over by the government, but is done in pursuance of sound policy.

Personally, I do not believe you will have that assurance until the President and Congress jointly enunciate a policy under which the Communications Commission shall regulate—a policy so clear that there can be no mistake in the minds of anybody. I should like to see a new Commission, perhaps of three men, so hedged about by safeguards that members of Congress or radio operators or anybody else who approached them to suggest dispositions of licenses, except in open hearings, would be put in jail. I should like to see full and fair hearings where substantial interests are involved, the right of review and the assurance that the vague standard of public interest is not to be used arbitrarily to express and enforce personal predilections. I should like to see the SEC, or the National Association of Broadcasters given the right to intervene in connection with applications, so that known exploiters of radio licenses could be fought. I should like to see that section of the act as to fairness of the air strengthened. I should like to see the industy itself assume a greater degree of self-regulation and make a more enlightened approach to public service programs.

I think it is true, as it has often been said, that public discussion is on a higher level in England than in this country. The level of public life, or the education of public men in England may be higher, but nevertheless I think radio in America on its own motion can be more creative and more imaginative than it is. That will come not by fiat, but by voluntary action and the stimulus of a friendly commission.

I have not touched the Monopoly Report so far. I have been represented as having so many attitudes on that that it may come as a shock to some people to know that I had a very simple position. In everything I said, I never once urged that the Monopoly report be suppressed. I urged that it be brought out, "the sooner the better," but that it not be issued with rules and regulations until the industry as a whole had been given an opportunity to study the rules and regulations against their practical operating experience. I saw nothing presumptuous or unfair about that; as a matter of fact, I thought not to do that was both unreasonable and unfair on the part of the Commission.

Before it was issued, the Monopoly report had only one importance to me, in the light of what I was attempting to do. That was a psychological factor. I felt that if the time had really come when the administration—and I mean the leaders in all branches of government concerned—was ready to formulate a policy on radio, then it was pointless to effectuate regulations that made drastic changes in a structure under study. I felt that it would be not only fair, but merely common sense, to go on and make the indictment and let all of us see what should be done about it.

I am not excited about whether the networks should have artists bureau or not. I am not excited about whether Columbia should give up some of its option time; I am not excited about whether the Red and Blue should be separated. I have no feeling against Mutual, although I believe if Colonel McCormick translated that rugged individualism he maniftsts in the newspaper field into radio, and spent some of his vast capital for development of Mutual, he might come out better than he will by having the government which he so much distrusts try to work matters out for him.

What I *am* excited about, however, is that the very way in which the report was issued raised a question of the good faith of an invitation to make the study. I know the President on his part issued the invitation in all good faith. But there has been a breach of faith, and I am perfectly certain that it can be pinned directly upon the Commission majority.

I am excited, too, about the disingenuous method by which the Commission seeks to accomplish its purposes. By directing the orders against the stations, rather than against the networks, the Commission gave frank recognition to the doubt of its powers to carry out its purposes, and in making the recognition resorted to sharp administrative practices. A more honest way would have been to seek the power from Congress.

I am excited, too, because the Commission, under cover of an alleged fear that some group would gain control of mass communication in this country—although there is every safeguard in law, in commission power and in American character against that—seeks to remake radically the system which it has set up itself—a system that, with all its faults, still has given the public the finest program service any people enjoys. I am excited about that because the Commission is transferring a latent power which has never been abused, but jealously safeguarded by the industry, to itself, where it may be abused.

The text of the new regulations demonstrates how dangerous it is for an administrative body clothed with the power of law to substitute its judgment for the experience gained over many years of trial and error by those who have built up a system of public service which is acknowledged to be the best the world provides. The Commission's order seems to take it for granted that the network affiliates are economic serfs whom it must take into protective custody to protect them from the so-called power of the networks. The fact is that every licensee who holds an affiliation contract with one of the networks has entered into it voluntarily, and prizes it as a valuable franchise, eagerly sought after.

Nobody can speak dogmatically about the effect of these regulations, but I believe that it is more than probable, that the Commission's regulations will induce a lowering, rather than an elevation of program standards. I believe, moreover, that they may have the effect of gutting small stations. It is perfectly true that the Commission has undertaken to provide against that, but the provision is in the form of a threat.

Regulation, to be successful, should be intelligent and deliberate. The new order, both from its text and from the tone of the utterances of its authors in public and in private is founded on a basis of bad temper, impatience and vindictiveness. It is intended to be punitive, not constructive. It will impair the very service which it is charged with protecting.

I feel strongly that the regulations are so impractical in their working out that the Commission will engage in a constant process of tinkering, which may be fun for the Commission but, I venture, hardly so amusing to the patient, or so beneficial to the public. To my mind the Commission has embarked upon a continuing process of adjustment that will lead us sooner or later to the easy solution of having the whole thing taken over. The Chairman of the Commission has denied that is his intent and of course he speaks in all good faith, but people who set houses on fire frequently have no intent to do so.

In fairness I must point out to you the chairman's statement of yesterday that he is willing to sit down with responsible representatives of the industry to discuss the implementation, the timing and the procedure in connection with the rules and regulations, I venture the personal comment that the offer is equivalent to asking you whether you want six or eight pallbearers and whether you want to be cremated or put under ground.

My sole purpose in accepting a commission to review the status and needs of America, radio was to lay a basis for discussion in which both the industry and government could participate and out of which a new orientation of radio law and practice could emerge. I had, I felt, made considerable progress toward securing from the industry suggestions for change which would not only cure situations complained of, but considerably advance the status of radio as an instrument of public thought and national service. But, that work has been destroyed not only by the test and tone of the Commission's order but by the evident determination of the Commission by precipitate action, to forestall the expression of views by any other agency.

However, the introduction of the White resolution in the Senate yesterday provides a broader and more public forum in which can take place the very discussion and deliberation which the industry and, I believe, the public regard as essential. I therefore have decided to stand aside as an individual and to recommend to the radio industry and to the public which has a vital interest to be served, that the White resolution be supported by every proper means. I urge that all groups, individuals and interests concerned with radio, and its development recommend the passage of the White resolution and thereafter participate in hearings. Only in such an orderly manner can the pattern of radio for the future be defined.

Vice President Wallace

In talking to the radio broadcasters, I wish first to express my high appreciation of all that you who work in radio have done. You have carried the love of good music to millions. To the lonely and sick you have brought messages of good will, and have made it possible for them to enjoy church services on Sunday. Today you are building good will in Latin America by means of a two-way radio bridge, carrying across the skyways programs which will better enable us to appreciate the culture and music of Latin America, while at the same time our good neighbors are learning through the radio to know us better. You are proving that the Latin culture of the south and the Anglo-Saxon culture of the north are fundamentally alike, because both are founded on belief in democracy and freedom. So many of the broadcasters have had an awareness of the public interest in many fields that it gives me an unusual pleasure to be here today to greet the National Association of Broadcasters.

The radio-listening audience demands of the broadcasters a great responsibility. They expect of you the wisdom, the decency, the good will and the enterprise which are the heritage of America. They appreciate the way in which you have kept them up to the minute in world events. But now, in this most critical year of the world, we who use the airways find our work hard and dangerous as never before because there is an organized effort by the agents of the Nazi government to confuse the minds of the American people and to promote ill will and dissension among us. In spite of this evil interference continually distorting the news and spreading lies and confusion, we have to go on steadily with the democratic process of free discussion as best we can. We must defend the spirit of America in our own words and actions against the poisonous influences that are attacking us day by day. Radio has an especially deep interest in the freedom of discussion which permeates the very spirit of democracy.

When, in the year 1791, our ancestors adopted the Bill of Rights, political democracy as we understand it was a new thing in the world. The foundations of political liberty had to be laid down in freedom of speech, freedom of the press, freedom of worship, and freedom of assembly. That foundation was well and truly laid. We have not yet achieved perfection in the building of our political democracy, but we have made progress, and we are determined to hold the gains we have made and not to slip back to the savage tyranny that the Nazis threaten to impose on all free men.

But political democracy was not enough to maintain the liberty and decency that we Americans hold as our ideal for human life. We found we must also have economic democracy, and we began to establish in law and custom the rights of economic freedom. Especially since the first World War, in the feverish prosperity and the shattering depression that followed, the need of economic democracy became more and more clear. After 1929, as the unemployment deepened, men were saying in every town in America: "What good is the vote without a job?"

We had to establish the right of every man in good health to have a job at fair wages, and the right of those who were aged or sick to have help, the right of youth to a fair chance for education and opportunity, and the right of all the people to proper food and medical care. Here also we have not achieved perfection, but we have made encouraging progress. We are determined to go on and build an economic democracy that is fit for a free people, and not to let the Nazis solve all our problems for us by reducing us to slavery.

But while we were building a political and economic democracy to protect our rights, we found we must go further and build into our customs and laws, and above all into our personal lives, a democracy of responsibility for the general welfare. The threat of war brings powerfully to our attention that we have duties no less than rights. And when the danger of war is past, if we are to succeed this time in establishing a true peace at home and abroad, we shall establish that true peace only by carrying on the full duties that are the strength and support of democracy.

We know now that the failure of peace after the first World War was partly the result of our own mistakes. We did our duty in the war and we won all that any war can give—the right to make the terms of the peace. But when we had won the right to make the peace we were tired of facing hard responsibilities; and peace is a hard responsibility, at home and abroad. So we quit. We decided to go in for isolation, to mind our own business and let the world go where it would. The world has gone there.

Now we have a second chance to take up the responsibilities of a great nation in a world that desperately needs our help. This time our responsibility is greater than it was twenty-five years ago. This war will decide whether the Nazi tyranny shall impose its new order on the world, or whether the free peoples have another chance. This time, when we are called upon to play our part with the other free nations, to build and year after year to maintain a fair and democratic peace, we dare not shirk our responsibility.

To us here, who are not workers in what is called defense industry, it is clear that the duties of citizens go far beyond military defense. Total defense has no front line and no rear—where is the front in England? Are the front line defenders of England the sailors who man the merchant steamers in the Battle of the Atlantic? Or the Australians fighting in the desert of Libya? Or the night flyers fighting 30,000 feet above the streets of London? Or are they the women who tend the wounded where the bombs are falling, or who sit through long hours listening to the short wave broadcasts of the enemy to decode his strategy from the pattern of his lies?

In our own country, too, there are many different services for our defense, but all are important. Some of our young men must serve in the armed forces. Many more, young and older, must give their time to building planes and ships and all the equipment for a military force. But the vast majority of the people must serve on the home defense front, and home defense goes far beyond the material job of supplying food and clothing and houses. The home front includes every kind of service, and high on the list is the service of entertainment, information and inspiration that is provided by the radio.

I hope to see the radio more and more reflecting the unbeatable spirit which is America in such a way as to make us genuinely proud of our defense effort and eager to go ahead producing with every atom of our strength. Our new army camps are ninety per cent complete. The army air fields, including the overseas bases, are fully half done. Many of our big defense projects are ahead of schedule. We have worked hard, we are working hard, but we still are not working hard enough. The speed of our production, the magnitude of our defense effort during the next six months, may easily make the entire difference between peace and war for the United States. The women must not only work themselves but stand back of the men, whether they be in management, in labor or in agriculture, so that all of us will put our heads, our hearts and our hands to the task. The job which we do in the next six months, turning out war materials in ever-increasing quantities, may easily make the difference between freedom and slavery for our children's grandchildren. Never has a generation of people had thrust on it such a responsibility as that which is ours.

Whatever opinions we may hold as to the American policy in the war, we are all of one opinion as to the need of building up the strength of America at home. We can use our talents and opportunities to help the American people meet the demands of the day with courage and confidence. We can help the people to understand what is going on, and where their service is most needed, and how they can find the greatest satisfaction in the responsibilities of citizenship.

For instance, if you are operating a local station, you can play a great part in home defense by calling attention to all the constructive things that are done to improve your community. Your neighbors want to be useful. They want to belong to the community and the nation. What can they do? We can't do all the planning and organizing in Washington, and we have no desire to centralize all the planning there. Most of the organization for strengthening the life of each community will be done by local people who are self-starters and who know what the community needs. The other people who are good workers but are not able to start the work, need to be told what is going on. The radio can help the people find their places by telling the facts about organizations that serve the public welfare, as well as by spreading the official information about defense jobs.

In addition, you can do a great service by spreading widely the news of any community activity that has been tried and found successful. There will be some among your hearers who will take up the idea and use it in their own towns. Let me give you an example.

In Ohio, several farmers and their wives were asked to invite a dozen neighbors to spend the evening first in a discussion of farm problems and second in refreshments and sociability. These groups of neighbors began meeting once a month at different houses, and a remarkable thing happened. Almost everyone came and kept on coming to the meetings. The idea began to spread. Now I am told there are over 100 of these monthly meetings in Ohio, and the system is spreading to other States. It seems a simple thing, hardly worth telling about. But this simple story of neighborhood meetings is worth its share of time on a national hookup here and now, because these meetings fill a real need. Too many Americans are lonesome because the old-fashioned neighborhood has disappeared and has left them not belonging to anything. People can enjoy the movies, but they can't belong to a movie. These farmers in Ohio have built themselves a neighborhood to belong to, and there is new life in them. This story is an illustration of what you can do to help people find out how to take hold in their own communities. And of course, when you have told them what is being done, you will tell them where to get exact information. Exact information about farmers' neighborhood meetings in Ohio can be obtained by writing to the Farm Security Administration at Washington.

But I cannot tell you all the stories, nor work out all the methods that you know so much better than I. All I can do is to urge you to use you own imagination. The people are important, each one in his place, but sometimes they don't know how important they are, and so they are discouraged. Tell them, and let them know how to get the feeling of belonging to the team.

You know that a man working in a powder plant is not the only defense worker in his family. The woman who makes a home for him and who takes her share of the risk without losing her nerve, is an important as the man who does the labor in the plant. You know that not only in England under fire, but in America under the strain of national danger, women are as important as men, but the work that women do is more often left without recognition or understanding. You, the radio men of America, have the techniques to bring recognition and encouragement, and the sense of belonging to their country, to women as well as men who are bravely carrying their share of the load. You have done much good work along this line; I am urging you to do still more of it. You yourselves, when you do this kind of a job, are members of the team.

There is a second line of service that I should like to mention briefly, though the idea is entirely familiar to you. Everyone knows that news from abroad is censored, so that even what is said by American reporters is cut down to a pattern that represents the plan of the censorship. I believe it is worth while to emphasize continually the purpose of the governments that have colored our news. The Nazi government is lying even when it lets an American reporter tell a fact that is a true fact, because its purpose is to make Americans believe that Germany has already won the war and that we may as well quit. The pattern of truth and lies that comes out of Germany adds up to a planned attack on our security. We all know that. I suggest that we keep always in mind that the people who listen to us may be deceived unless we are careful to point out the purpose that lies behind the news and how that purpose is related to our interests as Americans. It is truth in advertising, not deception, to put the skull and cross-bones label on poison bottles.

Finally, and most important to my mind, is the opportunity that is given to all those who use the radio to promote unity inside the United States and a reasonable attitude toward all the world. We are under constant attack by the Nazi propaganda that tries to create bad feeling among us and false ideas about other countries. One of the greatest contributions any one of us can make to our defense is to resist this propaganda of hate at every point.

We can help the defense of America by going out of our way to encourage the service of all those minorities in our country who are loyal to the democratic ideal and anxious to belong to our brotherhood. It is good to remember that the two chiefs of the defense program are both foreign born, both natives of conquered nations, and one a Jew. Let us make a special point of recognizing the full membership in America of Jews and Christians, of Whites and Negroes, of the Germans who came here for freedom's sake, of Italians who have no desire for a Nazi victory that would enslave their friends in Italy. Let us take a special pleasure in reporting the athletes, the great musicians, the business leaders, the successful Americans in every line, whose unusual names proclaim that they or their ancestors came from nations that now lie under the Nazi terror. They are glad to be Americans, and we are proud to have them among us. It is worth our while to say we are proud of Knudsen and Hillman, Einstein and Kreisler, DiMaggio and LaGuardia, and thousands of others who have made notable contributions to our life.

We shall also do well to keep our minds clear about the German people, here and in Germany. The German people are not the same as the Nazi gang that has seized control over Germany. Most Germans are not gangsters. In Germany, the majority of the people are caught in a trap. They do not dare resist the Nazis, and they are afraid if they quit the war they may be punished unmercifully for the Nazi crimes.

Let us do our part to show here in America that we can distinguish between the great majority of Germans, whom we know to be good citizens, and the few who belong to the Nazi gang. The time will soon come, I hope, when we can help to encourage the decent, civilized Germans who are still caught in Germany to release themselves from their Nazi masters. In all that we say over the radio, I believe, we shall do well to keep that object in mind, for the cure of Germany will be an essential part of a true peace.

These are the thoughts that I should like to leave in your minds. We who do the talking need to take pains to understand the democracy that we are defending. Democracy is to be understood only by getting down to cases, where people act on their own initiative to serve their country in the place where they are. Let us understand this democracy of service and responsibility, and tell the people what they are doing so that they can draw inspiration from one another. Let us do our part also to build the confidence of the people in their own strength and in the comradeship of all the free citizens of our country of every race, color and creed. By fortifying our own democratic spirit we shall help in protecting our country against the attacks that are made upon her. Beyond that, we shall help to carry the light of hope to the people of Europe who are waiting their chance to overthrow the conqueror and win back their freedom.

General Richardson

I am most grateful for this opportunity to take part in the NAB convention. I come to discuss a problem of mutual and important concern to you and to the War Department: the functioning of American broadcasting throughout the present emergency.

Let me say at the start, that the officers of the Army have the highest admiration for American radio. Both at home and abroad, you have kept us informed and entertained. And, if you believe that a General cannot be as much amused at the boyish pranks of a Charley McCarthy as is a private in the ranks, then behold, in the flesh, proof to the contrary. Thus in the Army, as well as in civil life, you are each day spinning a thread of entertainment and information which is drawn through every segment of our population, uniting us in common interests and common purposes.

The Army is not unmindful that the brilliant and useful record which radio has made in this country, has been based upon a typical American concept of competitive enterprise which has furthered the social and economic advance of our country. Your industry has demonstrated a will and a capacity to serve the public interest, fairly and squarely. Through the evolvement of your own system of self-regulation you have demonstrated a capacity to eliminate social and commercial abuses within the ranks. So long as you continue to operate I believe you yourselves will justify the continuance of the American System of Broadcasting by your day to day service to the nation.

Some years ago, on a certain radio program, there was a word repeated over and over again. It was said to be a "horrid" word. Today, there is a word going the rounds in radio circles which is also regarded as "horrid." It's that word "control." "The control of broadcasting during a war" with connotations that the private system of broadcasting will be washed out should the war emergency become more critical.

I wonder what is meant by that word "control"? The Army Signal Corps is exclusively concerned with the military use of radio frequencies for essential systems of Army communications. I am told they have ample frequencies for such work. In time of an actual war, where certain stations in the long band may be used as homing stations by enemy aircraft, such stations will go off the air in defense of their country as well as of their own property. Should military combat occur in areas where American radio stations are located, quite naturally such stations in such areas will be taken over and used by the military forces. Such temporary dislocations are to be expected in time of war. But I believe this is not what is in most people's minds when they speak of "radio control." I believe what they mean is the control of programs, and of news and this is where another horrid word crops up—"censorship." This is what you really want to hear about.

The control of anything is absolutely barren, unless that thing be used. Will it be necessary for the Army to take over radio broadcasting in order to use it? I do not thing so. Let us go further. Why does the War Department wish to use radio? The answer is obvious: to keep the nation informed, to build confidence in our new citizen-soldier Army now in the making, and to have instantly available the ear of every man, woman and child should invasion occur and their safety be imperiled. I believe the patriotism and the honest self-interest of this industry can be depended upon to cooperate with us voluntarily in this important mission; to impose such voluntary modifications of operating policy as best serves the nation's defense, to set up a system of defense program priorities balanced between the Army and the Navy and other defense agencies, and to establish a system of technical and programming procedure, that in the dire necessities of warning services or of information services, the transmitters of every station in the nation, regardless of network or non-network affiliation will be simultaneously available to the Army's call, nationally or regionally.

The start of this important cooperative venture has already begun. Late last fall, the War Department asked for the loan of an officer of this Association whose devotion to duty and patriotism was such as to earn your confidence and the confidence of the War Department. And so Mr. Kirby, your Director of Public Relations was loaned to us for the purpose of liaison between the War Department and the radio industry. It is his job to translate the Army's radio needs to you immediately and efficiently. To assist him, a competent staff of writers and specialists has been drawn direct from your industry. These men have been selected not only because of individual abilities, but with due reference to their combined experience in every type of station and network. Thus in the Radio Branch, you will find someone conversant with your programming policies, whether yours be the smallest station or the largest network.

Now a word about that word "censorship." I believe that every thoughtful American knows that certain information such as the blueprint of the American bomb-sight—the most accurate in the world—or schedules of the movements of troops, must be restricted for our own welfare and the protection of our sons. Certainly this is not censorship. Outside of these, there is no censorship of news, now, or intended. The whole function of the Bureau of Public Relations of the War Department, and of its Press, Pictorial and Radio division is just the opposite: to get the story of the Army and to make it available to press, newsreel and microphone.

The type of news which has to do with the whole national defense program will probably originate either in Washington or most appropriately be collected there. It is with such information that the War Department's Bureau of Public Relations will work most regularly. Every effort will be made to follow up inquiries, and to consolidate, from various sources within the department, the information requested.

At each of the principal Army posts and camps you will find one or more public relations officers on regular assignment. These gentlemen have had, in practically all cases, an opportunity to adapt their functions to the special requirements of the radio stations in the surrounding areas. You will find in each case an earnest desire to cooperate fully in providing information and lining up broadcasts. At all stations provision has been made for receiving members of the press, radio and newsreels. There are files of Army regulations, bulletins, directories of personnel and other reference material. Many of the larger military units also have their own public relations officers, who are normally members of the intelligence staff. In the usual case the public relations officer on permanent duty at the camp or station is somewhat better equipped to meet the needs of radio in his locality; in most cases he can secure information which has been specially requested, on short notice.

Before I close, may I briefly give you a background of the Army's story, because I sincerely believe it may help you and your program builders in better understanding our purpose:

It may not be understood generally by the layman that the officials of the War Department are unable to act until the people, through Congress, have appropriated the money and passed the necessary legislation. Congress did not pass the Selective Service Act until September, nor did it authorize the President to call into Federal service the National Guard for one year; nor appropriate money for the construction of the cantonments until last September. Since that date, within the short period of 7 months, buildings have been constructed to house one million men who have been clothed, fed, armed, equipped and given basic training—all *this* in six months! This achievement is nothing less than a miracle of Democracy at work, American Style. Without going into too much detail, let me say that 32,000 individual buildings have been constructed, all over our country. New, and large cities of men have sprung up. There, peaceful minded men from peace-loving families are being trained in the science of war, lest anyone have the mistaken notion that Americans of 1941 will not fight to protect our individual rights of life, liberty and the pursuit of happiness, won through the years by those whose memories are already in your minds. We are, gentlemen, witnessing today the development of a tremendous story—the greatest *untold* story of the decade; the development of the powerful, the intelligent, the *civilian* Army of the American people. This is where you of the radio and we of the Army, find common interest: *What is the story of our new Army?* Why are men in camps? What do they do? How do they live? Who are they? Let me tell you: They're your boys and mine. The new Army of the United States is composed of men from every walk of life and every section of our country. It reaches into every home; into every school; into every business; into every church; into every economical and social group. The people of the United States through the Congress have entrusted to the Army and to the Navy their sons, husbands and brothers for training. To the Army and Navy, likewise, have been entrusted huge sums of money for the defense of the nation. The American people, therefore, are *entitled* to receive daily from the camps and the War Department, news of their Army and periodic reports on the status of the defense program.

With this thought in mind the Secretary of War decided to establish, under his personal supervision, the War Department's Bureau of Public Relations in order to provide the American people with accurate information by means of our various media of expression: the press, the radio, the newsreels, the movies and the magazines. We, therefore, have a great responsibility toward the public to see that they are kept honestly informed. In turn the public has a great responsibility toward the Army because the Army, more than ever before, is "*Our* Army," not "The Army." Mutual understanding is needed and frankly sought.

It is the frank desire of this Bureau to be as helpful as possible to American radio. After all, freedom of expression is one of the cherished rights which we are preparing to defend. There is no request from your great institutions that can be considered too much trouble with which to comply. I have found during my short incumbency as Director of the Bureau of Public Relations the press, magazines, radio and screen are more than cooperative. Let me observe that, as the defense program develops the *untold* story of the Army is beginning to emerge. It is a constructive story counter-balanced now and then by failures, some minor, a few serious. Tell the story, good or bad. The story of the American Army can be *no better* nor *worse* than the story of the American people. For the story of the American Army and of the American people is *one* and *the same*. Personally, I think it's a good story. I think you do, too!

Commander Thurber

It is my privilege to express to radio's representatives here today in annual convention the Navy's appreciation to radio organizations as a whole for their splendid cooperation in broadcasting the Navy's story during the past year. You have given us much—your wide experience in visualizing what would present the Navy's picture in words, your unfailing courtesy in arranging and dramatizing timely presentations. All this has benefited listener audiences as well as the Navy. To our far-flung, ocean-going efforts to the attention of those who cannot see our ships and their men at work is no small task. We in the Navy feel that radio has contributed to that visualization in no small measure.

There is much to be done in the days ahead. The tempo is accelerating each minute, calling for rapid, well-planned action. A minimum of confusion and a maximum of cool determination are in order. With that in mind, I wish to outline, as concisely as possible, the Navy's problems in public relations so that you in radio and we in the Navy may cooperate on close and practical lines.

Two major phases are presented—first, that which may be defined as constructive broadcasting, and second, that which involves withholding details of military value to potential enemies. Both these phases are vital—especially so today, and in the immediate future.

Let me enlarge for a moment on the negative phase—the withholding of information that affects military security. Believing that the war situation was growing serious for us, the Secretary of the Navy early this year requested all press, radio, and photographic agencies to avoid publicity, unless authorized or announced by the Navy, on four subjects affecting the success of the Navy's operations should war suddenly descend upon us. As was hoped and expected, the answers to this request were "yes"—just short of one hundred per cent. Radio set up its own list of precautions to ensure that this request was understood and carried out. From the first of this year to date, the adjustment from peacetime to emergency conditions has been accomplished with a smoothness that betokens nothing but successful continuance.

It was foreseen that in a national emergency, new situations would arise, and that inevitably there would be other requests for cooperation of this nature. Since the Secretary made his original request, new situations have developed, so that the "avoidance" list today for all publicity media is, briefly, as follows:

(1) Presence, and actual or intended movements, of U. S. Navy vessels or aircraft;
(2) Actual or intended movements of units of Naval (and Marine Corps) personnel;
(3) Secret technical U. S. Navy weapons, or the development thereof;
(4) Details of the armament, armor, speed, cruising radius of new U. S. Navy ships or aircraft;
(5) Details of itemized assembly capacities, skilled machinery practices, and number of personnel employed in shipyards, aircraft factories, and industrial plants having Navy contracts;
(6) Information of the military strength or defenses of our naval bases—continental and outlying;
(7) Aerial photographs of U. S. Navy ships and shore establishments; and
(8) Presence or movements of British warships—and merchant ships—in U. S. waters.

That list is a vital one from a military standpoint. Recognizing that there are many important factors contained in the list, the Navy Department announces regularly as much as can be released on those subjects so that the people of this country may know that the Navy is on watch and under full power. But unless details are announced or authorized by the Department or responsible naval commanders, it is far better, from a military point of view, that publicity be avoided on the subjects which have just been itemized.

Although casual reporting of those subjects may be unintentionally harmless, unauthorized release of information may reveal to the enemies' observer and espionage services a missing link they are trying to discover in the chain of valuable military information. In case of doubt it is recommended you refer your questions to the Navy Department or to the Naval Districts. Incidentally, and to answer such queries, the Department early in the year began operating the press (and news radio) section of its Public Relations Office on a 16-hour basis, and last week went to a 24-hour watch. Enlargement of the Navy's public relations facilities has been carried on in the Naval Districts, so that you also may look to headquarters of these Districts for assistance.

If this country should actually enter the present conflict, you undoubtedly will be asked by the Navy to avoid publicity on two or three additional subjects. For instance, during World War I there were 20 items on the original request list issued by the Committee on Public Information. These included Navy, Army, and State Department activities on which it was deemed unwise to report in any form whatsoever. And those 20 items were augmented as new situations arose.

Obviously, we are fortunate in having been able to discuss these "negative" subjects in advance of a possible armed conflict. In the period of adjustment from the days of reporting all news to the present time, invaluable suggestions have been made, and steps have been taken, to clarify the atmosphere. The Navy appreciates the assistance given by all agencies in approaching a working agreement for voluntary cooperation. We feel that much has been accomplished—particularly so, when recalling the many aggravations that existed during the early days of World War I. Then, the problems of voluntary cooperation were hampered by the fact that there was no "list" for specific guidance until seven weeks after hostilities began. Intelligent analysis today has ironed away many of the acrimonious difficulties encountered in that time of stress.

We turn now to what may be called the constructive phase of radio broadcasting. The field of constructive broadcasting is large and deserves our best combined thought and energy. A few thoughts are registered here as an approach to our mutual problem.

Entertainment programs for naval personnel have been staged by radio and are being increased rapidly. It is self-evident that these morale-builders are a most important contribution to the Navy, and to those at home who have the welfare of our men close to their hearts.

Dramatizations of incidents in our naval history—and the Navy is rich in tradition—offer a comparatively untapped source which could be developed with excellent effects on the esprit de corps of the Navy and the country.

Feature stories based on the regular releases from Navy press conferences and public relations offices, supplemented by our research facilities, are another source of present-day interest. As examples of these, I mention but a few that were broadcast in recent months.

> *Personality programs*—such as the six Patten brothers, aboard the *USS Nevada* far out in the Pacific, conversing with their father on the mainland; the Boston University football team indicating their intention to become Naval Aviation Cadets; and the many individuals involved in colorful graduation exercises at the Naval Academy; *Analyses* of the great progress being made in the Navy's building program;
>
> *Launchings and commissionings* of many historically-named ships in our "two-ocean fleet";
>
> *Activities* at our three major Naval Air Stations—Pensacola, Jacksonville, Corpus Christi—and at our 16 reserve aviation bases; and
>
> *Programs* originating from naval aircraft, from our submarines, from our battleships far at sea.

To these valuable contributions by radio, there have been added, with the Navy's grateful appreciation, spot announcements and interviews which have aided the Navy in obtaining aviation cadets, reserve midshipmen, and enlisted personnel, so that our recruiting has remained on a voluntary basis to date, with no relaxation in the high standard of the Navy's requirements.

In furtherance of this outline of constructive cooperation, the Navy welcomes suggestions for radio broadcasts. Because of many emergency considerations, we cannot promise approval in every case. But it *is* the Navy's desire to render maximum cooperation with radio—to extend every effort, compatible with security, in obtaining, building, and staging naval programs of spot news, feature, special event, or other public interest. Indicative of this attitude are the cooperative measures of the Navy's public relations offices during the past year, and the steady expansion of these offices in anticipation of additional needs and requests as the pace quickens.

Your great industry, with its far-reaching voice, has been and can be of inestimable service to the Navy. We feel that radio will continue this service as long as we are worthy of it—and, in closing, I wish to assure you that your Navy from the Secretary through all ranks and ratings, is working long hours, with all its experience and manpower, to be worthy of the trust the nation has placed in us.

Resolutions

1. THANKS. The National Association of Broadcasters hereby extends its hearty thanks to those who have participated in its deliberations and who aided so materially in the success of the 19th Annual Convention.

The National Association of Broadcasters extends its most sincere thanks to the Honorable Henry A. Wallace, Vice President of the United States, for his kindness in sending to the convention such an interesting and inspiring address. While we regret his inability to be with us in person, we are doubly grateful for his taking time out from his arduous duties to address us in these critical times.

The National Association of Broadcasters wishes to thank the Honorable James Lawrence Fly, Chairman of the Communications Commission for his attendance at the convention, and in particular for his frank and open discussion of many controversial questions confronting our industry at the moment.[1]

The National Association of Broadcasters expresses its deep thanks to General Robert C. Richardson, Director of the Bureau of Public Relations, War Department, and to Commander H. R. Thurber, Director of Public Relations, U. S. Navy, and Lowell Mellett, Director of the Office of Government Reports, for their attendance at this convention, and for their fine expression of confidence in the patriotism and ability of this industry in setting up a system of voluntary self-regulation which makes of American Radio the strong right arm of the Army and Navy in these critical days of the war emergency.

We extend our thanks also to Major Edwin H. Armstrong, C. J. Burnside and Col. Willard Chevalier for their fine contributions to the convention program.

In addition, our thanks go to Honorable William Dee Becker, Mayor of St. Louis, to the Management of the New Jefferson Hotel, the Convention Committee, headed so ably by Merle Jones, to the wives of the St. Louis broadcasters, headed by Mrs. Merle Jones for providing such a fine program of entertainment for the ladies of the convention, and to all other individuals and groups from the City of St. Louis who have been exceedingly generous and cooperative with their time and talents.

2. The National Association of Broadcasters extends its thanks to the convention Entertainment Committee, headed by Bill West, to the Production Departments of CBS, MBS and NBC, headed respectively by Doug Coulter, Dolph Opfinger and Clarence Menser. We also thank Mr. Nat Abramson, the Producer of the Show and Miss Estelle Marantz and Dan Sayford for their untiring work and cooperation.

3. The National Association of Broadcasters expresses its appreciation to Edgar Bill, Chairman of the Code Committee and to those broadcasters who have served with that committee, which has given the industry a system of self-regulation and self-education bespeaking the industry's awareness of its social and economic responsibility, and which has demonstrated radio's ability to regulate itself in the public interest.

4. The National Association of Broadcasters looks with con-

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[1] This resolution was adopted separately as well as with the others.

tinued favor upon the constructive work in the educational broadcasting field being done by the Annual Institute of Education by Radio at Ohio State University each spring, and at the Mid-West School Broadcast Conference in Chicago each December. It is pleased that an organization to serve as a connecting link between these two conferences is now being formed. It pledges its continued cooperation for the further spread and improvement in educational broadcasting.

5. The National Association of Broadcasters expresses its high appreciation for the constructive work done by the Radio Council on Children's Programs, and particularly to its distinguished Chairman, Mrs. Harold V. Milligan, and Vice-Chairman, Mrs. Dorothy Lewis who recently completed a nation-wide tour and survey which has uncovered valuable information upon which continued improved programming may be based.

6. The National Association of Broadcasters expresses its deep appreciation to Dr. Julio Barata, Minister of Information of the United States of Brazil, and to Mr. Glenn Bannerman, President of the Canadian Association of Broadcasters for their attendance at this convention, and for the expressions of comradeship from the Brazilian and Canadian broadcasters. The presence of these two distinguished broadcasters from our neighboring countries reflects the growing hemispheric solidarity which American radio is helping to achieve, linking the Nations of the new world in bonds of good-will and understanding by radio.

7. The National Association of Broadcasters hereby extends its thanks to its President Neville Miller and to the members of his staff for their untiring efforts in successfully scheduling and carrying out the largest convention the Association has ever held and for their extremely effective work done during the year just completed.

8. RESOLUTION

Whereas this convention assembled has heard the thoughtful study and inspiring report of Mark Ethridge on problems confronting the broadcasting industry, and

Whereas the courage, clarity, sincerity and soundness of this report has met with the overwhelming approval of the broadcasting industry as exemplified by the spontaneous approbation accorded his remarks

Now therefore,

Be it resolved that this convention express of record its sincere and grateful thanks to Mark Ethridge for the unselfish and inestimable service rendered the industry and the public by his timely presentation of his personal views pertaining to problems of fundamental importance to the nation and the industry.

9. Whereas Broadcast Music, Inc., has not only attained but has exceeded by far the expectations of the broadcasting industry in creating an alternative source of music; and

Whereas by so doing BMI has opened the door of opportunity to composers and publishers, has prevented the monopolistic control of radio by ASCAP as a means of music exploitation and has brought about the attendant benefits of competition, not only for the broadcasting industry but for all music users, and for the public at large; and

Whereas the industry recognizes a continuing obligation to maintain the open door in music;

Now, Therefore, Be It Resolved that this convention wholeheartedly endorses the ideals, accomplishments and purposes of BMI, and reaffirms its obligation to perpetuate BMI in the field of music as a service not only to its own industry but to composers, other music users, and to the public.

10. Whereas, precipitate promulgation of the Federal Communications Commission's new rules regarding network broadcasting threatens the freedom of radio and the American System of Broadcasting; and

Whereas, the National Association of Broadcasters is of the opinion that the listening public and the American people as a whole should be given the opportunity to learn just what the effect of these rules would be on American radio, particularly with regard to program service;

Be It Resolved: that the National Association of Broadcasters urge the United States Senate to give prompt and favorable consideration to a resolution introduced by Senator Wallace White of Maine, which would result in a thorough investigation of the whole radio structure with a view to the enactment of a new radio law; and would request the Federal Communications Commission to suspend operation of the new network rules pending completion of the Senate investigation.

11. Since the observance of Daylight Saving Time in some sections of the United States and its non-observance elsewhere, disrupts radio time schedules and adds to the difficulty of the listener in knowing when to tune in programs of national importance; and since the disruption of radio time schedules twice each year curtails the effectiveness of radio broadcasting in making the people of the United States the best informed people in the world—the Association instructs its president to urge upon the duly constituted authorities, the vital necessity of establishing as a National policy Daylight Saving Time in all parts of the United States.

12. The National Association of Broadcasters reaffirms its position expressed at the time of its 1940 convention with reference to its desire and intention to cooperate in every manner possible, with the Federal Government in presenting a united front in the Defense of our free institutions and reiterates its desire to cooperate in the coordination and promotion of the country's defense activities.

13. The 19th Annual Convention of the National Association of Broadcasters hereby approves the official acts performed since the last annual convention by its duly qualified officers.

14. The National Association of Broadcasters does solemnly rededicate the American Radio industry, with whose freedom it is entrusted to the promotion of the American way of life, and to preservation of the unity and morale of the American people.

Submitted by the Resolutions Committee:

E. E. Hill, WTAG,
Ed Yocum, KGHL,
George Cranston, WBAP,
Lee B. Wailes, Westinghouse
Radio Stations, *Chairman.*

New Board of Directors

Chairman	Neville Miller, President NAB, Washington, D. C.
*District 1	Paul W. Morency, Assistant Secretary WTIC, Hartford, Connecticut
District 2	Clarence Wheeler, Vice President WHEC, Rochester, New York
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District 11	Earl H. Gammons, General Manager WCCO, Minneapolis, Minnesota
District 12	Herb Hollister, President KANS, Wichita, Kansas
District 13	O. L. Taylor, President KGNC, Amarillo, Texas
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District 15	Howard Lane, Station Manager KFBK, Sacramento, California
District 16	Harrison Holliway, Station Manager KFI, Los Angeles, California
District 17	Harry R. Spence, President KXRO, Aberdeen, Washington

Directors-At-Large

Large Stations		
	*District 7	James D. Shouse, Vice President WLW, Cincinnati, Ohio
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	District 17	C. W. Myers, President KOIN, Portland, Oregon
	*District 4	Don S. Elias, Executive Director WWNC, Asheville, North Carolina
Small Stations		
	*District 4	John Elmer, President WCBM, Baltimore, Maryland
	District 5	J. W. Woodruff, Jr., General Manager WGPC, Albany, Georgia
Network		
	District 2	Edward Klauber, Executive Vice President CBS, 485 Madison Avenue, New York City
	District 4	Frank M. Russell, Vice President NBC, Trans-Lux Building, Washington, D. C.

* Executive Committee

CONVENTION ATTENDANCE

There is no need to tell those who were present at the Nineteenth Annual Convention in St. Louis last week that it was the largest from standpoint of attendance in the history of the industry. The following table indicates the attendance by District with the percentage of NAB membership from each District shown. It is remarkable to note that almost 70 per cent of the total NAB membership was on hand to participate in the Association's business transactions. It is further gratifying to note that 22 of the 23 associate members were in attendance.

			Convention		
District	*No. of Stations*	*No. of NAB Members*	*Members*	*%*	*Non-Members*
1	55	38	18	47.3	0
2	56	33	22	66.6	2
3	58	29	19	65.5	12
4	84	55	35	63.6	3
5	74	44	22	50.0	1
6	55	31	28	90.3	7
7	41	26	23	88.5	6
8	50	28	19	67.9	4
9	58	31	25	80.6	7
10	56	38	31	81.6	4
11	38	23	16	69.6	1
12	34	20	16	80.0	5
13	58	24	21	87.5	1
14	44	25	14	56.0	2
15	34	24	10	41.7	2
16	46	22	15	68.2	7
17	50	32	11	34.4	2
Grand Totals	891	523	345	66.0	66
FM Stations		6	5		
Associate Members		23	22		
		552	372	67.4	

PROMOTION DISPLAY WINNERS

After viewing more than 275 panel displays entered by nearly one hundred radio stations, the Judges Committee of the Promotion Display at the NAB Convention today named the following stations winners of the six general classifications:

Trade Paper Advertising—WABC, New York Statuette trophy presented by Sales Management Magazine.

Direct Mail Advertising—WIBW, Topeka Certificate of Merit presented by Direct Mail Advertising Association.

Special Events, Public Service—WAAB, Boston—Gold Plaque presented by Radio Daily.

Station Backed Promotion—KMOX, St. Louis Statuette trophy presented by Young Men's Division, St. Louis Chamber of Commerce.

Program Presentations—KNX, Los Angeles Desk Set presented by Standard Radio.

House Organs—WOW, Omaha, Trophy presented by St. Louis University.

Although no trophy was awarded in the seventh classification, Special Activities, the Judges Committee decided special mention should be given KXOK, St. Louis, for an outstanding presentation.

Stations of all classes of power, wave length, and geographic locations were represented in the display—from Duluth, Minnesota, to New Orleans, Louisiana, and from New York City to Los Angeles—from Florida to Seattle, and from Texas to Massachusetts.

Judges who served on the committee were:

Jack W. Laemmar, Lord and Thomas, Chicago, Chairman.

Carlos Franco, Manager of Station Relations Bureau, Young and Rubicam, Inc., New York.

John Crandall, Arthur Kudner, Inc., New York.

Bernard J. Prockter, Radio Time Buyer, The Biow Co., Inc., New York City.

Tom Lynch, Radio Time Buyer, Wm. Esty & Co., Inc., New York City.

Oscar Zahner, Manager Ruthrauff & Ryan, St. Louis.

Charles Gardner, Gardner Adv. Co., St. Louis.

In charge of the promotion display for the NAB were Howard O. Peterson, Promotion Manager, WOW, Omaha, chairman; Chick Allison Sales Promotion Manager, WLW, Cincinnati; J. Soulard Johnson, Promotion Manager, KMOX, St. Louis; and Robert Sampson, Promotion Manager, KWK, St. Louis.

GOLF WINNERS

Paul H. Raymer of Chicago, station representative, and Peirce Raymer of New York, of the same firm, tied for first place (net scores, 60) in the NAB golf tournament for the *Broadcasting* trophy.

Gene Pulliam, Jr. of Station WIRE, Indianapolis, won the cup offered by St. Louis broadcasters with a low gross of 75.

Mrs. Robert T. Convey, wife of Bob Convey, Station KWK, won the women's trophy offered by St. Louis Broadcasters. Her score was 108.

Sales

DEALER-COOPERATIVE ADVERTISING BY TIRE MANUFACTURERS

As a result of a sales trip to Akron, Ohio, by Frank E. Pellegrin, Director of the NAB Department of Broadcast Advertising, the following information has been secured on the dealer-cooperative advertising policies of the four big tire manufacturers there. Briefly, the situation is this:

Goodrich Tire Co.—F. T. Tucker, Director of Advertising, says that a 50-50 dealer-cooperative advertising policy is in effect, with the dealer having a free choice as to which medium he prefers. Radio is on an equal basis with any other medium. If radio is bought, the dealer must use transcribed spot announcements furnished by the company, just as he must use approved mats and copy for newspaper ads, and the spot times selected must be approved by the company's advertising department. There are a few exceptions to the above, where dealers have been permitted to retain programs or other special services that have done an outstanding job over a period of time, but it is Mr. Tucker's desire to have all dealers conform to the general policy. In the case of company-owned stores, in place of the 50-50 division of costs the company pays 40%, and 60% is charged to the store's budget.

Goodyear Tire Co.—A 50-50 dealer-cooperative policy is in effect, with the dealer permitted to choose the medium he prefers. The company expresses a slight preference for newspapers because they believe it is easier to control and check, but this does not interfere with a dealer's choice of radio if he is sold on it. No special service must be purchased, but the company's advertising agency keeps a man at the Akron office who will furnish spot radio copy if requested, just as he will furnish recommended copy for newspapers or other media.

General Tire Co.—A new policy has been adopted whereby the company pays 100% of the cost of newspaper advertising placed on behalf of local dealers. R. H. Harrington, Advertising Manager, explains that this policy cannot be changed until the end of the fiscal year on December 1. The local dealer, who used to pay 50% of all local advertising, is expected to spend approximately as much as he formerly did, but now must pay in full for whatever advertising he buys. He of course has a free choice of media in spending his own money, and the advertising agency will furnish recommended radio copy upon request without charge. Mr. Harrington stated that this policy was adopted to give the company greater control of local advertising schedules. He said that under the old 50-50 system radio had been tried in many markets, but without unusual success. He believes it is harder to measure and control than newspaper, and said that overlapping coverage of radio stations, conflicting claims, difficulty of clearing desirable spots, etc., all played a part in determining the new policy. If the present plan does not work satisfactorily, the policy may be changed, but he advised stations to sell the local dealer on using radio with the funds that are supposed to be set up in his own budget.

Firestone Tire Co.—This company sponsors the "Voice of Firestone" on a national network, and feels that this gives them wide coverage of the radio market. The company also places advertising in all other national media, in its effort to do an all-around advertising job. District and local funds, however, must be placed on a 50-50 basis in newspapers only. The dealer, or the company-owned store, must pay 100% for radio, direct mail, or any other medium. Mr. Starbird, Advertising Manager, and Mr. McGinness, his assistant, emphasize that the company controls all dealer and store advertising, even selecting the particular newspapers in which ads are placed, insisting that this is necessary in their operation. They declared that radio does not lend itself to their particular localized spot campaigns because of difficulty in getting just the coverage they want, in clearing desirable spots, and because they cannot trust their local dealers to buy radio effectively. They charged that too often in the past radio stations have "sold" local dealers on whatever was available for sale, without due regard as to how it would fit the advertising problem at hand. They said it is impossible to regulate or control local radio as easily and surely as it is to insert newspaper ads—and they won't trust their dealers to do the job for them. It was also learned unofficially that the company will not give up its newspaper advertising because of fear of the "editorial club". The company feels that it *must* maintain the goodwill of newspapers, especially in view of present industrial and labor conditions, etc. Radio, having no editorial policy, is thus handicapped.

Mr. Starbird indicated, however, that the "Voice of the Farm" series may be repeated via spot radio.

* * * *

In view of all the above, it appears that radio salesmen have their work cut out if all of these tire manufacturers are to be brought into the fold of spot radio for dealer-cooperative advertising. Each advertising manager was given as strong a selling as possible on the effectiveness of radio, and this work by NAB will continue until the job is done. Special presentations will be made, success stories submitted, evidence compiled and presented, and additional sales calls made. Every objection that was raised was answered, and additional answers are being prepared.

The job can be done better and quicker, however, with full cooperation from national radio sales representatives and especially from local sales managers. These forms of cooperation are suggested:

1. Work particularly with the local tire dealers in your market; sell them on radio to such an extent that they will request it from the company in overwhelming numbers.
2. Send to your national representatives and to NAB your particular reasons why radio should be used: your success stories on tire dealers, other automotive accounts, and various accounts in different fields but with similar problems.

With several million dollars of revenue in prospect, we suggest that it is well worth the effort.

INTERNATIONAL ADVERTISERS AGENCY

A NAB member station reports that it broadcast $756 worth of advertising for Father Hennepin's Ointment and the Grand Island Distributing Co., placed through International Advertisers Agency, Niagara Falls, N. Y.

The station says it has received no answer from the agency in response to its statements or letters regarding them, and asks for information from other stations that have carried this business as to whether the agency did pay its bills, or what action had to be taken.

Any information on this subject, sent to NAB, will be forwarded to the inquiring member.

FINANCIAL ADVERTISERS' MANUAL

The NAB Department of Broadcast Advertising has made arrangements with the Financial Advertisers Association to prepare a complete section on radio advertising to be furnished by them to all their members as a part of their public relations manual.

This association is made up of nearly one thousand banks, savings and loan associations, and similar financial institutions, all of which need and use advertising. Heretofore their manual has contained complete sections on newspaper, outdoor and other media, but not on radio.

Already a wealth of material has been compiled by NAB for inclusion in the radio section, but more can be used. If you have any success stories on the use of radio by local financial institutions, or other data that you think will be helpful, please send it to NAB as soon as possible.

SAVINGS & LOAN REPRINTS AVAILABLE

Through the cooperation of Federal Home Loan Bank Board of Washington, the NAB Department of Broadcast Advertising has secured 500 reprints of a booklet entitled "Radio Advertising by Savings and Loan Associations", containing a variety of informative and helpful material that should assist stations in increasing this form of revenue.

While the supply lasts, copies are available to NAB members free upon request.

TO SELL SATURDAY TIME

A promotion letter by KJBS of San Francisco, pointing out the desirability of Saturday time for radio advertising, should be helpful to all sales managers and salesmen in increasing station revenue. Therefore it is reprinted here:

> Saturday is the heaviest shopping day of the week. But 60 to 70% of this shopping is done during the afternoon. *The purchases are PLANNED on Saturday morning!*
>
> According to a N. Y. State Chamber of Commerce check, ten of New York's largest banks report that Friday is the greatest payroll day of the week. This indicates that *people have more available CASH on Saturday!*
>
> The 40-hour week has come to mean a 5-workday week for most business concerns. The 5-day week has definitely created an ALL-FAMILY listening audience for Saturday.
>
> 1. 36% of all downtown shopping in 16 representative U. S. cities is done on Saturday.
> 2. Two-thirds of ALL Saturday grocery sales are made in the afternoon.
> 3. 21% of large New York department store sales are made on Saturday.
> 4. 40% of chain grocery sales are made on Saturday in Greater New York.
> 5. 30% of independent grocery store sales are made on Saturday in Greater New York.
>
> 43% of *all* KJBS accounts are "Saturday-wise", selling new thousands of Monday through Friday workers in addition to the regular, DAILY, daytime listeners—A *Sunday* audience *on Saturday* at *week-day rates!*

PER-INQUIRY AND FREE-TIME

Pondrom and Collins Advertising Agency of Dallas, Tex., is endeavoring to secure per-inquiry advertising on behalf of the **Crazy Water Crystal Co.** Stations are advised to be especially careful of this account, since it was cited in a complaint by the FTC in September of 1940 for "misrepresentation in the sale of Crazy Mineral Water, Crazy Water Crystals and Crazy Fiz". For details of the complaint, see NAB Reports for September 20, 1940, page 4622.

Frank R. Steel Associates Advertising Agency of Chicago, is seeking free time on behalf of **Princess Pat** cosmetics by asking stations to sell lipsticks for 10 cents, and keep the dimes, saying "you can use this account as a 'bellwether' for the sale of other national advertising". The "slow summer months" angle is again stressed. One NAB member commented in reporting this: "Why can't we once and for all stop this kind of racket? If every station would refuse it wouldn't take long."

The American Hotel Association of Washington, D. C., is seeking free spot announcements to promote **National Hotel Week.** NAB is advised that the association has no funds with which to purchase radio advertising. The association's director stated that newspapers are contributing some publicity in news and feature stories. NAB pointed out that "publicity" in the form of newsworthy items on regular newscasts is one thing, but "free plugs" are something else again, and suggested that local hotels be induced to pay for any announcements used.

Bozell & Jacobs Agency of Omaha, Neb., is seeking per-inquiry advertising for a hay-fever remedy called **HAYO,** using the angle of "spots that you probably could not sell anyway during July and August."

Rogers & Smith Agency, of Chicago, is seeking free time for **Schutter Candy Co.,** offering to give candy free as prizes to winners of a contest if the advertising time is donated by stations.

"Radio Income Builders", of Des Moines, Ia., have a new approach on their per-inquiry fountain pen deal, not requiring stations now to buy a stock of the pens outright, but charging them an extra fee for handling the orders and mailing the pens direct. Whew!

The Armand S. Weill Agency of Buffalo, listed in Reports of May 9 as inviting stations to cut rates for **Sachinol Perfumers,** explain in answer to a letter from NAB that this was not their intention; that "The reason I put the cost per inquiry in was to show stations what we have done in the past, thus giving them a yardstick to decide whether or not they could produce enough mail to bring our cost per inquiry somewhere near this figure, based of course on their card rate." Since then, letters to stations from this agency have stated: "This is not a request to take this account on a cost per inquiry basis. We will pay full card rates if you feel you can produce the response we desire."

Max Goldberg Advertising Agency of Denver, Colo., is asking stations to cut rates for a campaign of 1-minute transcribed announcements to be placed on behalf of the **State of Colorado.** A form letter from the agency tells each station that its rates as published in Standard Rate & Data are too high, and asks that the local rate be granted. They also want preferred spots, next to network shows or News,—"preferably shortly before 6 p. m., at 5:59 if possible, paying the day rate."

In two of the cases cited above, it will be noted that advertising agencies take the angle that in seeking per-inquiry deals, stations would give them "time during the summer months that you couldn't sell anyway." It is that attitude on the part of agencies that NAB objects to.

The psychology is all wrong from the station's standpoint. Who says that radio time cannot be sold during the summer months—during *any* months? Why should advertising agencies, who derive their living and their jobs from commissions paid by radio stations, undermine confidence in summer radio?

If this attitude is permitted to go unchallenged, the idea will spread and a defeatist attitude will creep into your sales staff—as well as among your advertisers. Tell a salesman often enough that "radio can't be sold in the summer" and he'll begin to believe it—and have a ready-made alibi for failure to work and failure to produce results. Tell it to your prospects often enough and their budgets will go into newspapers or other media that won't permit such defeatism.

NAB suggests that the best answer to such statements is to *prove* that summer radio *can* be sold, and to start by refusing to accept chisel deals offered on that basis. Some of these agencies need a few letters from you station men, in addition to those they get from NAB.

RADIO PROGRAM AT AFA CONVENTION

The radio departmental program at the annual AFA convention has been completed for Wednesday morning, May 28. Sponsored by the Sales Managers Division of the NAB, the program includes "Increasing the Tune-In", by Walter J. Neff, President, Neff-Rogow, Inc., New York City; "The Effect on Advertisers of the Monopoly Report", by Russell Place, NAB Counsel; "Chimes and Gongs in Radio Advertising", by Frank E. Pellegrin, NAB Director of Broadcast Advertising, and "Highlights of the NAB Convention", an open discussion with questions and answers. Robert S. Peare, Advertising Manager of General Electric Co. and Manager of Broadcasting, WGY, will preside. All radio men are invited.

Daylight Saving

A number of stations requested copies of the summary of the Daylight Saving Time Survey as submitted by the Director of Research at the Wednesday afternoon session at the Convention. This is repeated here for the benefit of all members:

"485 stations or 58% of the industry furnished information requested in the questionnaire. Network affiliated stations account for 73% of the replies and independent stations contributed 27%. Of all network affiliates, 68% replied. Of all independent stations, 45% replied.

"Of the 485 stations replying, 104 reported observance of Daylight Saving Time; 381 reported that their communities did not observe Daylight Saving Time.

"152 or 31.3% reported the attitude of people in their community was favorable to Daylight Saving Time. Unfavorable attitude was reported by 219 stations or 45.2%. Seventeen stations or 3.5% reported the public "on the fence". 97 stations, 20%, did not know.

"91.5% of the stations in communities observing Daylight Saving Time reported the public favorable. From communities not observing Daylight Saving Time, 31.3% of stations reported a favorable public and 45.2% an unfavorable public.

"281 stations reported the necessity for realignment of programs because of Daylight Saving Time. 80% of network affiliates and 12% of independents reported realignment problems.

"Monetary loss resulting from the shift to Daylight Saving Time was reported by 87 stations and amounted to $664,786. Assuming that an adequate sample was represented by the 87 stations, the industry loss is approximately 5 million dollars per year.

"128 stations reported that partial observance of Daylight Saving Time affected their competitive program situation. Of these, 94 reported their competitive position impaired.

"Unsolicited listener reactions were reported by 285 stations. Favorable reaction was received notably when Daylight Saving Time was observed. Unfavorable reactions to stations in areas not observing Daylight Saving Time were predominantly complaints because of program schedule changes.

"The suggestions of stations of a solution to the problem—*50% want a change from the present set-up; 23% want no change; 27% expressed no opinion. Of 241 stations wanting a change from the existing set-up, 62 stations (26%) want universal Daylight Saving Time; 78 stations (32%) want universal Daylight Saving Time or universal 'No Daylight Saving Time'; 33 stations (14%) want universal Daylight Saving Time or radio kept on Standard Time; 51 stations (21%) want radio kept on Standard Time; and 17 stations or 7% want all Daylight Saving Time abolished.*

"*Summary of the above shows 72% in favor of universal observance of Daylight Saving Time.*

"Universal observance of Standard Time is suggested by 7%.

"The idea of keeping radio on Standard Time, regardless of whether Daylight Saving Time is observed in the communities or not, is favored by 21%, and, as an alternative to Daylight Saving Time observance, by 14%.

"*Most stations emphasized that the solution to the problem lies in National regulation.*

"The three bills in Congress today propose National observance of Daylight Saving Time as a defense measure to be accomplished by Federal regulation. *There is no National move to abolish Daylight Saving Time.*

"Stations report in various sections that observance of Daylight Saving Time this year missed by extremely narrow margins of vote.

"One California station reported that Daylight Saving Time was defeated at the last election by 'the theatrical lobby and a careless vote'. It was reported that San Antonio, Texas, missed having Daylight Saving Time by a narrow margin due to the last-minute opposition of night baseball and movie interests.

"Since the Survey was begun, Lexington and Louisville, Kentucky, have adopted Daylight Saving Time, and undoubtedly nearby cities will adopt it. Peoria, Illinois, has Daylight Saving Time this year for the first time, thus further extending the Daylight Saving Time area around Chicago. Indianapolis reported pending legislation for Daylight Saving Time observance. A Wisconsin law prohibiting Daylight Saving Time missed repeal at the last session of the legislature by one vote."

Th following resolution was introduced by Willard D. Egolf of Station KVOO, Tulsa, Oklahoma, at the Sales Managers' meeting at the Convention:

> "*Whereas* the Sales Managers of the Radio Industry are charged with the responsibility of selling Radio Time and further seeing that Radio Time is made productive for its purchasers and
>
> "*Whereas* the observance of Daylight Saving Time in some sections of the United States and its non-observance elsewhere disrupts Radio Time Schedules and
>
> "*Whereas* it is our opinion that this disruption of Radio Time Schedules is the direct cause of lost radio billing amounting to hundreds of thousands of dollars annually and
>
> "*Whereas* this disruption of Radio Time Schedules occasions inconvenience to buyer, station and public,
>
> "*Therefore, Be It Resolved* that all branches of the Radio Industry should cooperate in perfecting a plant whereby the observance of Daylight Saving Time shall have no effect on Radio Time Schedules and whereby 'Change of Time' shall be abolished permanently."

The resolution was referred to the Resolutions Committee of the Convention.

At the General Session of the Convention on Thursday afternoon, the Resolutions Committee presented to the Convention the following resolution which was unanimously adopted:

> "Since the observance of Daylight Saving Time in some sections of the United States and its non-observance elsewhere disrupts radio time schedules and adds to the difficulty of the listener in knowing when to tune in programs of national importance; and since the disruption of radio time schedules twice each year curtails the effectiveness of radio broadcasting in making the people of the United States the best informed people in the world—the Association instructs its president to urge upon the duly constituted authorities, the vital necessity of establishing as a National policy Daylight Saving Time in all parts of the United States."

ARMY PROGRAM DIRECTOR

Sterling Wright, program director, WSPA, Spartansburg, S. C., advises that Major Jones at Camp Croft is looking for an experienced radio program director or production man who is now in the army. If Major Jones learns where there is one, he will try to get him transferred to Camp Croft.

Legislation

RADIO INCOME TAX

Introduction in the House on Tuesday of a bill (H. R. 4806) by Representative Connery (D-Mass.) to provide a radio-broadcasting tax marks another step in the campaign of the International Allied Printing Trades Council to penalize radio allegedly for causing unemployment in the printing trades. The bill would levy an "amusement" tax of 20 per cent on gross income (radio time sales less agency commission not to exceed 15 per cent) on stations whose income exceeds $500,000, a 15 per cent tax on stations whose income falls between $250,000 and $500,000, and a 10 per cent tax on stations whose income is more than $150,000 and less than $250,000.

A network "or group of stations owned, controlled or operated by substantially the same interests" would be subject to the tax on the network stations as a unit.

The measure has been referred to the Committee on Ways and Means, before which John B. Haggerty, representing the Printing Trades, appeared May 19 and urged special taxation of radio. NAB has laid the pertinent facts before the committee, and will resist any attempts to tax radio stations discriminatorily as against other media.

FEDERAL LEGISLATION

HOUSE

H. R. 4703 (Secrest, D-Ohio) COPYRIGHT—To amend sections 12 and 13 of the Copyright Act of March 4, 1909, to secure the prompt deposit of copyrightable material into the Library of Congress, and prompt registration of claims of copyright in the Copyright Office, and for other purposes. Referred to Committee on Patents.

H. R. 4806 (Connery, D-Mass.)—RADIO TAX—To provide a radio-broadcasting tax. Referred to Committee on Ways and Means.

H. R. 4826 (Kramer, D-Calif.) COPYRIGHT—To amend section 8 of the Copyright Act of March 4, 1909, as amended, so as to preserve the rights of authors during the present emergency, and for other purposes. Referred to Committee on Patents.

SENATE

S. 1518, (Walsh, D-Mass.) COMMUNICATION—To prohibit the use of the mails or other channels of interstate or foreign commerce for the delivery or transmission of any advertisements, solicitation, statement, or other communication wherein the word "olympic" or any of its derivatives is used in such a manner as is likely to deceive the public. Referred to Committee on Interstate Commerce.

S. 1519 (Walsh, D-Mass.) COMMUNICATION—To prohibit the use of the mails or other channels of interstate or foreign commerce for the delivery, transportation, or transmission of any tickets, advertisements, solicitation, statements, or other communications containing false statements or representations as to the amateur character of any event, competition, or spectacle, for the purpose of selling tickets of admission to, or raising funds for the support of such event, competition, or spectacle. Referred to Committee on Interstate Commerce.

SENATE RESOLUTION

S. Res. 113 (White, R-Maine.) COMMUNICATIONS—Authorizing a study of sundry communication problems. Referred to Committee on Interstate Commerce.

STATE LEGISLATION

FLORIDA:

H. 68 (Luckie) PROPAGANDA—RACE—Relating to propaganda inciting race, color or religious hatred. Referred to Committee on Americanism.

H. 960 (Same as S. 268) (Perry) PHONOGRAPH RECORDS—SALE—To prevent claims for additional compensation after sale of phonograph records, transcriptions or any form of recorded music and entertainment. Referred to Committee on Judiciary 'A".

H. 978 (Minshall, et al.) FOODS—MISBRANDING—Amending Sec. 15, Chap. 19656, Acts of 1939, relating to the disposal or movement in commerce of adulterated or misbranded foods, drugs, devices and cosmetics; prohibiting false advertising and guaranteeing thereof. Referred to Committee on Public Health.

H. 1038 (Committee on Americanism) RELIGIOUS HOSTILITY—Prohibiting the circulation or publication of statements tending to create hatred, violence or hostility, against persons by reasons of their religious belief. Referred to Calendar.

MASSACHUSETTS:

H. 2427 (Reported on P. D. 144-Con Law) RADIO—SLANDER—Relative to slander by radio.

H. 2432 (Reported on H. 189, 324, 1721) COPYRIGHTED MUSICAL COMPOSITIONS—Requiring the filing with the state secretary of contracts pertaining to the sale, licensing or other disposition of performing rights in copyrighted musical compositions and dramatico-musical compositions, and imposing a tax on the gross profits of such sales, licenses and other dispositions of such rights.

H. 2499 (Offered by Innis as substitute for H. 2427) SLANDER—Relative to slander by radio.

MISSOURI:

H. 593—RADIO ADVERTISING—BEER—LIQUOR—Prohibits radio broadcasts advertising beer or intoxicating liquor.

PENNSYLVANIA:

H. R. 76 (Jefferson) RADIO BROADCASTING—NEGRO SPIRITUALS—Requests radio broadcasting stations to refrain from desecrating negro spirituals. Referred to Committee on Rules.

FEDERAL COMMUNICATIONS COMMISSION

FLY DISCUSSES "MONOPOLY"

At a press conference early this week James Lawrence Fly, FCC chairman said, in answer to a question, that the network monopoly report is all settled, now that the report is out and he said that the Commission has received many offers of cooperation from the broadcast industry.

Answering another question Mr. Fly said that he had seen Senator Wheeler at a telegraph hearing at the Capitol this week, but that he had not discussed the White resolution with Senator Wheeler.

The Chairman told the newsmen that he is still optimistic about selecting a person to head the new foreign short wave propaganda analysis set up. He said he had had great difficulty in filling the job. However he said he hoped to be able to announce the new head in a few days.

HARRIS ASSISTANT GENERAL COUNSEL

The FCC announced the appointment of Thomas E. Harris as Assistant General Counsel to succeed Joseph L. Rauh, Jr., who is resigning to take a position on the legal staff of the Lease-Lend Administration. Mr. Harris, who is now in the office of the Solicitor General, will join the Commission's staff within a week.

Born at Little Rock, Arkansas, on May 25, 1912, Mr. Harris attended the local schools and was graduated from the University of Arkansas in 1932. He received his legal education at the Columbia Law School, from which he was graduated in 1935 with high honors, having served on the Editorial Board of the Columbia Law Review.

Following his graduation from law school, Mr. Harris was appointed law secretary to Mr. Justice Harlan Fiske Stone of the United States Supreme Court, and served in that capacity for one year. From 1936 to 1937, Mr. Harris was employed at the Washington law firm of Covington, Burling, Rublee, Acheson and Shorb.

From 1937 to 1939, Mr. Harris was employed by the Lands Division of the Department of Justice, where he specialized in appellate work. He was Assistant Chief of the Appellate Section during the last six months of his tenure.

In 1939, Mr. Harris became a member of the staff of the Solicitor General's office, where he is presently employed. He has had extensive appellate experience, including numerous appearances in the Federal Circuit Court of Appeals, and five appearances before the Supreme Court of the United States. His appearances in the Supreme Court included the presentation of the Government's case in two important appeals from decisions of the National Labor Relations Board—the *Phelps-Dodge* case and the *Republic Steel* case. He also presented for the Government the important case of *Interstate Commerce Commission* vs. *American Trucking Association,* involving the classification of employees of trucking companies.

Mr. Harris is married, and resides in the District of Columbia.

In submitting his resignation, Assistant General Counsel Rauh explained:

> "I have only one real regret in making this move. Before leaving the Commission, I should have liked to see the chain broadcasting regulations upheld in the forum of public opinion and in the courts, as I feel confident that they shall be. I should have liked to see them become an integral part of the structure of radio broadcasting in this country. The Chain Broadcasting Report and regulations constitute, to my mind, the most forward-looking step toward the safeguarding of freedom of speech that has been taken for many years."

HILMER ASSISTANT GENERAL COUNSEL

The FCC announced the appointment of Lucien A. Hilmer as Assistant General Counsel in charge of the Broadcasting Division of the legal department. Mr. Hilmer succeeds to the position formerly occupied by Mr. George B. Porter, who resigned in the fall of 1940 to enter private practice. Mr. Hilmer has been in charge of the Broadcasting Division since Mr. Porter's resignation.

A native of New York, Mr. Hilmer is thirty-three years of age. He graduated from Williams College in 1928, and from Harvard Law School in 1931.

From 1931 to 1935 Mr. Hilmer engaged in the private practice of law in New York City. In 1935 he was appointed Assistant Counsel to the Senate Committee on Interstate Commerce, in connection with the Railroad Finance Investigation conducted by that Committee. In 1938 Mr. Hilmer was appointed as Associate Counsel to the Committee, and served in that capacity until his appointment as Special Counsel on the staff of the Federal Communications Commission in 1940.

Mr. Hilmer is married and resides in the District of Columbia.

TELEVISION APPLICATION FORMS

New application forms to expedite the transition of television stations from experimental to commercial basis have been made available by the FCC in preparation for the advent of television commercial service on July 1.

Form 330 covers construction permit for a new commercial television station under the rules and regulations and standards adopted by the Commission's order of April 30.

Form 333 covers construction permit, modification of construction permit, or modification of license for existing television stations, and can be used by the 21 present program stations for furnishing engineering information called for in the April 30 order. Information heretofore filed may be included in the application by reference.

WOC INCREASED FACILITIES

The FCC granted the application of Tri-City Broadcasting Company for a construction permit to install a new transmitter, erect a directional antenna system for nighttime use, move to another site, and to change the operating assignment of its station WOC, at Davenport, Iowa, from 1450 kilocycles, a local frequency, to the regional frequency of 1420 kilocycles, with power increase from 250 watts to 1 kilowatt, unlimited time.

In a Decision and Order (B-136), the Commission holds that operation of WOC under changes brought about by the North American Regional Broadcasting Agreement will not involve objectionable interference. However, the grant is conditional upon WOC's submitting proof of performance of its proposed directional antenna system.

NEW CALIFORNIA STATION

On the basis of evidence adduced at public hearing, the FCC proposes to grant the application of the Broadcasting Corporation of America for a radio station at Riverside, Calif., and, because of mutually exclusive interference, deny the application of the Riverside Broadcasting Company for a station at the same place.

There is no broadcast station in Riverside at present. The Broadcasting Corporation of America seeks authority to use 1420 kilocycles with 1 kilowatt power on unlimited time. The Riverside Broadcasting Company is applicant to use 1420 kilocycles with 250 watts power, unlimited time. Their simultaneous operation is impracticable.

The station proposed by the Broadcasting Corporation of America would render primary service to approximately 152,900 persons in the daytime and to some 114,600 persons at night, whereas the other applicant proposes primary service to about 90,400 persons by day and 33,500 by night.

On the basis of such showing, the Commission, in its Proposed Findings of Fact and Conclusions (B-137), concludes:

> "1. Simultaneous operation of the stations proposed by the applicants herein would result in prohibitive interference and the granting of one application would necessarily preclude the granting of the other.
>
> 2. The station proposed in the application of the Broadcasting Corporation of America would render primary service to approximately 62,500 more persons during the day and 81,100 more persons during nighttime hours than would the station proposed in the application of the Riverside Broadcasting Company.
>
> 3. The applicant, Broadcasting Corporation of America, is legally, technically, financially, and otherwise qualified to construct and operate a radio-broadcast station as proposed.
>
> 4. The granting of the application of the Broadcasting Corporation of America (Docket No. 5780) subject to the selection of a satisfactory transmitter site and complete radiating system, will serve public interest, convenience and necessity; the application of the Riverside Broadcasting Company (Docket No. 5890) should be denied."

JACKSONVILLE, ILL., BROADCAST GRANT

The FCC adopted and made final its Proposed Findings of Fact and Conclusions (B-130) to grant Hobart Stephenson, Milton Edge and Edgar J. Korsmeyer, a partnership, doing business as Stephenson, Edge and Korsmeyer, a construction permit for a broadcast station at Jacksonville, Ill., to operate on 1150 kilocycles, with power of 250 watts, daytime only.

Helen L. Walton and Walter Bellatti, another partnership, had applied for the same facilities. Joint hearing was held last September.

In today's amended conclusions the Commission finds:

> "Where, as in this case, there are two qualified applicants seeking the same facilities, and the granting of the one precludes the granting of the other, it is necessary to select one of the two. Stephenson and Edge for some years have endeavored to obtain a license for a broadcasting station and have taken the initiative to obtain broadcast facilities to serve the vicinity of Jacksonville. Stephenson, Edge and Korsmeyer filed the instant application two months prior to the application of Walton and Bellatti seeking the same facilities. With the granting of the application of Stephenson, Edge and Korsmeyer there will be added to the Jacksonville area a medium for the dissimination of news and information to the public which will be independent of and afford a degree of competition to other such media in that area. All these circumstances and acts considered, the Commission concludes that the granting of the application of Stephenson, Edge and Korsmeyer will better serve the public interest."

BROADCAST MEASUREMENTS

During April experts of the FCC measured 702 broadcast stations, leaving 182 not measured

Of the 702 measured 616 showed a maximum deviation within 0-10 cycles; 62 maximum deviation within 11-25 cycles; 10 maximum deviation within 26-50 cycles. No stations showed a maximum deviation over 10 cycles while 14 stations showed a maximum deviation over 50 cycles.

891 STATIONS

The Federal Communications Commission issued operating licenses to three stations and granted six permits for the construction of new stations during the month of April, 1941. Four operating stations and two CP stations were deleted. A comparative table by months follows:

	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1
Operating	779	783	791	799	806	810	816	825	831	835	836	837	836
Construction	47	53	56	58	57	54	52	51	51	46	54	54	55
	826	836	847	857	863	864	868	876	882	881	890	891	891

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, May 26. They are subject to change.

Tuesday, May 27

KMA—May Broadcasting Company, Shenandoah, Iowa.—Renewal of License, **930 kcs**; 1 kw night; 5 kw day; unlimited time.

Wednesday, May 28

WRDO—WRDO, Incorporated, Augusta Maine.—Renewal of License, **1370 kcs**; 100 w; unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

June 2

Hearing to be held in Pensacola, Florida, beginning June 2 and continued thereafter in Panama City, Florida and Ocala, Florida, as follows:

Pensacola, Florida, in Court Room, County Court Building.
Panama City, Florida, in Court Room, County Court House.
Ocala, Florida in U. S. Court Room, 2nd Floor, U. S. Post Office Bldg.

WTMC—Ocala Broadcasting Company, Inc., Ocala, Fla.—In the matter of revocation of license of station.

WDLP—Panama City Broadcasting Company, Panama City, Fla. —In the matter of revocation of license of station.

June 25

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Bros., Sedalia, Missouri.—C. P., **800 kcs** (under NARBA) 1 kw day; daytime.

Consolidated Hearing

WCAM—City of Camden, Camden, New Jersey.—Renewal of license, **1280 kcs;** 500 w night; 500 w LS; shares WTNJ and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, New Jersey.—Renewal of license, **1280 kcs;** 500 w night; 500 w LS; shares WTNJ and WCAM.

WTNJ—WOAX, Incorporated, Trenton, New Jersey.—Renewal of license, **1280 kcs;** 500 w night; 500 w LS; shares WCAM and WCAP.

WTNJ—WOAX, Incorporated, Trenton, New Jersey.—C. P., **1230 kcs;** 1 kw night; 1 kw day; unlimited; DA-day and night.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pennsylvania.—C. P., **1260 kcs;** 1 kw night; 5 kw day; DA-night; unlimited.

June 27

NEW—Parkersburg Sentinel Company, Parkersburg, West Virginia.—C. P., **1310 kcs;** 250 w; unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KGEI—General Electric Co., Treasure Island, San Francisco, Calif.—Granted modification of construction permit for international broadcast station to move transmitter to near Belmont, Calif.; granted extension of completion date to July 1, only (B5-MPIB-25).

WHEB—Granite State Broadcasting Corp. (assignor), WHEB, Inc. (assignee), Portsmouth, N. H.—Granted consent for assignment of license from Granite State Broadcasting Corp., licensee of Station WHEB, to WHEB, Inc. (assignor), agrees to sell and assign all of the station property to assignee for a consideration of $6,000; in addition assignee will pay the controlling shareholder of the assignor (H. J. Wilson), $6,000 for surrendering his stock (80% of the common voting stock) for cancellation, and $6,400 representing advances to the assignor for which he holds promissory notes.)

WBLJ—H. C. & T. W. Kenemer, d/b as Kenemer Bros. (transferees), J. B. Roach (transferor), Dalton, Ga.—Granted consent to transfer control of corporation, Dalton Broadcasting Corp., licensee of broadcast station WBLJ, from J. B. Roach to H. C. and T. W. Kenemer, a partnership doing business as Kenemer Bros. (59% of issued and outstanding capital stock for a cash consideration of $10,000); station operates on **1230 kc;** 250 watts; unlimited time (B3-TC-261).

WJBK—James F. Hopkins (transferor), Richard A. Connell and Henrietta Connell (transferees), Detroit, Mich.—Granted consent to acquisition of control by Richard A. Connell and Henrietta Connell (wife) of James F. Hopkins, Inc., licensee of Station WJBK (5-1/3% of common stock, par value $10 per share, 5-5/9% of common stock, no par value, and 5.53% of prefererd stock, par value $10 per share; total consideration paid was $5,173) station operates on **1490 kc;** 250 watts night and day; unlimited time (B2-TC-259).

WDEL—WDEL, Inc., Wilmington, Dela.—Granted modification of construction permit for approval of directional antenna for day and night use and transmitter site at 1.6 miles northeast of city of Wilmington, Dela., on Northeast Boulevard; granted subject to engineering conditions; present assignment (under construction permit) **1150 kc,** 5 KW night and day; directional antenna night and day (B1-MP-1158).

KFIZ—Reporter Printing Company, Fond du Lac, Wisc.—Granted construction permit to install new transmitter and antenna and increase power from 100 watts night and day to 250 watts night and day; **1450 kc;** unlimited time (B4-P-2986).

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J., (international broadcast station).—Granted modification of construction permit to add frequencies 11890, **15150 kc,** make changes in equipment, and extend commencement date to immediately and completion date to 30 days after grant (B1-MPIB-24).

W47P—Walker & Downing Radio Corp., Pittsburgh, Pa.—Ordered issuance of construction permit for new FM station without prejudice to determination of hearing under Order No. 79.

American Broadcasting Corp., of Kentucky, Lexington, Ky.—Granted construction permit for new high frequency (FM) broadcast station to operate on **45100 kc;** area 6,298 square miles (B2-PH-34).

Paducah Broadcasting Co., Inc., Henderson, Ky.—Granted construction permit for new standard broadcast station to operate on **860 kc,** 250 watts daytime only; exact site to be determined with Commission's approval (B2-P-3149).

WKY—WKY Radiophone Company, Oklahoma City, Okla.—Granted construction permit for approval of transmitter site approximately 6 miles north of center of Oklahoma City, Okla. and 1-1/4 mile east of Britton, Okla., and directional antenna for night use; granted subject to engineering conditions with respect to interference; station operates on **930 kc,** 1 KW night, 5 KW day, unlimited time (B3-P-3114).

DESIGNATED FOR HEARING

MSB Broadcast Co., Omaha, Neb.—Reconsidered Commission action of June 25, 1940, granting the application of MSB Broadcast Co. for construction permit for new station, and designated said application for hearing; designated for hearing the application of MSB Broadcast Co. for modification of said permit designating transmitter and antenna site; designated for hearing the application for consent to transfer control of MSB Broadcast Co. from C. J. Malmsten, John K. Morrison and Arthur Baldwin to Ross C., William W. and Blaine V. Glassman; hearings on these matters to be consolidated (B4-P-2697, B4-MP-1026, B4-TC-248).

KFXM—J. C. Lee & E. W. Lee (Lee Bros. Broadcasting Co), San Bernardino, Calif.—Application for construction permit to change frequency from **1240** to **1420 kc.,** increase power from 250 watts night and day to 1 KW night and day; increase hours of operation from shares with KPPC to unlimited, make changes in transmitter and make changes in vertical antenna (B5-P-3008).

Edward Tom O'Brien, David Shepard, Howard S. Johnson, & John W. Boler, d/b as Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Application for construction permit for new standard broadcast station to operate on **1550 kc.,** 1 KW, unlimited time; exact transmitter and studio sites to be determined by Commission's approval (B4-P-2928).

Orange Broadcasting Corp., Orange, Tex.—Application for construction permit for new standard broadcast station to operate on **1600 kc.,** 1 KW, unlimited time (B3-P-3042).

The Gazette Company, Cedar Rapids, Iowa.—Application for construction permit for new standard broadcast station to operate on **1600 kc.,** 5 KW night and day, using directional antenna for night use and nondirectional daytime (B4-P-2283). *Above three applications to be heard at same time.*

Homer Rodeheaver, Winona Lake, Ind.—Application for construction permit for new standard broadcast station to operate on **1480 kc.,** 1 KW, daytime only (B4-P-3104).

MISCELLANEOUS

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted modification of construction permit (B3-P-2952, which authorized increase in power and installation of directional antenna for night use) for changes in directional antenna on **960 kc.** under NARBA (B3-MP-1292).

WMRF—Lewistown Broadcasting Co., Lewistown, Pa.—Granted modification of construction permit (B2-P-2977 authorizing a new station) for installation of new transmitter, changes in antenna system, move of studio from Lewistown Heights, to 50 Market St., Lewistown, Pa., and extension of completion date to 180 days after grant (B2-MP-1276).

WTSP—Pinellas Broadcasting Co., St. Petersburg, Pa.—Granted modification of construction permit (B3-P-2933), which authorized installation of new transmitter, changes in antenna, change frequency and increase power to change type of transmitter and extend commencement date to 30 days after grant and completion date to 90 days thereafter, and requesting **1380 kc.** under NARBA (B3-MP-1213).

WWNY—The Brockway Company, Watertown, N. Y.—Granted license to cover construction permit (B1-P-937) for new station. (B1-L-1388). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-829).

WCSH—Congress Square Hotel Co., Portland, Me.—Granted license to cover construction permit (B1-P-2535, which authorized increase in power to 5 KW, and installation of directional antenna; **970 kc.** under NARBA). (B1-L-1372). Also granted authority to determine operating power by direct measurement of antenna power.

WCOV—Capitol Broadcasting Co., Inc., Montgomery, Ala.—Granted modification of construction permit for change in frequency from **1210** to **1240 kc.**

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to rebroadcast a 15-minute program, plane to ground, on May 8, 1941, in conjunction with the Air Corps Recruiting campaign only.

KRKO—The Everett Broadcasting Co., Inc., Everett, Wash.—Granted modification of construction permit to change frequency from **1370** to **1400 kc.**

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted special temporary authority to rebroadcast programs originating in U. S. Navy plane from 4:30 to 4:45 p. m., CST, May 8, 1941, only.

W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted extension of special temporary authority to operate frequency modulation station commercially on **47100 kc.,** power 1,000 watts, special emission for frequency modulation at 444 Madison Ave., New York City, using Western Electric Co. 503-A1 transmitter, 1,000 watt driver for No. 504-A1 transmitter, for the period May 18 to not later than July 16, 1941.

W51C—Zenith Radio Corp., Chicago, Ill.—Granted extension of special temporary authority to operate frequency modulation station commercially on **45.1 mc.,** with 5,000 watts power, special emission for frequency modulation with transmitter located at 135 South LaSalle St., Chicago, Ill., for a period beginning May 18 to not later than July 16, 1941.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to operate a minimum of eight and one-half hours daily for the period May 19, 1941, to not later than June 7, 1941, in order to observe the University examination and vacation period.

W47A—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Granted special temporary authority to rebroadcast frequency modulation programs from W1XOJ and W1XPW, to supplement W47A original programs, for a period not to exceed 30 days, beginning June 1, 1941, provided station authorized to conduct program tests.

K45LA—Don Lee Broadcasting System, Los Angeles, Calif.—Granted special temporary authority to operate frequency modulation station commercially on **44500 kc.,** 1,000 watts, special emission for frequency modulation, with transmitter located on top of Mt. Lee, Los Angeles, Calif., and described as Western Electric type 5030A-1, maximum rated power 1,000 watts and using a 4-bay turnstile antenna, for a period not to exceed 60 days, pending completion of construction pursuant to construction permit.

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—Granted special temporary authority to rebroadcast programs of Army Planes KY3, K57 and L35 on May 20, 1941, in connection with Honolulu blackout exercises only.

KFUO—Evangelical Lutheran Synod of Mo., etc., Clayton, Mo.—Granted authority to determine operating power by direct measurement of antenna power on **850 kc.** under NARBA (B4-Z-759).

KARM—KARM, The George Harm Station, Fresno, Cal.—Granted authority to determine operating power by direct measurement of antenna power on **1340 kc.** under NARBA (B5-Z-794).

WIZE—Radio Voice of Springfield, Springfield, Ohio.—Granted authority to determine operating power by direct measurement of antenna power on **1340 kc.** under NARBA (B2-Z-772).

KWOS—Tribune Printing Co., Jefferson City, Mo.—Granted authority to determine operating power by direct measurement of antenna power on **1340 kc.** under NARBA (B4-Z-796).

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted authority to determine operating power by direct measurement of antenna power on **1340 kc.** under NARBA (Bz-Z-801).

KTMS—News-Press Publishing Co., Santa Barbara, Cal.—Granted authority to determine operating power by direct measurement of antenna power on **1250 kc.** under NARBA (B5-Z-786).

KYCA—Southwest Broadcasting Co., Prescott, Ariz.—Granted authority to determine operating power by direct measurement of antenna power on **1490 kc.** under NARBA (B5-Z-802).

KPHO—M. C. Reese, Phoenix, Ariz.—Granted authority to determine operating power by direct measurement of antenna power on **1230 kc.** under NARBA (B5-Z-766).

KDNT—Harwell V. Shepard, Denton, Texas.—Granted authority to determine operating power by direct measurement (B3-Z-853).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted authority to determine operating power by direct measurement (B4-Z-804).

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted authority to determine operating power by direct measurement (B3-Z-855).

KGLU—Gila Broadcasting Co., Safford, Ariz.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-765).

KGKB—East Texas Broadcasting Co., Tyler, Texas.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-816).

KVSO—The Ardmoreite Pub. Co., Inc., Ardmore, Okla.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-846).

KFXJ—Western Slope Broadcasting Co., Grand Junction, Colo.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-825).

WJAC—WJAC, Inc., Johnstown, Pa.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-832).

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-668).

WLB—Univ. of Minnesota, Minneapolis, Minn.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-819).

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-830).

KGKY—Hilliard Co., Scottsbluff, Neb.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-827).

KIUL—Garden City Broadcasting Co., Garden City, Kans.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-817).

KHJ—Don Lee Broadcasting System, Los Angeles, Cal.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-824).

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-821).

KIDO—Boise Broadcast Station, Boise, Idaho.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-807).

KFI—Earle C. Anthony, Inc., Los Angeles, Cal.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-599).

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-835).

KOAM—The Pittsburg Broadcasting Co., Inc., Pittsburg, Kans.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-838).

KWAT—Midland National Life Ins. Co., Watertown, So. Dak.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-826).

KPHO—M. C. Reese, Phoenix, Ariz.—Granted license to cover construction permit (B5-P-3092, which authorized installation of new transmitter.) (B5-L-1353).

WHN—Marcus Loew Booking Agency, New York City.—Granted modification of construction permit (B1-P-2899, for new transmitter, directional antenna day and night use, change in frequency to **1050 kc.**, increase in power to 50 KW and move of transmitter) for authority to install new transmitter, and make changes in antenna (B1-MP-1289).

KORN—Nebraska Broadcasting Corp., Fremont, Neb.—Granted modification of license to move studio from 6th and Broad Streets, Pathfinder Hotel, to present transmitter location at East 16th St., Fremont, Neb. (B4-ML-1063).

W49D—John Lord Booth, Detroit, Mich.—Granted special temporary authority to operate on RCA, 1 KW, transmitter on **44900 kc.**, and a temporary simple turnstile antenna having power ratio of .7 with the 1 KW transmitter for a period not to exceed 60 days, pending completion of construction in accordance with the construction permit.

Jewel Lee Noble, E. Francis Egleston, M.D., and James W. Bonner, d/b as Physicians and Surgeons Emergency Radio Call Service, San Francisco, Calif.—Granted motion for continuance of hearing on application for construction permit for new Class 2 experimental station to operate on **2398 kc.**, 100 watts, A3 emission, unlimited time, from May 12 to August 18, 1941 (T5-PE-4022).

KRBC—Reporter Broadcasting Co., Abilene, Tex.—Granted petition for leave to amend application to specify **1470 kc**; directed that it be removed from hearing docket and hearing cancelled (B3-P-2553).

KMA—May Broadcasting Co., Shenandoah, Iowa.—Granted motion for continuance of hearing on application for renewal of license from May 16 to May 27, 1941 (B4-R-531).

WGN—WGN, Inc., Chicago, Ill.—Referred to Commission for consideration petition to intervene and to enlarge issues, filed by WGN, Inc., Chicago, Ill., in re hearing on application of Minnesota Broadcasting Corp. (WTCN), Minneapolis, Minn., for construction permit to change from **1250 kc**, 1 KW night, 5 KW LS, unlimited time, to **710 kc**, 10 KW, unlimited time, directional antenna night (B4-P-2439).

WGN—WGN, Inc., Chicago, Ill.—Referred to Commission for consideration petition to intervene and to enlarge issues, filed by WGN, Inc., Chicago, Ill., in re hearing on application of WHB Broadcasting Co. (WHB), Kansas City, Mo., for construction permit to change from **860 kc**, 1 KW daytime, to **710 kc**, 5 KW, unlimited time, directional antenna day and night (B4-P-2873).

KWLC—Luther College, Decorah, Iowa.—Granted modification of construction permit (B4-P-3003), which authorized change of frequency, increase in power, changes in hours of operation, installation of new transmitter and move) for **1240 kc.** under NARBA, and extension of commencement date to 30 days after grant and completion date to 30 days thereafter (B4-MP-1257).

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted modification of construction permit (B2-P-2700 for new transmitter and increase in power from 100 to 250 watts) for new antenna, new transmitter, move of transmitter to North Parkersburg-Wheeling Highway, and requesting **1450 kc.** under NARBA; extension of commencement date to 30 days after grant and completion date to 180 days thereafter (B2-MP-1211).

WBAL—WBAL Broadcasting Co., Baltimore, Md.—Granted modification of construction permit (B1-P-2200, which authororized installation of new transmitter and directional antenna for night use, change in hours of operation, increase in power and move of transmitter) for changes in directional antenna on **1090 kc.** under NARBA, and extension of completion date to 180 days after grant (B1-MP-1255).

WDSU—WDSU, Inc., New Orleans, La.—Granted modification of construction permit (B3-P-2923, which authorized installation of new transmitter, move of transmitter, increase in power, and installation of directional antenna for day and night use) for changes in directional antenna on **1280 kc.** under NARBA (B3-MP-1271).

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted license to cover construction permit (B4-P-3079) which authorized move of transmitter (B4-L-1351).

WAIM—Wilton E. Hall, Anderson, S. C.—Granted license to cover construction permit (B3-P-2935, for installation of new transmitter and antenna, and increase in power (B-3-L-1381).

KLS—Warner Brothers, Oakland, Calif.—Granted license to cover construction permit (B5-P-2826), which authorized increase in power, installation of new transmitter, and changes in antenna; **1310 kc.** 1 KW, unlimited time (B5-L-1379). Also granted authority to determine operating power by direct measurement of antenna power (B5-Z-810).

WCLS—WCLS, Inc., Joliet, Ill.—Granted license to cover construction permit (B4-MP-824), which authorized changes in equipment, increase in power, and **1340 kc.** under NARBA (B4-L-1373).

WHB—WHB Broadcasting Co., Kansas City, Mo.—Granted construction permit to install a new transmitter (B4-P-3160).

KHMO—The Courier-Post Publishing Co., Hannibal, Mo.—Granted modification of construction permit (B4-P-1011, which authorized a new station) for approval of transmitter site, studio site and antenna. **1340 kc.** under NARBA; 250 watts, unlimited time (B4-MP-1256).

Minn. Broadcasting Co., Minneapolis, Minn.; WHB Broadcasting Co., Kansas City, Mo.—The Commission on its own motion, continued the hearing now scheduled for May 19 on these applications, until June 2, 1941.

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted modification of construction permit (B4-MP-896, which authorized decrease in power, change in hours of operation, and installation of directional antenna for night use) for changes in directional antenna on **1070 kc.** under NARBA (B4-MP-1286). Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-860). Also granted license to cover construction permit (B4-MP-896 as modified) for decrease in power, change in hours of operation, and installation of directional antenna for night use; **1070 kc.**; 1 KW night, 5 KW LS, unlimited time, DA at night (B4-L-1393).

W2XWV—Allen B. DuMont Labs., Inc., New York City.—Granted license to cover construction permit for new television station; frequencies **78000-84000 kc.**; 1 KW power aural and visual. The license is granted upon an experimental basis conditionally (B1-LVB-25).

W7-XGT—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted special temporary authority to operate a 40-watt Lear aircraft transmitter Type UT-6, on **12862.5 kc.** for a 15-minute test period on May 6, 1941, in connection with broadcast to be made from Pacific Alaska Airways plane in inaugural stratosphere flight between Seattle and Fairbanks over Radio Station KFAR.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Denied request for special temporary authority to operate specified limited evening hours from 8:30 p. m. to 10 p. m., PST, on May 2, 9, 16, 23 and 30, 1941, in order to broadcast a series of weekly wrestling matches from Vancouver Barracks only.

KAWM—A. W. Mills, Gallup, N. M.—Granted extension of special temporary authority to remain silent for the period ending in no event later than May 30, 1941, pending action on application to install new equipment.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 8:15 p. m., EST, to conclusion of Americanization Program only on May 6, 1941.

WSBT—The South Bend Tribune, South Bend, Ind.—Granted extension of special temporary authority to operate unlimited time on **960 kc.**, 250 watts night, 500 watts daytime on commercial basis for the period May 9, 1941, pending completion of tests and survey now being commenced, filing of report to cover same, and application for license to cover construction, and issuance of program test authority by the Commission. but not to exceed 30 days.

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted extension of special temporary authority to operate an additional transmitter located at Alpine, N. J., on **43 mc.** with a power not to exceed 40 KW using frequency modulation for a period of 30 days beginning May 11, 1941 and ending not later than June 9, 1941, in order to conduct further experiments on adjacent channel operation of high frequency broadcast stations and to demonstrate such operation to certain engineering committees of the Radio. Mfg. Assn.

WJLB—John L. Booth Broadcasting, Inc., Detroit, Mich.—Granted special temporary authority to rebroadcast program from Navy plane, as part of show in connection with Naval Aviation Week, Grosse Ile Naval Reserve Airport, from 11:30 a. m. to 12:30 p. m. on May 10, 1941, only.

WWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast program from SNJ Navy plane 2017 on May 10 or 11, 1941, only.

WTAM—National Broadcasting Co Inc., Cleveland, Ohio.—Granted special temporary authority to rebroadcast program originating in U. S. Navy plane flying in vicinity of U. S. Aviation Base, Grosse Ile, Detroit, between 2 and 2:30 p. m., EST, May 10, 1941, only.

WOSU—Ohio State University, Columbus, Ohio.—Granted special temporary authority to transcribe 2 fifteen-minute programs to be sent to and broadcast by Government Broadcasting stations TGWA, TGWB, TGWC, Guatemala, Central America.

W45B—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to rebroadcast frequency modulation programs of Station W1KPW for a period ending not later than June 30, 1941.

W39B—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to operate frequency modulation station commercially on **43900 kc.,** 1,000 watts, special emission for frequency modulation, using the transmitter of high frequency experimental station W1XER at Summit of Mount Washington, Sargents Purchase, N. H., for a period beginning May 18, 1941 to not later than June 16, 1941, pending completion of construction (Permit No. B1-PH-13).

WBPA—The National Life & Accident Insurance Co., Inc., Nashville, Tenn.—Granted special temporary authority to use an experimental 20-watt FM transmitter on **156750, 158400, 159300, 161100 kc.,** in order to relay program from Dedication Race, Iriquois Track near Nashville May 10, 1941.

W39B—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to rebroadcast programs of high frequency station W10XOJ for the period May 18 to not later than June 16, 1941.

Natchez Radio Corp., Natchez, Miss.—Denied petition of Natchez Radio Corp., requesting (1) reconsideration and grant without hearing application of Natchez Radio Corp. for construction permit for new station and (2) reconsideration and designate for hearing the application of Natchez Broadcasting Co. for construction permit for new station.

Metropolis Company, Ocala, Fla.; Bay County Publishers, Inc., Panama City, Fla.—Denied motions for immediate specification of issues, fixing date and place of hearing, and for other relief. (Dockets Nos. 6092 and 6093.)

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Denied petition for reconsideration and grant without hearing application for construction permit to change transmitter and site, change frequency from **1200 kc.** to **1410 kc.,** increase power from 250 watts to 1 KW, install directional antenna for night use.

Head of the Lakes Broadcasting Co., Duluth, Minn.—Placed in pending files pursuant to Order No. 79, application for construction permit for new FM station to operate on **44500 kc.,** with coverage of 2,754 square miles (B4-PH-74).

Contra Costa Broadcasting Co., Richmond, Calif.—Placed in pending file pursuant to Order No. 79, application for construction permit for new standard broadcast station to operate on **1210 kc.,** 500 watts day and night, limited to WCAU (B5-P-2964).

KTHS—Hot Springs Chamber of Commerce, Hot Springs Nat'l Park, Ark.—Granted special temporary authority to operate from 7 to 7:30 p. m., CST, May 29, in order to broadcast program of First Annual Report to Nation of the National Defense Program only (B3-S-426).

WCAT—So. Dak. State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to remain silent from June 1 to September 15, in order to observe summer vacation (B4-S-649).

W47A—The Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Granted special temporary authorization to operate with main studio at the transmitter of FM broadcast station W47M for a period of 30 days from June 1, pending completion of STL transmitter at main studio specified in construction permit.

KTHS—Hot Springs Chamber of Commerce, Hot Springs Nat'l Park, Ark.—Granted authority to determine operating power by direct measurement (B3-Z-868).

WMAS—WMAS, Inc., Springfield, Mass.—Granted authority to determine operating power by direct measurement (B1-Z-844).

KDLR—KDLR, Inc., Devils Lake, N. Dak.—Granted authority to determine operating power by direct measurement (B4-Z-845).

KOCA—Oil Capitol Broadcasting Assn., Kilgore, Tex.—Granted authority to determine operating power by direct measurement (B3-Z-851).

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted authority to determine operating power by direct measurement (B3-Z-861).

KRBA—Red Lands Broadcasting Assn., Lufkin, Texas.—Granted authority to determine operating power by direct measurement (B3-Z-857).

WORD—Spartanburg Advertising Co., Spartanburg, S. C.—Granted authority to determine operating power by direct measurement (B3-Z-865).

KTBC—State Capitol Broadcasting Assn., Inc., Austin, Tex.—Granted authority to determine operating power by direct measurement (B3-Z-848).

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted modification of construction permit (B1-P-2704, which authorized new transmitter, change in power and time of operation, etc.), for extension of completion date to 7-25-41 (B1-MP-1291).

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted authority to install new automatic frequency control equipment (B4-F-221).

WBIR—J. W. Birdwell, Knoxville, Tenn.—Granted license to cover construction permit for new station; **1240 kc.,** 250 watts, unlimited time (B3-L-1326). Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-662).

KBIZ—J. D. Flavey, Ottumwa, Iowa.—Granted license to cover construction permit for new station to operate on **1240 kc.,** 100 watts, unlimited time (B4-L-1392). Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-847).

WNEL—Juan Piza, San Juan, P. R.—Granted license to cover construction permit (B-P-2762), which authorized changes in equipment, antenna changes, increase in power to 5 KW, move of transmitter, and specifying **1320 kc.** under NARBA (B-L-1397).

KRLC—H. E. Studebaker, Lewiston, Ida.—Granted license to cover construction permit (B5-P-3020 which authorized changes in equipment and to specify **1400 kc.** under NARBA). (B5-L-1395). Also granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA (B5-Z-864).

WQXR—Interstate Broadcasting Co., Inc., New York City.—Granted license to reinstate B1-L-1344 to use old 1 KW Composite transmitter as auxiliary transmitter for emergency use only (B1-L-1391).

KALW—Board of Education of the San Francisco Unified School Dist., San Francisco, Calif.—Granted modification of construction permit (B5-PED-14, which authorized a new non-commercial educational broadcast station) for extension of completion date to August 14/41 (B5-MPED-5).

WNBI—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate International station WNBI on frequency **17780** in order to permit simultaneous operation of WNBI and WRCA on frequencies **17780** and **9670 kc.,** for the period May 16 to June 14.

WRCA—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate on **9670 kc.** with effective power of 100 KW using separate power amplifiers feeding separate directional antennas for the period May 20 to June 19, 1941.

W55M—The Journal Company (The Milwaukee Journal) Milwaukee, Wis.—Granted extension of special temporary authority to operate frequency modulation station commercially on **45500 kc.,** 1 KW, special emission for FM, with transmitter located at 606 West Wisconsin Ave., Milwaukee, for the period May 31 to June 29, subject to any rules and regulations that may be adopted by the Commission.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Granted motion for indefinite continuance of hearing now scheduled for May 29, on application to change frequency, increase power and operating time.

Trent Broadcast Corp., Trenton, N. J.—Granted petition for leave to amend application for new station to request some other frequency than **1250 kc.**, and application removed from hearing docket.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted motion to continue hearing for a period of 30 days from May 26 on applications of WCAM, WCAP, WTNJ for renewal of licenses; and application of WDAS for change in frequency, increase in power, etc.

Park Cities Broadcasting Corp., Dallas, Tex.—Referred to the Commission petition to intervene in the hearing on application of WHB, Kansas City, Mo., to change frequency, etc. Also motion for continuance of hearing now scheduled for May 19.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted petition for leave to amend application to change type of equipment, in re construction permit to increase power to 5 KW; application to remain on docket.

God's Bible School and College, Cincinnati, Ohio.—Granted motion in part, without prejudice to filing amended application, for extension of 2 weeks only, in which to file exceptions to Commission's Proposed Findings.

Helen L. Walton and Walter Bellatti, Jacksonville, Ill.—Denied petition for indefinite continuance of oral argument now scheduled for May 22, in re applications of applicants and Stephenson, Edge & Korsmeyer, for new station in Jacksonville, Ill.

Fairfield Broadcasting Corp., Lancaster, Ohio.—Granted petition for leave to amend application for construction permit for new station, to request **880** instead of **820 kc.**, power 1 KW instead of 250 watts, and to specify another transmitter. Application removed from hearing docket.

KOWH—World Publishing Co., Omaha, Neb.—Granted petition for leave to intervene in the hearing on the application of KFEQ, St. Joseph, Mo., to increase power to 5 KW.

WTAQ—WHBY, Inc., Green Bay, Wis.—Granted request for dismissal of application for construction permit to make changes in directional antenna system.

KFAB—KFAB Broadcasting Co., Lincoln, Neb.; WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Granted petition of applicants for leave to amend application to specify new directional antenna, amendment to be filed by May 31, in re applications of KFAB to change frequency, etc., and WBT to install directional antenna for night use.

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted petition for extension of time for all parties in which to file Proposed Findings and Conclusions from May 19 to June 9, in re application for modification of license to increase night power to 500 watts on **1340 kc.**

KOMA—KOMA, Inc., Oklahoma City, Okla.—Granted 30-day extension of time in which to file amendment to application for construction permit to change frequency from **1490** to **690 kc.**, and increase power to 50 KW.

Staunton D. Bennett, d/b as Radio Station KFAR, Fairbanks, Alaska.—Granted special temporary authority to operate a composite 1 KW, Crystal Controlled transmitter on **12862.5 kc.** in order to relay broadcast program material in connection with Pacific Alaska Airways inaugural stratosphere flight of the plane Lodestar on May 16, 1941, only subject to condition that there is no interference with other stations.

KFAS—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted special temporary authority to operate a 40 watt Lear aircraft transmitter Type UT-6 on 2830, 6425, 9135 and **12862.5 kc.** for two 15-minute periods on May 16, 1941, in connection with broadcast to be made from Pacific Alaska Airways plane in inaugural stratosphere flight between Seattle and Fairbanks over Station KFAR, subject to condition that no interference results to other stations.

National Broadcasting Co., New York City, N. Y.—Granted special temporary authority to rebroadcast over Station KGO and the Blue Network program material scheduled for transmission by relay station KFAS from the Pacific Alaska Airways plane Lodestar, on May 16, 1941, only.

National Broadcasting Co., New York City, N. Y.—Granted special temporary authority to rebroadcast over Radio Station KPO and the Red Network program material scheduled for transmission by special relay broadcast station KFAX from Fairbanks, Alaska, on May 16, 1941, only.

W3XMC—McNary and Chambers, Washington, D. C.—Granted special temporary authority to operate on 42.8 and 43 megacycles with power not to exceed 100 watts beginning 10 days after grant for a period not to exceed 30 days, in order to permit engineering studies and observations as to possible alternate channel or adjacent channel interference.

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted special temporary authority to utilize the presently authorized WRCA **9670 kc.** power amplifier NRA50A Serial No. 1 for WNBI operation on **11890 kc.** for a period of 30 days from May 15, 1941.

National Broadcasting Co., Inc., New York City.—Granted special temporary authority to rebroadcast over KPO, KGO, and the combined Red and Blue Networks of associated standard broadcast stations program material received over U. S. Navy radio facilities between 2 and 2:15 p. m. EDST, May 18, 1941 program entitled "Radio and National Defense," only.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Continued hearing on application for renewal of license, now scheduled for May 26, 1941, to June 16, 1941.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Denied request for special temporary authority to operate specified hours from 9:15 to 10 p. m., PST, May 15, 1941 (B5-S-1027).

The Gazette Co., Cedar Rapids, Iowa.—Placed in pending files pursuant to Order No. 79, the application for construction permit for new FM station to operate on **44,700 kc.**; 7,400 square miles (B4-PH-77).

W6XCB—Columbia Broadcasting System, Inc., Los Angeles, Cal.—Made final the conditional grant of November 15, 1940, and authorized issuance of construction permit for an experimental television station; frequencies **162,000-168,000 kc.** conditionally; 1000 watts; A3, A5 emission.

WWRL—Long Island Broadcasting Corp., Woodside, L. I., New York.—Granted request for extension of temporary license to operate on time previously utilized by station WMBQ, and extended effective date of Provision (3) of Commission order of December 5, 1938, for period of 60 days from May 22.

KFRC—Don Lee Broadcasting System, San Francisco, Cal.—Granted request for issuance of a new license without condition as to providing protection to Canadian station CJAT.

W9XYH—Head of The Lakes Broadcasting Co., Superior, Wisc.—Denied request for special temporary authority to operate experimental high frequency broadcast station upon a commercial basis.

W2XQR—John V. L. Hogan, New York City.—Denied request for special temporary authority to operate experimental high frequency station upon a commercial basis.

Symons Broadcasting Co., Ellensburg, Wash.—Denied petition for reconsideration and grant without hearing application for construction permit for new station, and the eighth issue having reference to conflicting application of Mosby's, Inc., specified in hearing notice, deleted.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Denied petition to reconsider and grant without a hearing the application for renewal of license for station WPAY.

Ralph L. Lewis, Greensboro, N. C.—Denied petition to reconsider and grant without a hearing, the application for a new station at Greensboro, N. C. (Docket No. 6017).

KFI—Earle C. Anthony, Inc., Los Angeles, Cal., and 10 other Clear Channel stations.—Dismissed petition for rehearing directed against the action of the Commission on April 7, 1941, adopting as final the Proposed Findings of Fact and Conclusions made and entered by the Commission on December 4, 1940, in the matter of the application of WHDH, Matheson Radio Co., Inc., Boston, for a construction permit to increase power from 1 to 5 KW and operate unlimited time on frequency **850 kc.**

KOA—National Broadcasting Co., Denver, Colo.—Denied petition for rehearing directed against the decision and Order of the Commission, April 7, 1941, granting the application of WHDH for construction permit and amending Rule 3.25.

WEEU—Berks Broadcasting Co., Reading, Pa.—Denied petition for reconsideration and request for modification of order directed against the grant of the application of WHDH mentioned above.

W6XAO—Don Lee Broadcasting System, Hollywood, Calif.—Granted special temporary authority to rebroadcast transmissions received from Radio Station KHJ over the sound channel of television station W6XAO, for a period not to exceed thirty days, in order to provide a continuous source of aural test material and as an accompaniment to test pattern transmissions.

Northwest Airlines, Inc., Washington, D. C.—Granted special temporary authority to relay broadcast program in connection with Red Cross from aircraft station KHCSF, NC-21711, **2790 kc.** to Radio Station KJR on May 17, 1941, only.

KBPS—Benson Polytechnic School, Portland, Ore.—Granted special temporary authority to remain silent for the period beginning 3 a. m. EST, June 6, 1941, and ending not later than September 2, 1941, in order to observe regular school vacation.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m. EST, May 30, 1941, in order to broadcast sustaining musical programs as described in letter dated May 10, 1941, only (provided WSVS remains silent).

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Continued hearing in re revocation of license of Station WDLP, now scheduled for May 19, 1941, until June 2, 1941.

WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla.—Continued hearing in re revocation of license of Station WTMC, now scheduled for May 19, 1941, until June 2, 1941.

APPLICATIONS FILED AT FCC

550 Kilocycles

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Authority to determine operating power by direct method.

560 Kilocycles

WIS—The Liberty Life Insurance Co., Columbia, S. C.—Modification of construction permit (B3-P-2870) to make changes in directional antenna system and increase in power, requesting extension of commencement and completion dates from 12-15-40 and 6-15-41 to 7-15-41 and 1-15-42, respectively.

600 Kilocycles

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa—License to cover construction permit (B4-P-2825) to increase night power to 5 KW and make changes in directional antenna for night use.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Authority to determine operating power by direct method.

640 Kilocycles

WNAD—University of Oklahoma, Norman, Okla.—Modification of construction permit (B3-P-3074) for approval of antenna and transmitter site.

680 Kilocycles

NEW—Herman Radner, Dearborn, Mich.—Construction permit for a new broadcast station to be operated on **680 kc.,** 1 KW, daytime.

740 Kilocycles

NEW—Peter Q. Nyce, Alexandria, Va.—Construction permit for a new broadcast station to be operated on **740 kc.,** Class III, 1 KW, limited to local sunset at Houston, Texas.

NEW—Peter Q. Nyce, Alexandria, Va.—Construction permit for a new Class III broadcast station to be operated on **740 kc.,** 1 KW, limited time to local sunset at Houston. Amended: To request daytime hours of operation.

750 Kilocycles

KMMJ—KMMJ, Inc., Grand Island, Nebr.—Authority to determine operating power by direct method.

780 Kilocycles

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Authority to determine operating power by direct method.

790 Kilocycles

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Authority to determine operating power by direct method.

820 Kilocycles

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Authority to determine operating power by direct method.

850 Kilocycles

WEEV—Berks Broadcasting Co., Reading, Pa.—Authority to determine operating power by direct method.

910 Kilocycles

KFKA—Midwestern Radio Corp., Greeley, Colo.—Authority to determine operating power by direct method.

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—Authority to determine operating power by direct method.

920 Kilocycles

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Modification of construction permit (B2-P-2913) for changes in directional antenna system and requesting **920 kc.** under NARBA. Extension of completion date to 180 days after grant.

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Authority to make changes in automatic frequency control equipment.

930 Kilocycles

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (B5-P-2843) as modified for installation of new transmitter and extension of commencement and completion dates from 4-4-41 and 10-1-41 to 60 days after grant and 180 days thereafter, respectively.

WBEN—WBEN, Inc., Buffalo, N. Y.—Modification of construction permit (B1-P-2757) as modified for increase in power, directional antenna for night use, move transmitter, installation of new transmitter, change in frequency to **930 kc.** under NARBA, for extension of completion date from 6-1-41 to 9-1-41.

WJAX—City of Jacksonville, Jacksonville, Fla.—Authority to determine operating power by direct method.

980 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified, for increase in power and installation of directional antenna for night use, requesting extension of completion date from 6-5-41 to 8-5-41.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Modification of auxiliary license to increase power from 1 KW night, 2½ KW day to 2½ KW day and night, using directional antenna night.

1030 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. M.—Special service authorization to operate on **1030 kc.,** 25 KW night, 50 KW day, unlimited time for period of 180 days (using transmitter authorized under construction permit (B5-P-2783) as modified).

1120 Kilocycles

KMOX—Columbia Broadcasting System, Inc., St. Louis, Mo.—Authority to determine operating power by direct method.

1140 Kilocycles

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. D.—Construction permit to change frequency from **1140 kc.** to **1250 kc.,** hours from limited to unlimited time, install directional antenna for night use, requesting facilities WTCN when WTCN granted **710 kc.,** Class III-A. Amended: To request **1140 kc.,** 10 KW, unlimited time, new transmitter, changes in directional antenna system and move transmitter and to omit request for facilities of WTCN.

1150 Kilocycles

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of construction permit (B3-P-1939) as modified, for installation of new transmitter and directional antenna for night use, change of frequency, and increase in power, requesting changes in directional antenna for night use on **1150 kc.** under NARBA, and extension of commencement and completion dates from 3-15-41 and 9-11-41 to 10 days after grant and 30 days thereafter.

KRSC—Radio Sales Corp., Seattle, Wash.—Authority to determine operating power by direct method.

KSWO—Willard Carver and Byrne Ross, Lawton, Okla.—Authority to determine operating power by direct method.

KSWO—Willard Carver and Byrne Ross., Lawton, Okla.—License to cover construction permit (B3-P-2664) as modified for a new station.

1160 Kilocycles

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Authority to determine operating power by direct method.

1170 Kilocycles

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Authority to determine operating power by direct method.

1190 Kilocycles

WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Construction permit to make changes in equipment, install directional antenna for day and night use, increase power from 10 to 50 KW and change hours from simultaneous day, share night with WWVA to unlimited time. Amended: re directional antenna.

1200 Kilocycles

NEW—The Concord Tribune, Inc., Concord, N. C.—Construction permit for a new broadcast station to be operated on **1200 kc.,** Class II, 1 KW, limited time to local sunset at WOAI, San Antonio, Texas.

1230 Kilocycles

NEW—Beauford H. Jester, Waco, Tex.—Construction permit for a new broadcast station to be operated on **1230 kc.,** Class IV, 250 watts, unlimited hours.

WFTC—Jonas Weiland, Kingston, N. C.—Authority to install automatic frequency control equipment.

KHBC—Hawaiian Broadcasting System, Ltd., Hilo, Hawaii.—Authority to determine operating power by direct method.

WABI—Community Broadcasting Service, Bangor, Me.—Modification of construction permit (B1-P-2349) for new transmitter and directional antenna for night use, change frequency, and increase power requesting approval of transmitter site and approval of directional antenna for night use.

WBOC—The Peninsula Broadcasting Co., Salisbury, Md.—Authority to determine operating power by direct method.

WAIM—Wilton E. Hall, Anderson, S. C.—Authority to determine operating power by direct method.

WFJB—Marshall Electric Co., Marshalltown, Iowa.—Authority to determine operating power by direct method.

WMPC—The Liberty Street Gospel Church of Lapeer, Lapeer, Mich.—Authority to determine operating power by direct method.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Voluntary assignment of license from O. E. Richardson and Fred L. Adair to O. E. Richardson, Fred L. Adair and Robert C. Adair.

NEW—Glens Falls Broadcasting Corp., Glens Falls, N. Y.—Construction permit for a new broadcast station to be operated on **1230 kc.,** Class IV, 250 watts, unlimited hours. Amended to give transmitter site.

1240 Kilocycles

KGY—KGY, Inc., Olympia, Wash.—Modification of construction permit (B3-P-3071) to move transmitter. Extend commencement date and completion date from 6-1-41 and 12-1-41 to 30 days after grant and 180 days thereafter, respectively.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Authority to determine operating power by direct method.

NEW—Iowa Great Lakes Broadcasting Co., Spencer, Iowa.—Construction permit for a new broadcast station to be operated on **1240 kc.,** 100 watts, unlimited hours.

WSBC—Gene T. Dyer, Evelyn M. Dyer, John A. Dyer and Elizabeth M. Hinzman, d/b as Radio Station WSBC, Chicago, Ill.—Authority to determine operating power by direct method.

WSOC—Radio Station WSOC, Inc., Charlotte, N. C.—Authority to determine operating power by direct method.

WSOC—Radio Station WSOC, Inc., Charlotte, N. C.—License to cover construction permit (B3-P-2893) as modified, to install new transmitter, new antenna, move studio and transmitter, increase power specifying **1240 kc.** under NARBA.

WLAG—La Grange Broadcasting Co., LaGrange, Ga.—Authority to determine operating power by direct method.

WLAG—La Grange Broadcasting Co., La Grange, Ga.—License to cover construction permit (B3-P-2763) as modified for a new broadcast station.

KROY—Royal Miller, Sacramento, Calif.—Authority to determine operating power by direct method.

KDOW—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Construction permit to install new transmitter, increase power from 100 watts to 5 KW day and night, change frequency from **1240** to **1470 kc.,** move transmitter and directional antenna for day and night use. Amended to change frequency from **1470** to **1590 kc.** and to change from directional antenna for day and night use to non-directional antenna.

KGBS—Harbenito Broadcasting Co., Harlingen, Tex.—Modification of construction permit (B3-P-2747) for a new station, requesting authority to install new transmitter, make changes in antenna system, and extend commencement and completion dates from 4-18-41 and 10-18-41 to 60 days after grant and 180 days thereafter.

NEW—Western Radio Corp., Pendleton, Ore.—Construction permit for a new class IV broadcast station to be operated on **1240 kc.,** 250 watts and unlimited hours.

1280 Kilocycles

WNEW—Wodaam Corporation, 501 Madison Ave., New York, N. Y.—License to cover construction permit (B1-P-2687) as modified to install directional antenna for day and night use, increase power to 5 KW day and night, change frequency to **1280 kc.** under NARBA.

WNEW—Wodaam Corp., New York, N. Y.—Authority to determine operating power by direct method.

WKST—WKST, Inc., New Castle, Pa.—Modification of construction permit (B2-P-2809) as modified to install directional antenna for night use, change hours of operation from daytime to unlimited time, using 1 KW day and night and for **1280 kc.** under NARBA, requesting extension of completion date from 6-1-41 to 7-1-41.

1310 Kilocycles

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Modification of license to change hours of operation from shares with WTNJ and WCAM to shares with WCAM (Facilities of WTNJ).

WCAM—City of Camden, Camden, N. J.—Modification of license to change hours of operation from shares with WTNJ and WCAP to shares with WCAP (Facilities of WTNJ).

1330 Kilocycles

WEVD—Debs Memorial Radio Fund, Inc., New York City, N. Y.—Modification of construction permit (B1-P-2955) to install directional antenna for day and night use, increase power and install new transmitter, move transmitter, for change in frequency to **1330 kc.** under NARBA, make changes in directional antenna, extend commencement and completion dates from 4-18-41 and 10-18-41 to 60 days after grant and 180 days thereafter, respectively.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Authority to determine operating power by direct method.

1340 Kilocycles

KHUB—John P. Scripps, nr. Watsonville, Calif.—Voluntary assignment of license from John P. Scripps to Luther E. Gibson.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wisc.—Authority to determine operating power by direct method.

NEW—William C. Hess, Fargo, N. D.—Construction permit for a new broadcast station to be operated on **1340 kc.,** 250 watts, Class IV, limited time (12 midnight to 7 a. m. and share with KVOX. Amended: to request authority to share time with KVOX (Facilities KVOX, midnight to 7 a. m. daily).

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Construction permit to make changes in transmitting equipment.

NEW—George Johnston, Jr., Birmingham, Ala.—Construction permit for a new broadcast station to be operated on **1340 kc.**, 250 watts, unlimited time.

WGTM—WGTM, Inc., Wilson, N. C.—Construction permit to move transmitter from approximately 2 miles from business district, Wilson N. C. to U. S. Hwy. 301, 1.3 miles N. of Courthouse, Wilson, and move studio to same site.

KOME—Oil Capital Sales Corp., Tulsa, Okla.—Authority to determine operating power by direct method.

KARM—Gilbert H. Jertberg, exe. of Estate of George Harm, Deceased, Fresno, Calif.—Construction permit to install new transmitter, change frequency from **1340** to **1430 kc.**, increase power from 250 watts to 1 KW. Amended: to change name of applicant to KARM, The George Harm Station, increase power to 5 KW, change requested type of transmitter, install directional antenna for day and night use and move transmitter.

WRAW—Reading Broadcasting Co., Reading, Pa.—Authority to determine operating power by direct method.

KAND—Navarro Broadcasting Assn., J. C. West, Pres., Corsicanna, Texas.—License to cover construction permit (B3-P-3121) for equipment changes and increase in power.

KVOL—Evangeline Broadcasting Co., Inc., Lafayette, La.—Authority to determine operating power by direct measurement.

1350 Kilocycles

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Modification of construction permit (B4-P-2726) as modified, for move of transmitter, installation of directional antenna for night use and new transmitter and increase in power, requesting changes in directional antenna for night use on **1350 kc.** under NARBA and extension of completion date from 6-22-41 to 120 days after grant.

1360 Kilocycles

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Texas.—License to cover construction permit (B3-P-2230) as modified, for new transmitter, increase in power move transmitter and changes in antenna.

KGB—Don Lee Broadcasting System, San Diego, Calif.—License to cover construction permit (B5-P-2940) as modified for changes in transmitting equipment and to specify **1360 kc.** under NARBA.

1370 Kilocycles

KDTH—Telegraph-Herald, Dubuque, Iowa.—License to cover construction permit (B4-P-960) as modified for a new broadcast station.

KDTH—Telegraph-Herald, Dubuque, Iowa.—Authority to determine operating power by direct method.

1380 Kilocycles

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Authority to determine operating power by direct method.

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-P-3105) to make changes in directional antenna.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Texas.—Authority to determine operating power by direct method.

1390 Kilocycles

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Authority to determine operating power by direct measurement.

1400 Kilocycles

KFVS—Oscar C. Hirsch, tr. as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Authority to determine operating power by direct method.

KWLK—Twin City Broadcasting Corp., Inc., Longview, Wash.—Authority to transfer of control of corporation from Hugh McClung, 55 shares common stock and Mrs. Marjorie McClung, 85 shares common stock, executrix Estate of Ray McClung, deceased, to C. O. Chatterton, 125 shares, and John M. McClelland, Jr., 15 shares.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Authority to determine operating power by direct method.

WJHO—Yetta G. Samford, C. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—Authority to determine operating power by direct method.

KVGB—Helen Townsley, Great Bend, Kans.—Authority to determine operating power by direct method.

WELL—Federated Publications, Inc., Battle Creek, Mich.—Authority to determine operating power by direct method.

NEW—Frank T. Nied and Perry Stevens, d/b as Nied and Stevens, Warren, Ohio.—Construction permit for a new Class IV broadcast station to be operated on **1400 kc.**, 250 watts, unlimited hours. Amended: To specify transmitter site.

WKWK—Community Broadcasting, Inc., Wheeling, W. Va.—Authority to determine operating power by direct method.

WKWK—Community Broadcasting, Inc., Wheeling, W. Va.—License to cover construction permit (B2-P-2967) for a new station.

WSRR—Stephen R. Rintoul, Stamford, Conn.—Modification of construction permit (B1-P-2789) for a new station, requesting approval of transmitter site and approval of antenna.

KMAC—W. W. McAllister and Howard W. Davis, d/b as Walmac Company, San Antonio, Texas.—Modification of license to change frequency from **1400** to **1240 kc.** and hours from sharing with KONO to unlimited time.

1420 Kilocycles

WWSR—Vermont Radio Corp., Inc., St. Albans, Vt.—Authority to determine operating power by direct method.

WWSR—Vermont Radio Corp., Inc., St. Albans, Vt.—License to cover construction permit (B1-P-3065) for a new station.

WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Authority to determine operating power by direct method.

WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—License to cover construction permit (B1-P-1877) as modified, for a new broadcast station.

1430 Kilocycles

WBYU—Unified Broadcasting Corp., of Brooklyn, Brooklyn, N. Y.—Modification of license to change name to WBYN—Brooklyn, Incorporated.

1440 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—Authority to install automatic frequency control equipment.

KFJM—University of North Dakota, Grand Forks, N. D.—Authority to determine operating power by direct method.

1450 Kilocycles

WWDC—Capital Broadcasting Co., Washington, D. C.—Modification of construction permit (B1-P-2679) as modified for a new broadcast station, requesting change in type of transmitter and extension of commencement and completion dates from 5-3-41 and 10-30-41 to 1 day after grant and 1 day thereafter, respectively.

KATE—Albert-Lea Austin Broadcasting Co., Inc., Albert Lea, Minn.—Authority to determine operating power by the direct method.

WRLC—R. G. LeTourneau, Toccoa, Ga.—Authority to determine operating power by direct method.

NEW—Midstate Radio Corp., Utica, N. Y.—Construction permit for a new Class IV broadcast station to be operated on **1450 kc.**, 250 watts, unlimited time.

KNET—John Calvin Welch, Wm. M. Keller and Bonner Frizzell, d/b as The Palestine Broadcasting Assn., Palestine, Tex.—Authority to determine operating power by direct method.

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Modification of construction permit (B5-P-2458) for a new station, requesting approval of vertical antenna, approval of transmitter site and studio site and install a new transmitter. Amended to change location of transmitter and make changes in antenna.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Authority to determine operating power by direct method.

KRBC—The Reporter Broadcasting Co., Abilene, Tex.—Construction permit to install new transmitter, changes in antenna, change frequency from **1450** to **940 kc.**, increase power from 250 watts to 1 KW and move transmitter. Amended to make changes in equipment, install vertical antenna and to request **1470 kc.** and specify transmitter site.

KRIC—KRIC, Inc., Beaumont, Tex.—Authority to determine operating power by direct method.

NEW—J. I. Sims, Orangeburg, S. C.—Construction permit for a new broadcast station to be operated on **1450 kc.,** 250 watts, unlimited hours.

1460 Kilocycles

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Modification of construction permit (B4-P-2727) for installation of new transmitter, move of transmitter, install directional antenna for night use, and increase in power, requesting changes in directional antenna for night use on **1460 kc.**

WHEC—WHEC, Inc., Rochester, N. Y.—Authority to determine operating power by direct method.

WBNS—WBNS, Inc., Columbus, Ohio.—Authority to determine operating power by direct method.

1490 Kilocycles

WDNC—Durham Radio Corp., Durham, N. C.—Construction permit to install new transmitter, directional antenna for change in frequency from **1490** to **620 kc.,** increase power from 250 watts to 1 KW night, 5 KW day and move transmitter.

WDAN—Northwestern Publishing Co., Danville, Ill.—Authority to determine operating power by direct method.

WNBF—Wylie B. Jones Advertising Agency, Binghamton, N. Y.—Construction permit to install new transmitter, directional antenna for night use, increase in power from 250 watts to 5 KW and move transmitter, and change frequency from **1490** to **1200 kc.**

WNBF—Wylie B. Jones Advertising Agency, Binghamton, N. Y.—Authority to determine operating power by direct method.

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Authority to determine operating power by direct method.

KOVC—KOVC, Inc., Valley City, N. D.—Authority to determine operating power by direct method.

NEW—Wesley E. Carter, South Bend, Ind.—Construction permit for a new broadcast station to be operated on **1490 kc.,** 250 watts, unlimited hours. Amended to give transmitter site.

NEW—J. Q. Floyd, John Thomas Franklin and Sam Anderson, d/b as The Helena Broadcasting Co., Helena, Ark.—Construction permit for a new broadcast station to be operated on **1490 kc.,** 250 watts, unlimited time.

KBUR—Burlington Broadcasting Co., Burlington, Iowa.—Modification of construction permit (B4-P-1799) for a new station, requesting approval of transmitter and studio sites, approval of antenna and installation of new type of transmitter.

KBKR—Louis P. Thornton, Baker, Ore.—Authority to determine operating power by direct method.

WKBV—Knox Radio Corp., Richmond, Ind.—Authority to determine operating power by direct method.

1500 Kilocycles

NEW—Barclay Craighead, Butte, Mont.—Construction permit for a new broadcast station to be operated on **1500 kc.,** Class IV station, 250 watts, unlimited time. Amended to change location of transmitter and studio, make changes in antenna and change type of transmitter.

1510 Kilocycles

NEW—Louis Wasmer, Spokane, Wash.—Authority to determine operating power by direct method.

1540 Kilocycles

NEW—Courier-Post Broadcasting Co., Camden, N. J.—Construction permit for a new broadcast station to be operated on **1540 kc.,** 500 watts night, 1 KW day, unlimited time.

1590 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio.—Construction permit to increase power from 1 to 5 KW, using directional antenna for night use, request **1550 kc.** under NARBA, install new transmitter and changes in directional antenna. Amended to make changes in directional antenna and omit request for change in frequency.

KITE—First National Television, Inc., Kansas City, Mo.—Authority to determine operating power by direct method.

WBRY—American-Republican, Inc., Waterbury, Conn.—Authority to determine operating power by direct method.

1600 Kilocycles

NEW—James F. Hopkins, Inc., Ann Arbor, Mich.—Construction permit for a new broadcast station to be operated on **1600 kc.,** 1 KW, unlimited time, directional antenna for day and night use. Amended to make changes in directional antenna and change location of transmitter site.

FM APPLICATIONS

W71RF—Rockford Broadcasters, Inc., Rockford, Ill.—Modification of construction permit (B4-PH-56) for change in type of transmitter and to make changes in antenna system. Population given as 278,000.

NEW—Globe Democrat Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on **44,700 kc.,** population, 1,858,665; Coverage, 15,850 square miles.

NEW—May Broadcasting Co., Mobile—Construction permit for a new relay broadcast station to be operated on **1646, 2090, 2190, 2830 kc.,** power 25 watts, A-3 emission, Mobile 150 mile radius, Shenandoah, Iowa.

W39B—The Yankee Network, Inc., Boston, Mass.—Modification of construction permit (B1-PH-13) for a new high frequency broadcast station, for extension of commencement and completion dates from 12-31-40 and 6-30-41 to 60 days after grant and six months thereafter, respectively.

NEW—The Outlet Co., Providence, R. I.—Construction permit for a new high frequency broadcast station to be operated on **44,300 kc.,** coverage, 16,370 square miles; population, 6,263,346. Amended: To change frequency to **48,500 kc.,** coverage to 4,840 square miles, population to 1,556,495, make changes in antenna system and move transmitter.

W63C—National Broadcasting Co., Inc., Chicago, Ill—Modification of construction permit (B4-PH-31) for a new high frequency broadcast station, requesting changes in antenna system and change in type of transmitter. Population, 4,869,900.

W57A—General Electric Co., Albany County, N. Y.—Modification of construction permit (B1-PH-19) for a new high frequency broadcast station, requesting change in frequency from **45,700 to 43,500 kc.,** make changes in antenna system and change coverage from 6,600 to 15,200 square miles by using FCC formulas and 8,945 square miles by G. E. measurements and change population from 1,560,000 to 532,851 by using G. E. measurements of the contour.

W65H—WDRC, Inc., Meriden, Conn.—Modification of construction permit (B1-PH-35) for a new high frequency broadcast station, requesting change in frequency to **43,500 kc.,** coverage to 13,944 square miles, change antenna system and increase power of transmitter. Population: 1,903,661.

NEW—Interstate Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **48,700 kc.,** coverage, 8,550 square miles; population, 10,817,455.

TELEVISION APPLICATIONS

W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-PVB-47) as modified for a new television broadcast station, requesting extension of completion date from 7-28-41 to 7-28-42.

W3XPP—National Broadcasting Co., Inc., Philadelphia, Pa.—Modification of construction permit (B2-PVB-59) for new television broadcast station, requesting approval of transmitter site and antenna system.

MISCELLANEOUS APPLICATIONS

WELB—WAVE, Inc., Mobile—Construction permit to install a new tranmitter and increase power to 50 watts.

NEW—Board of Education, City of Chicago, Chicago, Ill.—Construction permit for a new non-commercial educational broadcast station to be operated on **42,500 kc.,** special emission for frequency modulation, 1000 watts, unlimited time.

NEW—Merced Broadcasting Co., Portable-Mobile—Construction permit for a new relay broadcast station to be operated on

1646, 2090, 2190, 2830 kc., 15 watts, A3 emission portable-mobile area of Merced, Calif.

WENE—WJIM, Inc., Portable-Mobile.—Modification of construction permit (B2-PRE-368) for change in type of transmitter and increase in power, requesting extension of commencement and completion dates from 12-2-40 and 6-2-41 to 30 days after date of grant and 180 days thereafter, respectively.

WALH—Piedmont Publishing Co., Portable-Mobile.—License to cover construction permit (B3-PRY-333) for a new relay broadcast station.

WJRB—WJR, the Goodwill Station, Detroit, Mich.—License to cover construction permit (B2-PRE-370) for a new relay broadcast station.

WEPA—Edwin H. Armstrong, Portable-Mobile.—License to cover construction permit (B1-PRE-277) as modified, for a new portable-mobile special relay broadcast station.

NEW—University of Illinois, Urbana, Ill.—Construction permit for a new non-commercial educational broadcast station to be operated on **42900 kc.,** 250 watts, unlimited time and special emission for frequency modulation.

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of construction permit (B1-PIB-26) as modified for change in frequency, equipment and increase in power, requesting extension of completion date from 5-6-41 to 6-6-41.

W6XDU—Don Lee Broadcasting System, Portable-Mobile.—Construction permit to add a sound channel using special emission for frequency modulation, power 50 watts, frequencies: **318000-330000 kc.**

W9XER—Midland Broadcasting Co., Kansas City, Mo.—License to cover construction permit (V4-PEX-35) for new developmental broadcast station.

WHER—Westinghouse Radio Stations, Inc., Mobile.—Construction permit to install new transmitter and increase power from 15 watts to 25 watts.

WEIE—Havens & Martin, Inc., Portable-Mobile.—License to cover construction permit (B3-PRE-373) for change in type of transmitter and to decrease power.

WAOB—National Broadcasting Co., Inc., Bellmore, N. Y.—Construction permit to change type of transmitting apparatus and move transmitter from Bellmore to Port Washington, N. Y.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

American Lecithin Company and others—Five corporations occupying a dominant position in the production and importation of lecithin (a natural organic substance used in the manufacture of food, candy, rubber, leather and petroleum products), and certain of their officers, have been ordered to cease and desist from practices held to be in restraint of trade. The respondent companies are: American Lecithin Co., Elmhurst, Long Island, N. Y.; Ross & Rowe, Inc., New York; The Glidden Co., Cleveland; Archer-Daniels-Midland Co., Minneapolis, and American Lecithin Corporation, Atlanta.

The Commission dismissed its complaint as to Hansa-Muehle, Hamburg, Germany, and Aarhus Oliefabrik, Aarhus, Denmark, lecithin producers, who, due to difficulties arising from the war, were recently relieved by the other respondents in the case from contractural obligations with the American companies.

Commission findings are that:

The Glidden Co., Ross & Rowe, Inc., Archer-Daniels-Midland Co., American Lecithin Corporation, and the two foreign companies, together with certain of their officers, on December 5, 1934, entered into an agreement providing, among other things, for formation of a new corporation, American Lecithin Co., an Ohio corporation, to which various patents held by them should be assigned and to which the lecithin-producing respondents would sell their output. Control and management of the new corporation was to be vested in the organizers, each agreeing to refrain from contesting patents transferred to the new corporation or subsequently obtained by it. The foreign corporations were not to export lecithin to the United States or Canada and the United States parties were not to export abroad. The respondents carried out the provisions of their agreement.

American Lecithin Co. and the other respondents, through it, have attempted to further monopolize trade in lecithin by disparaging competitors' products, by using patents in bad faith to induce purchasers to buy the respondents' lecithin, by misrepresenting labeling requirements of the United States Government and by other means.

The Commission order is directed against American Lecithin Co. and Joseph Eichberg, Armand May, Whitney H. Eastman, Clifton M. Kolb, Richard H. Horsburgh, and Adrian D. Joyce, its officers; Ross & Rowe, Inc., The Glidden Co., Archer-Daniels-Midland Co. and Shreve Archer, its president; and American Lecithin Corporation, a Delaware corporation. Individually or in combination, they are ordered to cease and desist from:

1. Using unlawfully any patent or patents which may be held by them or any of them concerning the use, production or processing of lecithin to divert trade in lecithin to themselves or away from competitors;
2. Threatening to sue purchasers or prospective purchasers of competitors' lecithin for infringement of patents held by the American Lecithin Co., or any of them, but not in good faith, to enforce any patent rights which they may have, for the purpose of compelling or inducing such purchasers or prospective purchasers not to purchase lecithin from competitors;
3. Threatening to sue agents, jobbers or sellers or other distributors of competitors' lecithin for contributory infringement of any patents held by the American Lecithin Co., or any of them, not in good faith, to enforce any patent rights which they may have;
4. Representing that lecithin sold by the American Lecithin Company or by Ross & Rowe, Inc., or by any of the other respondents, is recommended for use by the Food and Drug Division of the United States Department of Agriculture, or any other branch of the Federal or State Governments, if in truth and in fact such is not the case;
5. Disparaging competitors' products by creating or attempting to create in the minds of purchasers or prospective purchasers of lecithin the belief or understanding that lecithin produced, sold or distributed by competitors contains deleterious or foreign matter, requires labeling not required by the respondents' product, lacks refinement, is less efficacious and is otherwise inferior to the lecithin products of the respondents unless in truth and in fact such be the case;
6. Unlawfully using any patent or patents held by them or any of them in such a manner as to obtain income from the sale of unpatented lecithin rather than from the monopoly expressly granted by the patent or patents;
7. Combining, conspiring, agreeing or cooperating between themselves or any one or more of them, or with others, to eliminate, restrain or lessen competition between them in the sale of lecithin or lecithin products, by employing a common selling agency, or otherwise; provided, that nothing herein shall prevent the respondents from entering into or carrying out lawful arrangements for the exercise of rights under patents;
8. Carrying out or entering into any agreement or doing any acts in pursuance of an agreement or understanding, that the American Lecithin Co., or any of the respondents connected with the production or sale of lecithin in the United States should refrain from selling or exporting lecithin to foreign countries;
9. Entering into or carrying out any agreement or understanding with foreign producers or sellers of lecithin for the purpose of lessening, restricting or curtailing importation of lecithin into the United States or the territories thereof;
10. Carrying out or entering into any agreement or understanding to refrain from challenging or contesting patents, rights or privileges concerning the production or use of lecithin or lecithin products held by any of them jointly or individually, which said respondents are not legally precluded from challenging or contesting;
11. Combining, conspiring or agreeing or cooperating, or enter-

ing into or carrying out any contracts to restrain trade or commerce in lecithin or lecithin products among the several States or with foreign nations;

12. Monopolizing or attempting to monopolize or combine or conspire with any other person or persons to monoplize any part of the trade or commerce in lecithin among the several States or with foreign nations. (4173)

American Rug & Carpet Co., Inc., 105 Madison Ave., New York, is charged, in a complaint, with violation of the Federal Trade Commission Act in the sale of rugs.

According to the complaint, the respondent designated certain rugs closely resembling true Oriental rugs in appearance by the names "Imperial Saroukan," "Iran Kashan" and "Imperial Ardavan."

Pointing out that there are true Oriental rugs known as "Sarouk," "Kashan," "Ardabil" and "Ardavan" and that "Iran" is the modern name for Persia, a place of origin of true Oriental rugs, the complaint alleges that the respondent's use of the names "Imperial Saroukan," "Iran Kashan," and "Imperial Ardavan" tends to create the mistaken impression that the rugs so designated are in fact genuine Oriental rugs when in fact they are woven on power looms in the United States, are not made by hand, and the individual threads are not knotted in the distinctive manner of the true Oriental rug.

According to the complaint, the respondent's rugs do not possess all the characteristics of true Oriental rugs but so closely simulate them in appearance as to be indistinguishable from them by a large portion of the purchasing public. (4499)

J-Bee Distributing Company—A complaint has been issued charging Louis Ulrich, trading as J-Bee Distributing Co., and Julius Weinfelt, manager of the business, 37 West 20th St., New York, with the use of lottery methods in the sale of watches, cameras, clocks and other merchandise. "Pull card" devices are used, according to the complaints.

Charging that the respondents' practices have been contrary to Federal Government public policy and the Federal Trade Commission Act, the complaint grants the respondents 20 days for filing answer. (4500)

Philip R. Park, Inc.—Charging misrepresentation in the sale of livestock feeds a complaint has been issued against Philip R. Park, Inc., San Pedro, Calif., and Philip R. Park, Harrison H. Havner, John S. Hunt and Philip E. Iversen, officers of the corporation.

The complaint charges that through certain livestock and dairy papers and other printed matter the respondents disseminated advertisements representing that their product "ManAmar," a feed or feed supplement, when consumed by cattle or other livestock, will eliminate and prevent mastitis, eliminate practically all breeding disorders, and eliminate the necessity of veterinary services within six months.

According to the complaint, the respondents also represented that ManAmar will cure Bang's disease, eliminate goitre, cause all serious reproduction troubles to disappear, and cause cows to show more profitable reproduction records; that it contains beneficial ingredients lacking in other livestock feeds, and will improve the health, growth, production and reproduction of all livestock and poultry.

The complaint alleges that ManAmar is practically the equivalent of linseed meal for its growth and milk-producing qualities, but that it is not a cure or remedy for cattle diseases and will not accomplish the results claimed. (4504)

O. R. Pieper—A complaint has been issued charging O. R. Pieper Co., 158 North Broadway, Milwaukee, with misleading representation in the sale of coffee.

The complaint alleges that the respondent disseminated advertisements by radio, in newspapers and by other means in various States representing, directly or through inference, that its "Gargoyle" coffee greatly exceeds other brands in strength and flavor; that a pound of the respondent's product will produce 12 more cups of coffee than will a pound of such other brands; that the oil in coffee imparts flavor and goodness, and that because of an unusual amount of coffee oil in the respondent's product it has more flavor and goodness than other popular brands, when such are not the facts.

The complaint charges that the respondent represented its coffee as being blended according to a secret formula which cannot be duplicated, when in fact the blend of its coffee could be duplicated by capable and experienced coffee blenders. According to the complaint, the successful blending of coffee is not dependent on the existence of any secret formula but rather upon the ability of the coffee blender to interpret the taste effects of individual coffees and mix such coffees in proper proportions to achieve the best results obtainable. (4498)

James J. Reiss Company, Inc.—A complaint has been issued charging James J. Reiss Co., Inc., 417-423 Decatur St., New Orleans, with the use of lottery methods in the sale of candy.

The complaint alleges that the respondent has sold to wholesale dealers, jobbers and retail dealers certain assortments of candy so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme when the candy is sold and distributed to consumers.

Charging that the respondent's sales plan involves a practice contrary to established Federal Government policy and the Federal Trade Commission Act, the complaint grants the respondent 20 days for filing answer. (4502)

Rockford Furniture Factories, Inc., 801 Passaic Ave., Newark, N. J., retail furniture dealer, is charged with misrepresentation in the sale of its products in a complaint.

The complaint alleges that through the use of its corporate or trade name, "Rockford Furniture Factories, Inc., and the designation, "Rockford Furniture Showrooms," and other representations, the respondent represents, directly or indirectly, that it is a manufacturer of furniture, that it owns, operates or controls the factories in which the furniture it sells is made, and that its furniture is manufactured in Rockford, Ill., well known furniture center, when in fact the respondent is not a furniture manufacturer or factory owner and stocks and sells little, if any, furniture manufactured in Rockford, Ill. (4503)

Zippo Manufacturing Company—A complaint has been issued charging George G. Blaisdell, Walter G. Blaisdell and Homer G. Barcroft, trading as Zippo Manufacturing Co., Bradford, Pa., with the use of lottery methods in the sale of cigar and cigarette lighters.

The respondents, according to the complaint, sell to dealers assortments of cigar and cigarette lighters so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes when the merchandise is sold to the consuming public. Punch board devices are used, the complaint alleges.

Charging that the respondents' practices have been contrary to Federal Government public policy and the Federal Trade Commission Act, the complaint grants the respondents 20 days for filing answer. (4497)

CEASE AND DESIST ORDERS

Following cease and desist orders have been issued by the Commission:

American Medicinal Products, Inc., 6630 Santa Monica Blvd., Los Angeles, and Ernest G. Rurup, its president and directing manager, have been ordered to cease and desist from disseminating misrepresentations in the sale of "Re-Duce-Oids", advertised as a treatment for obesity.

The Commission order directs that the respondents cease disseminating advertisements which represent that Re-Duce-Oids is a cure or remedy or a safe or effective treatment for obesity, or which advertisements fail to reveal that this preparation should only be used under competent medical supervision and that its unsupervised use by persons unskilled in the diagnosis and treatment of thyroid conditions may result in serious and irreparable injury to health.

The respondents are further ordered to cease disseminating advertisements which fail to reveal that their preparation is definitely harmful if used by persons having diabetes, goiter, tuberculosis, arteriosclerosis, or coronary diseases, and that its use over a long period may cause the breaking down of muscular and other tissues, as well as fat tissues, causing irritation of nerve tissue, nervousness, irritability, and increased heart rate, with possible irreparable injury to health even to a normal individual. (4159)

American Plierench Corporation, 4611 North Ravenswood Ave., Chicago, has been ordered to cease and desist from misrepresenting the earnings of persons who sell its patent tool product "The Eifel-Geared PlieRench Kit." Commission findings are the respondent advertised that earnings resulting from the sale of its kit by the purchasers thereof range from $35 to $125 a week and that purchasers who devote their entire time to selling the kits make as much as $1,500 to $4,000 a year, when such are not the facts. (3853)

Empire Monument Company—Mrs. Lillie M. Sentell, trading as Empire Monument Co., Atlanta, has been ordered to cease and desist from misrepresentations in the sale of cast stone tombstones, monuments, footstones or other grave markers.

Commission findings are that the respondent designated as "Marble Durastone" certain products manufactured by mixing approximately one part cement with three parts marble aggregate, moistening the mixture and compacting it in a mold. Findings are further that the respondent's products known as "Granite Durastone" were manufactured by mixing approximately one part cement and three parts granite dust and copper slag.

Such products, according to findings, were represented as being guaranteed not to fade, crumble or deteriorate when in fact their exposure to natural weather conditions would result in their showing deterioration in from 10 to 20 years.

The National Bureau of Standards conducted for the Commission tests of the strength and durability of the respondent's products.

The Commission order directs the respondent to cease representing that such products will not fade, crumble or deteriorate from natural causes or will retain their original beauty throughout the years; to cease representing as "free" any article the cost of which is included in the purchase price of other merchandise in connection with which such article is offered, and to cease representing that the customary prices of the respondent's products are "sale," "special sale," or other special or reduced prices.

The Commission dismissed its complaint as to Charles J. McClennon, a former partner in the Empire Monument Co., who was originally named a respondent but now has no interest in the business. (3939)

Fredmorr, Inc., 110 West 42nd St., and Morris Weitz, trading as Morrco and an officer of Fredmorr, Inc., 107 West 41st St., New York, have been ordered to cease and desist from selling or distributing pencils, radios, watches, electric shavers or any other merchandise so packed or assembled that sales to the public are to be or may be made by means of a lottery, and from supplying others with push or pull cards, punchboards or other lottery devices, either with assortments of the respondents' merchandise, or separately, which devices are to be or may be used in selling or distributing such merchandise to the public. (3982)

Jacob Holtz and Jay Holtz Company—Jacob Holtz and Abraham L. Holtz, trading as Jacob Holtz and Jay Holtz Co., 889 Broadway, New York, have been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a game of chance, gift enterprise, or lottery scheme.

The Commission order directs the respondents to desist from selling or distributing electric goods, clocks, lamps, household goods or other merchandise accompanied by a Bingo set or similar device which is to be used or may be used by the purchaser of the merchandise or others as a means of disposing of such articles by means of a lottery scheme.

The respondents are further ordered to cease supplying others with Bingo sets or similar devices, either with assortments of the respondents' merchandise, or separately, which devices are to be or may be used in selling or distributing such merchandise to the public.

Commission findings are that the respondents have sold their products to retailers, to organizations and to operators of amusement park concessions. (3979)

M. J. & H. J. Meyer Co., Inc., 145 Hudson St., New York, has been ordered to cease and desist from misrepresentations in the sale of Worcestershire sauce.

Commission findings are that the respondent corporation packaged and sold its table sauce in containers simulating in appearance and dress those long used by Lea & Perrins, Inc., in the bottling and distribution of "Lea & Perrins Worcestershire Sauce," made from the original English recipe and sold in bottles of distinctive mark, size and shape.

The respondent's product, according to findings, although designated as "Pride of England Worcestershire Sauce," is not of English origin but is manufactured in the United States.

The Commission order directs the respondent corporation to cease representing, through the use of wrappers, containers or labels which simulate the distinctive wrappers, containers or labels used by Lea & Perrins, Inc., in marketing its Worcestershire sauce, or in any other manner, that the respondent's product is Worcestershire sauce manufactured and distributed by Lea & Perrins, Inc.

The respondent further is ordered to desist from using the words "Pride of England" or other words which designate English origin, in any way to describe Worcestershire sauce not made in England. (3086)

Petalskin Toiletries, Inc., 67 West 44th St., New York, has been ordered to cease misrepresentations in the sale of cosmetic preparations sold under the name "Petalskin."

The respondent is ordered to cease and desist from disseminating advertisements which represent that "Petalskin Face Cream" penetrates deeply into the pores or cleanses the pores any deeper than their external openings; that use of this preparation furnishes nourishment to the skin, supplies Vitamin F, or has any value in restoring the skin, or that "Petalskin Face Tonic" will close or refine the pores of the skin.

The order also directs the respondent to cease disseminating advertisements representing that "Petalskin Cream Pastelle" will refine or close the pores, correct or remove the cause of enlarged pores or have any effect thereon in excess of removing superficial dirt accumulations from the pore openings; that "Petalskin Face Powder" will not clog the pore openings, and that "Petalskin Hand Cream" will penetrate the skin or counteract aging of the skin. (4128)

Rex Merchandise Corp. of America—Four New York companies and certain of their officers selling shaving creams, tooth pastes and other toilet articles to retail dealers, have been ordered to cease and desist from price misrepresentations in the sale of their products.

The respondents are Rex Merchandise Corporation of America, 1170 Broadway, and Peter Meyer, its president; Crown Laboratories, Inc., 48 East 21st St., and Arthur A. J. Weglein, Alexander Hirschbein and Frances Chorba, officers; Sheray, Incorporated, and Wilshire Sales Corporation, 33 Union Square, and William and Anna Scher, their officers.

Commission findings are that the respondents, acting in cooperation, sell their shaving creams and dentifrices in tubes and cartons marked with suggested retail sales prices of from 25 cents to $1 a unit package; that the suggested prices are fictitious as the customary prices obtained by retailers for such products are actually anywhere from 10 cents to 29 cents, and that all of the respondents have known that the prices on the tubes and cartons have not been those at which the articles are customarily sold to the public.

Among the trade names under which the respondents' shaving creams and dentifrices have been sold, according to findings, are "D.D.S.", "Sheray", "Royal Blue", "Dr. Sachs", "Tally Ho", "Scientific", "Paramount", "Royal Crown", and "Her Majesty".

The Commission order directs the respondents to cease representing, through fictitious prices marked or stamped on, or affixed to, their products, or on the containers, or in any other manner, that such prices so marked, stamped or affixed are the regular or customary retail prices for such products, and to desist from representing as the customary or regular retail prices fictitious prices which are greatly in excess of the prices at which the products are regularly offered and sold at retail.

The Commission directed that its proceeding, in so far as it relates to Wyette Meyer, named in the complaint as respondent secretary of Rex Merchandise Corporation of America, be closed. (3142)

Siegel & Alenikoff—Joseph Henschel, Jacob Siegel, and Philip Alenikoff, trading as Siegel & Alenikoff, 520 Eighth Ave., New York, manufacturers of women's textile fabric coats and other garments, and their agents in four other cities, have been ordered to cease and desist from misrepresentations in the sale of such products.

The other respondents are: H. M. Thorman and Alfred Schuster, trading as H. M. Thorman, 2101 Superior Ave., Cleveland; Joseph Bloomfield, trading as Bloomfield Co., 75 Kneeland St., Boston; Lou Littman, trading as Lou Littman, 153 East Grand River Ave., Detroit, and Sugar, Feinberg & Frankel, 318 West Adams St., Chicago.

Commission findings are that the respondents disseminated misleading representations concerning garments made of fabrics composed of wool and cotton, or of rayon, wool and cotton, and having the appearance of silky, tightly curled fur closely resembling Persian lamb fur.

In the sale of textile fabrics, women's coats and other garments, the respondents are directed to cease and desist from using the terms "Persian," "Babelamm" or similar terms to describe textile fabrics which simulate in appearance, pattern or design the peltries of Persian lambs, the young of the Karakul breed of sheep; from using the term "fur" in connection with the term "Persian" or similar terms to designate any textile fabric which simulates or resembles the peltries of such Persian lambs, and from representing or implying in any manner that any textile fabric is made of the peltries of such Persian lambs, or that any textile fabric not made of the wool of such lambs is actually made of such wool.

The respondents also are ordered to cease using any pictorial design of a sheep or lamb or other wool-bearing animal in connection with any reference to a textile fabric not made from the wool of the animal so depicted; to desist from representing or implying that fabrics or garments of domestic manufacture are imported from a foreign country, and to cease advertising, offering or selling textile fabrics, garments or other products composed in whole or in part of rayon without clearly disclosing the rayon content by use of the word "rayon," and, in the case of fabrics made of both rayon and other materials, truthfully designating such other fabrics in immediate connection with the word "rayon" and in type of at least equal size and conspicuousness. (4429)

Wholesale Radio Service Company, Inc.—A complaint issued against Wholesale Radio Service Co., Inc., of New York, and others, has been dismissed without prejudice to its right to resume proceedings should future facts so warrant.

The respondents had been charged with certain representations in the sale and distribution of radios and radio parts.

The respondents are: Wholesale Radio Service Co., Inc., of New York, New York City; Wholesale Radio Service Co., Inc., of Massachusetts, Boston; Wholesale Radio Service Co., Inc., of Illinois, Chicago; Wholesale Radio Service Co., Inc., of Georgia, Atlanta; Wholesale Radio Service Co., Inc., of New Jersey, Newark, and Abraham W. Pletman, Samuel J. Novich and Max H. Kranzburg, trading as Wholesale Radio Service Co. (3722)

STIPULATIONS

The Commission has entered into the following stipulations:

Baldwin Pen Company—Under a stipulation entered into, Baldwin Co., Inc., trading as Baldwin Pen Co., Atlantic City, N. J., agrees to cease representing, directly or inferentially, that its fountain pens are non-breakable, have an ink capacity exceeding that of fountain pens generally, are tipped with iridium, and that it manufactures the pens it sells. The respondent further agrees to desist from use of the word "Guarantee" or similar words unless, whenever used, clear disclosure is made of exactly what is offered by way of security, as for example, replacement or repair without charge in a stated time; to cease issuing a guarantee for any period of time greater than reasonably can be estimated as the approximate usable existence of the products, and to cease designating any representation or agreement as a guarantee or warranty which involves a service charge or calls for payment of additional money by purchasers of the merchandise. (3105)

Battle Creek Food Co., Battle Creek, Mich., stipulated to cease certain representations in the sale of the breakfast cereals "Fig Bran" and "Zo."

The respondent stipulated it will cease advertising that "Fig Bran," through its effect on constipation, will relieve any definite percentage of other complaints, and that this product is rich in Vitamins A, D or E, when such is not a fact.

The respondent also agreed to cease representing that "Zo" corrects the defects of other foods and contains all the elements required to meet the energy demands and other nutrient needs of the body, and that the product contains milk.

The respondent further stipulated it will desist from advertising that competitive breakfast foods are usually lacking in the bone building elements. (02790)

Dr. Bentz Laboratory—Trading as Dr. Bentz Laboratory, Felix J. Bentz, 268 School St., Athol, Mass., stipulated that in disseminating advertisements concerning his medicinal preparation "Regulator 68B" he will cease representing that toxic poisons in the blood stream are the result of undigested food stagnating or fermenting in the intestinal tract; that his preparation is a blood cleanser; that by its use poisons will be eliminated from the system; that it regulates or stimulates the bowels, liver or digestive system to normal activity or regularity, or that its therapeutic properties are other than that of a laxative or cathartic. (3108)

Climalene Co., 1022 Ninth St., S. W., Canton, Ohio, has entered into a stipulation to cease making certain representations in the sale of its cleaning preparation "Climalene."

The respondent agrees to cease representations which imply that "Climalene" contains ingredients or has detergent qualities not possessed by any other products, and to cease representing that its product affords protection to fabrics laundered therewith, or, unqualifiedly, that it is safe for delicate fabrics or that its use will not cause colors to fade.

The respondent further stipulates that it will cease representing that its product will remove all tarnish and stain from silver or will polish silver without rubbing; that use of the product results in the complete lathering of soap or will prevent completely the formation of "soap scum," and that its product protects, saves or preserves any surface, article, fabric or material to which it is applied, or, unqualifiedly, that it is a safe detergent for use on floors, tiles or linoleum. (3099)

Globe Laboratories, Fort Worth, Tex., has entered into a stipulation to cease certain representations concerning the use of its preparations "Combination R. T. Tablets" and "Avi-Nic-Tol" in treating worms in poultry, and to cease disseminating advertisements which fail conspicuously to reveal that administration of "Combination R. T. Tablets" to poultry will reduce the number and size of eggs. The respondent further agrees to desist from representing that "Poultry Mineral" would be a source of essential minerals or that this preparation or the product "Kome-Glo" would be of value in preventing or controlling certain diseases. (3095)

Kelso Norman Organization—Kelso Norman and Louis L. Layne, trading as Kelso Norman Organization, San Francisco, an advertising agency, have entered into a stipulation to cease disseminating advertisements in behalf of Inspire, Incorporated, San Francisco, which represents that that corporation's device, the "Deep-Skin Electro-Mask," will normalize the skin, constitutes a remedy for wrinkles, crow's-feet, lines or enlarged pores, and accomplishes all the benefits of the most extravagant salon facial. The respondents Norman and Layne agree to cease employing the words "Deep Skin" as a part of the brand name of their client's device, or representing that the effect of this product extends deeply into the skin or is more than a surface application. (02789)

Kleenmaster Corporation, Wilmington, Del., formerly of South Bend, Ind., stipulated that it will cease advertising its product "Kleenmaster Concentrate," a cleaning compound, as being capable of removing all stains or spots, or ink stains specifically, and as being 25 times as concentrated as other products sold for the same general use. The respondent also agrees to cease advertising that its product is unconditionally guaranteed, utilizes a new or different method, or is the only product which cleans by means of a shampoo method. The respondent further stipulates that it will desist from representing that any offer is special or for a limited time unless the offer expires at a definite, predetermined date. (02788)

Lobl Manufacturing Co., Middleboro, Mass., and Glencoe Electric Corporation, 731 Broadway, New York, have entered into stipulations to cease certain representations in the sale of electrical heating pads.

The Lobl Manufacturing Co. agrees to cease using the words or symbols "3 Heat" and Glencoe Electric Corporation agrees to cease using the words "Three Heat," as descriptive of their pads or the switches used with them.

The Lobl Manufacturing Co. further stipulates it will cease employing the words "3 Heat" or "Low, Med., High," or other similar words or symbols, and Glencoe Electric Corporation agrees to cease employing the words or phrases "Three Heat," "Selective Heat Switch," "High-Medium-Low," or "Three Different Temperatures" or other similar words, so as to imply that their pads are capable of maintaining, or that operation of the switches results in maintaining, three distinct temperatures.

According to the stipulations, the operations of the switches merely regulates the time required to heat the pads to a single maximum temperature. (3096-3098)

Magic Chemical Company—Harry Douglas, trading as Magic Chemical Co., 2550 Quantico Ave., Baltimore, stipulated that in the sale of his product "Magic" insecticide, he will cease using the words or phrases "Forever," "Rids Them" or "Never to Return," or similar words, so as to imply that application of the product will afford permanent protection against or prevent the return of bedbugs, cockroaches or other insects. The stipulation relates that the product's effectiveness is limited to destruction of insects which it contacts and that the preparation will not afford permanent protection. (3103)

Rogers Manufacturing Co., Inc., North Attleboro, Mass., distributor of women's suits, coats and dresses, entered into a stipulation to cease using the word "Manufacturing" as a part of its corporate name or the trade name employed by it in connection with the advertisement or sale of products which it does not manufacture. The respondent also agreed to desist from using the words "Manufacturers" or "Manufacturing" or the abbreviation "Mfg." or the word "Factory", or the phrases "Factory to You" or "Save the Middleman's Profit" or other similar words tending to convey the impression that the respondent manufactures the products it sells or owns or controls the factory in which they are made, when such is not a fact. (3107)

Schwartz Manufacturing Co., Two Rivers, Wis., a manufacturer of cotton goods products for use in the dairy industry, stipulated that in the sale of its "Perfection" milk filter discs it will cease using in its advertisements statements tending to convey the impression that its discs are new or differ materially from the discs which have been in use in the industry for filtering milk; that they have a far greater surface contact and will always and under all circumstances filter ten gallons of milk in three minutes, or that their use will result in cleaner milk than ever before. (3097)

Superior Shoe Company, Inc.—In a stipulation entered into, Superior Shoe Co., Inc., 500 South Peoria St., Chicago, agrees to cease employing the word "Doctor" or the abbreviation "Dr." alone or in connection with a name or with any other words as a trade name, brand or designation for its products so as to imply that they are made in accordance with the design or under the supervision of a physician and contain special scientific or orthopedic features which are the result of medical determination or services. According to the stipulation, the respondent advertised as "Dr. Haines Shoes" certain shoes which were neither made under such design or supervision nor contained such special features. (3100)

Unique Printed Products Co., trading as Crescent Products Co., 1270 Maple Ave., Terre Haute, Ind., entered into a stipulation to cease using the term "Non-Crumbling" as descriptive of its "Spotless Wall Paper Cleaner." The respondent also agrees to desist from employing that term or the statement "This cleaner does not crumble" or any other similar statement or term tending to convey the impression that its product does not crumble when used on certain types of wall paper. (3102)

Walker Company—Four distributors of electrical heating pads entered into stipulations to cease certain representations in the sale of their products. They are: The Walker Co., Middleboro, Mass.; Varick Electric Manufacturing Co., Inc., 10 Washington Place, New York; Fitzgerald Manufacturing Co., Torrington, Conn., and Son-Chief Electrics, Inc., Winsted, Conn.

The respondents agree to cease making representations which imply that their heating pads are capable of maintaining, or that operation of the switches in connection with the pads results in maintaining, three different degrees of heat. According to the stipulations, the operation of the switches merely regulates the time required to heat the pads to a single maximum temperature. (3101-3104-3106)

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Annual Reports, 1941

The President

Events of worldwide importance have taken place since our Convention last August in San Francisco. Primarily, the changes caused and the conditions created by these events have brought greater opportunities for radio stations to render unusual public service—to report the news of world events as they happen—to carry talks of the leaders of the nations of the world—to furnish a forum for the free and open discussion of the many problems which our own people face and upon which decisions must be made—to cooperate with the various Government agencies in the nation's defense program—and, as the tempo of our life quickens, to provide those necessary aids found in programs of music, religion, education and entertainment, which are so necessary to maintain the morale at a time like the present.

It is not the purpose of this report to survey the whole field of radio, but rather to report briefly upon the activities of your Association during the past year.

The nine months since the last NAB Convention have been nine months crowded with activity and we can look back upon the accomplishments of that brief period with a real sense of satisfaction and pride. The individual reports of the members of the Staff give detailed information concerning the activities of the various departments. It would be repetitious for me to review what is set out in detail in those reports, but I urge you to carefully read each report, because I know of no better way to become familiar with the work of your Association. Our members are continuously making greater use of the services of our Staff, and I am confident that as they become better acquainted with the Staff's activities, they will make even greater use of the services offered.

The greater portion of your President's time this year has been devoted to activities connected with the music copyright controversy. Although this has necessitated almost continuous absence from Washington, I believe it has been justified due to the importance of the matter, and I believe we can confidently state that finally we have solved a problem which has vexed broadcasters for the last two decades.

To Sydney M. Kaye, Merritt E. Tompkins and Carl Haverlin, and to the entire BMI Staff and Board of Directors, we owe a debt of gratitude for the simply marvelous job which has been done. Not only have they performed miracles, but have secured the cooperation of the broadcasters and of many other industries, to the end that what many thought was impossible is now an accomplished fact. Radio has created a competitive market of music, has opened the door of opportunity to the young author and composer and has, despite many handicaps, continued to give the American public musical programs of high quality.

Apart from the work of the BMI Staff, the greatest single factor in accomplishing this result has been the realization by broadcasters that they could no longer afford the luxury of internal warfare. The skeptical, who have often repeated that broadcasters would never approach a problem as a united industry, and those who in the past have been successful by the pursuit of a policy of divide and rule, have been sorely disappointed.

It would serve no purpose here to review the events of the past six months which are fresh in the minds of all of you, but may I repeat once more what I have so often stated; namely, that the determined manner in which the industry has fought through this fight will give courage and determination to the industry in the future and for many years to come you will be gathering additional fruits of your well earned victory.

NATIONAL DEFENSE

The past six months has seen a stepping-up of the activities of all Government departments with the inauguration of many campaigns in connection with the national defense programs. It is to the credit of the industry that it has cooperated wholeheartedly with all branches of the Government. The NAB Staff has been in daily contact with the officials of the various Government departments in an effort to coordinate the activities and render helpful service to both the industry and the Government.

THE CODE

Time continues to prove the wisdom shown by the industry in the adoption of the Code. The highlights of this past year were evidences of continual public approval of the Code, the placing of commercial sections in effect, an exhaustive survey of children's programs prepared by Mrs. Dorothy Lewis, and the continuous intelligent work of the Code Committee, under the leadership of its able Chairman, Edgar Bill.

MEMBERSHIP, DISTRICT MEETING & CONVENTION

Our membership has shown a continuous growth and is now the highest in our history, totaling 526 active members and 21 associate members, for a grand total of 547. Last winter, the Board of Directors adopted a new Associate Membership Plan and we wish to extend a most hearty welcome to our many new Associate Members. We believe that broadcasters have many problems in common with those engaged in other branches of the radio industry, and that through our Associate Membership Plan we shall have an opportunity to pool our energies and resources so as to better solve our common problems.

The District meetings this year have again afforded an opportunity for broadcasters to discuss their problems on an informal basis and have proven most helpful in developing an industry consciousness. The meetings of the Sales Managers in connection with the District meetings have proven successful and undoubtedly will be further developed under the new plans of the Bureau of Radio Advertising.

In keeping with the NAB policy of holding the Convention in a different part of the country each year, the Directors decided to hold the Convention this year in the Mid-West, since in the two previous years the Convention had been held in Atlantic City and San Francisco, respectively. Also, the time of the Convention was changed from summer to spring. We shall be interested in having the members' reaction to this change.

As is normal in any trade association, a large part of the work is performed by the Directors and members serving on various industry committees. On behalf of the entire industry, I wish to express to the members of the Board of Directors, to the members of the Executive Committee, and to those who served on the various committees, our sincere appreciation for so generously giving of their time and energy to the work of the Association. It would have been impossible to have carried on the work of the NAB without their assistance.

STAFF

There have been two changes in the NAB Staff. At the request of the War Department, the Board loaned Edward M. Kirby, our Director of Public Relations, to the War Department on a dollar-a-year basis, to direct the Radio Division of the Public Relations Division of the Army. The NAB considered such a request from the War Department not only as a compliment to Mr. Kirby and to the NAB, but also as an opportunity to make a real contribution to the National Defense Program.

Frank Pellegrin, formerly of KOIL, Omaha, has recently succeeded Samuel J. Henry, Jr., in charge of the Bureau of Radio Advertising, and plans are being made for further development of this Bureau. During the year, the Unit Volume Measurement Plan has been put in operation. We believe that with the development of this plan and with the active cooperation of the Sales Managers Committee, this Bureau will become of increasingly greater value to the industry.

What of the future? Between now and our next Convention, we shall be brought face to face with problems which are today unknown, but which I am sure radio can solve. I have read with interest the President's statement contained in a recent letter, as follows:

> "We are all agreed that we want to keep radio free . . . This technical limitation on the number of transmitters gives the Government its principal function in the realm of radio, that of referee to determine who the operators of the limited number of transmitters shall be."

May our actions and those of the public and of the Government be guided by the words of our President to the end that freedom of radio may continue to exist unimpaired and that democracy in America as we know it may be preserved.

I believe there are those in radio who have the experience and the ability and the patriotism to guide this industry and that radio as a privately operated competitive business will render a greater service than under Government control.

We in radio face the future with confidence and know that come what may, radio will perform its task with credit to itself, to the Government, and to the American public.

Respectfully submitted,

NEVILLE MILLER,
President.

Secretary-Treasurer

The nine months that have intervened since the 1940 convention have been unusually active and busy ones at NAB headquarters. The work incident to the music controversy consumed a great deal of the time of the staff but, nevertheless, the other activities of the Association have been maintained upon a constructive and active basis. Every effort has been made to operate the Association in a manner that will best serve the interests of broadcasters in every field of their activity. The Association has been operated on a business basis and many economies in operation have been introduced with the result that while the services of the Association have been greatly expanded, the cost of operation has been kept well within the limit of the funds available.

MEMBERSHIP

We are pleased to report that the membership of the National Association of Broadcasters as of May 1, 1941, stands at 547, an increase of 87 members since the date of the last annual convention in San Francisco in 1940. The membership is composed of 526 active and 21 associate members. Included in the 526 active members are 6 FM stations which were admitted to membership during the past year.

During the year, your Board of Directors approved a plan of associate membership which we are pleased to report has met with great success. Six industries and engagements closely allied with radio broadcasting are now eligible for associate membership in NAB as follows: transcription companies, equipment manufacturers, station representatives, news services, telephone and telegraph companies, and market research organizations. These companies hold from one to four $250 units of associate membership depending on their gross volume of business. The NAB is proud to announce that we now have 21 associate members holding 35 units of membership. Included in these 21 members are 7 transcription companies, 10 equipment manufacturers, 3 station representatives and 1 research organization.

As to the active membership, we have been able to increase this to its highest point in NAB history due to the excellent cooperation of the District Directors and by following up our membership campaign of last year.

The following tables show the increase in membership by dues classifications and by NAB Districts from July 15, 1940, as reported at the last convention, to May 1, 1941.

NAB Membership by Dues Classification

	NAB Members	
Class	July 15, 1940	May 1, 1941
A	92	108
B	81	82
C	63	76
D	44	54
E	40	49
F	28	27
G	20	21
H	26	38
I	18	16
J	6	16
K	4	4
L	6	9
M	2	4
N	2	2
O	2	2
NBC	15	10
CBS	8	8
Associate	3	21
Total	460	547

NAB Membership by NAB Districts

District	NAB Members July 15, 1940	 May 1, 1941
1	31	38
2	31	32
3	28	28
4	47	53
5	30	43
6	26	30
7	25	26
8	22	27
9	31	33
10	35	37
11	19	24
12	16	19
13	24	24
14	24	26
15	20	24
16	23	23
17	25	33
FM	—	6
Associate	3	21
Total	460	547

On May 1, 63% of all operating commercial stations in the country were members of the NAB. Disregarding the FM stations and the Associate members of NAB, the following table discloses some interesting percentages.

Operating Commercial Stations	Total Stations April 1, 1941	NAB Members May 1, 1941	Percent
Network Affiliates	490*	369*	75%
Independents	319	140	44%
Total	809	509	63%
Non-Commercial Stations	37	4	11%
Construction Permits	54	15	28%
Grand Total	891	520	58%

* Includes 9 c.p. stations—8 NAB members.

75% of all NBC affiliates are NAB members.
85% of all CBS affiliates are NAB members.
70% of all MBS affiliates are NAB members.
67% of all newspaper owned stations are NAB members.

FINANCIAL

The financial records of the Association were audited by certified public accountants at the close of the calendar year. Their report has been sent to the Directors and is available to any member on request. During the year 1940 we operated well within our budget and are at present within the budget as approved for 1941.

The following financial statement shows the receipts and disbursements of your Association for the nine months that have elapsed since the 1940 annual convention:

National Association of Broadcasters
Statement of Receipts and Expenditures
For the Period July 1, 1940, to April 1, 1941

RECEIPTS

Cash on Hand, July 1, 1940 (As reported at last convention)	$ 63,525.08	
Receipts during period	211,006.63	
		$274,531.71

DISBURSEMENTS

Annual Convention	$ 9,145.42	
Board of Directors Meetings	6,366.08	
Committee Expenses	6,291.49	
Dues and Publications	2,413.54	
Furniture and Fixtures	1,523.89	
Investment—Government Securities	$31,403.34	
Legal, Engineering and Accounting Fees	19,856.67	
Miscellaneous	16,843.76	
NAB–BMI Special Promotion	12,632.67	
NAB REPORTS	10,680.00	
NAB–RMA Expenses	7,196.61	
Office Supplies	2,248.22	
Postage	3,394.72	
Printing	8,337.25	
Radio Council on Children's Programs	2,037.23	
Rent	6,374.97	
Salaries	84,720.45	
Telephone and Telegraph	3,593.51	
Travel	11,957.57	
		$247,017.39
Cash on Hand, April 1, 1941		$27,514.32

HEADQUARTERS PERSONNEL

Whereas our activities have increased greatly during the past year, our payroll on April 1, 1941, lists only 29 full and part-time employees as compared to 26 employees reported at the last convention, a net increase of only 3 employees. The only major change in our staff involved the resignation of Samuel J. Henry, Jr., on January 31, as manager of the Bureau of Radio Advertising. With his resignation, the Bureau was, upon the recommendation of the Sales Managers Committee, abolished by the Board and in its stead the Department of Broadcast Advertising was created. On April 1, Frank E. Pellegrin assumed his duties as Director of this newly created department.

A complete roster of NAB Headquarters employees follows:

Staff Members

Neville Miller, President
C. E. Arney, Jr., Assistant to the President
Edward M. Kirby, Director of Public Relations
Joseph L. Miller, Director of Labor Relations
J. Robert Myers, Assistant Director of Research
Frank E. Pellegrin, Director of Broadcast Advertising
Paul F. Peter, Director of Research
Russell P. Place, Counsel
Everett E. Revercomb, Auditor
Helen H. Schaefer, Assistant Director of Research
Lynne C. Smeby, Director of Engineering
Arthur C. Stringer, Supervisor of Circulation and Promotion

Secretarial, Clerical and Part Time

Jane E. Arnold
Isabel G. Campbell
Jean M. Chevanney
Thomas I. Chase
Charles H. Dodge
Ethel M. John
Nolan L. Kidwell
Lynne M. Lamm
Hester M. Laster
Miriam E. Moore
Ella P. Nelson
Harriet A. Page
Mildred M. Ramsay
Jean Smith
Molly A. Stonestreet
Anne J. Weir
Pauline J. Willier

MEETINGS

The following Board of Directors, Committee and District meetings have been held since the last annual convention:

Group	Date	Place
Board of Directors	August 6, 1940	San Francisco, Cal.
	December 5–6, 1940	New York, N. Y.
	March 17–18, 1941	New York, N. Y.
Executive Committee	August 7, 1940	San Francisco, Cal.
	September 13, 1940	New York, N. Y.
	October 25, 1940	Washington, D. C.
	December 5, 1940	New York, N. Y.
	January 7, 1941	Washington, D. C.
	February 19, 1941	New York, N. Y.

AAAA Conference Committee	October 30, 1940	New York, N. Y.
	November 15, 1940	New York, N. Y.
	November 27, 1940	Washington, D. C.
	December 3–5, 1940	New York, N. Y.
	December 20, 1940	New York, N. Y.
	January 6–7, 1941	New York, N. Y.
	January 28, 1941	New York, N. Y.
	January 31, 1941	New York, N. Y.
Code Committee	November 7, 1940	Chicago, Illinois
	February 4–5, 1941	New York, N. Y.
Engineering Committee	January 9, 1941	New York, N. Y.
	February 19, 1941	Columbus, Ohio
Engineering Executive Committee	September 26, 1940	Washington, D. C.
FCC Conference Committee	September 12–13, 1940	Washington, D. C.
Insurance Committee	March 24, 1941	New York, N. Y.
Legislative Committee	December 4, 1940	New York, N. Y.
Research Committee	November 25, 1940	New York, N. Y.
	January 10, 1941	New York, N. Y.
Sales Managers Executive Committee	January 10, 1941	New York, N. Y.
	March 12, 1941	Chicago, Illinois

District 1	December 12, 1940	Worcester, Massachusetts
	March 4, 1941	Worcester, Massachusetts
District 2	December 20, 1940	Syracuse, New York
District 3	December 9, 1940	Philadelphia, Pa.
	April 7, 1941	Philadelphia, Pa.
District 4	December 13, 1940	Washington, D. C.
District 5	December 10, 1940	Orlando, Florida
	April 11, 1941	Jacksonville, Florida
District 6	January 13, 1941	Nashville, Tennessee
District 7	December 19, 1940	Detroit, Michigan
	April 4, 1941	Cincinnati, Ohio
District 8	December 19, 1940	Detroit, Michigan
District 9	December 18, 1940	Chicago, Illinois
	January 30, 1941	Chicago, Illinois
District 10	January 25, 1941	Omaha, Nebraska
District 11	November 15, 1940	Minneapolis, Minnesota
	March 14, 1941	Minneapolis, Minnesota
District 13	February 28, 1941	San Antonio, Texas
District 14	January 27, 1941	Denver, Colorado
District 15	January 18, 1941	San Francisco, California
	April 26, 1941	San Francisco, California
District 16	January 17, 1941	Los Angeles, California
District 17	January 22, 1941	Portland, Oregon

Respectfully submitted,

C. E. Arney, Jr.,
Assistant to the President.

Engineering Department

REALLOCATION

Of prime importance during the past NAB year has been the reallocation that took place on March 29, 1941. At 3 a. m. on this date, approximately 90% of the broadcast stations in the United States changed frequency. To the credit of all concerned the job of changing was accomplished in the remarkably short time of 56 days with very little trouble. A handful of stations were not able to effect the change-over of their directional antennas in such a short time and therefore were authorized to operate with reduced power non-directional until the work was completed.

Plans were started over a year ago to meet the emergency of a short notice period. This planning was formulated in meetings of the Engineering Committee and contacts with the FCC Engineering Department. The consulting engineers were invited to a special "Reallocation Meeting" of the Executive Engineering Committee held in Washington. The Director of Engineering had prepared a 13-page analysis of the directional antennas that were to be shifted in frequency. This analysis was used as the basis of discussion. The deliberation of the meeting culminated in the preparation of a tabulation of the possible difficulties involved in the reallocation and the preparation of requests for certain concessions from the FCC during the reallocation period, such as, the easing of certain regulations. This was taken up with Mr. Ring, FCC Engineer in charge of broadcasting. Mr. Ring was very cooperative in this matter and he deserves a great deal of credit for the way in which he organized the engineering aspects of the reallocation. Subsequent to the reallocation meeting, it occurred to the Director that it would be helpful in making the changes if the normal test period from 1 a. m. to 6 a. m. were extended to midnight to 7 a. m. This was discussed with Mr. Ring and the members of the Executive Committee. The approval of the Committee resulted in NAB officially requesting this extension and the FCC granted the request. Many engineers have reported that this additional test time materially aided them in making the changes.

The Director has also worked with Arthur Stringer for over a year on plans for the promotional work in connection with the reallocation. This work resulted in an industry-wide plan that was ready for instant use at such time as the FCC gave the go ahead. Technical articles on the reallocation were written for the NAB REPORTS, BROADCASTING, Radio Trade Journals and Servicemen's Magazines. A frequency log was also prepared by the Director and this was extensively used by broadcasters and used by many who made up logs for general distribution.

BROADCAST ENGINEERING CONFERENCE

NAB again officially cooperated in the Fourth Ohio State Broadcast Engineering Conference. This was held in February at Columbus. The preliminary program for the Conference was formulated at NAB headquarters during a two-day visit by Dr. W. L. Everitt, Director of the Conference. He was also assisted with the publicity. The Director of Engineering acted as Chairman of The General Discussion and Question Box conducted by A. D. Ring, Assistant Chief Engineer of the FCC in charge of broadcasting. The total attendance of 287 was an increase of 39 over the previous Conference. The members of the Conference presented Dr. Everitt with a wrist watch in token of appreciation for the work he has done in conducting the Conferences.

INSURANCE COMMITTEE

The Insurance Committee has been aided in handling its questionnaire and in publicity of the work being carried on by the Committee

MEMO RECORDING

In an FCC order on October 15, 1940, the International Broadcasters were ordered to record all of their transmissions. Because the recording time per year is great the cost per hour is of utmost importance. At the time of the order, the availability of equipment was not known. At the suggestion of Mr. Arney, information was requested of all known manufacturers of such equipment.

The information was tabulated and presented to the International Broadcasters at a meeting attended by Mr. Arney and the Director. The International Broadcasters decided to standardize on one type of equipment. Several recorders were loaned by a company to be used temporarily until the permanent machines could be delivered. In this way, the International Broadcasters were able to comply with the FCC rule sooner.

BROADENING NAB MEMBERSHIP

Before the last Convention the Engineering Committee instituted proceedings for broadening the scope of NAB to include not only standard band, but also any other broadcasters. This culminated in a suggested by-law revision that was adopted by NAB at San Francisco. All broadcasters are now eligible for NAB membership and a number of High Frequency stations have joined.

INTERFERENCE RATING

The FCC Engineering Department has had under study for some time, an alteration in the RSS Method of Rating Interference, suggested by NAB. With the reallocation out of the way, the FCC Engineering Department is again active in considering this matter. It is hoped that this controversial rule will be modified soon.

TELEVISION COMMITTEE

In line with its broadened scope, NAB participated in the deliberations of the National Television System Committee. John V. L. Hogan served on the main committee as NAB representative and the Director was a member of one of the panels and also Mr. Hogan's alternate on the main committee.

INSTITUTE OF RADIO ENGINEERS

The Director has cooperated with the IRE in publicizing its Annual Convention. On February 6, F. E. Terman, President of IRE asked the Director to serve on the Board of Editors and on the same date, was requested by A. N. Goldsmith, Chairman of the Board of Editors, to serve on the Committee on Regular Papers. These two appointments were accepted. Mail discussions with Dr. Goldsmith and a conference with Dr. Terman have been directed toward the end that the IRE Proceedings papers be made more attractive to the Broadcast Station Engineers.

RECORDING STANDARDS

During the past few months, discussions have been held with station managers, agency men and engineers concerning the divergence of quality on records and transcriptions produced by various companies and played on machines manufactured by various companies. The Engineering Committee passed a resolution recommending that NAB coordinate a plan to formulate recording and reproducing standards. This resolution was referred to Neville Miller for consideration by the Executive Committee and the project was subsequently authorized. Time has been asked for at St. Louis during the Annual Convention for open discussion of this project. It is planned that the work of formulating standards will be inaugurated by the engineers at the IRE Convention in June at Detroit. Everyone interested in the subject, whether he be an NAB member or not, will be invited to participate in the work.

HEARING COVERED

All FCC Engineering hearings of general interest, including the monopoly hearing, during the past year, have been attended by the Director and reported in the NAB REPORTS.

DEFENSE COMMITTEE

The Director was appointed Neville Miller's alternate on the Domestic Broadcast Committee of the DCB and was appointed NAB technical advisor. The Director is serving as Chairman of one of the Subcommittees.

ENGINEERING HANDBOOK

A revision of the handbook is nearly completed. The time necessary to do this job has been seriously curtailed by other more pressing matters such as, work in connection with the reallocation and work in connection with the Defense Committee. It is anticipated that the revision will be ready for distribution shortly.

SERVICE TO MEMBERS

Many minor functions have been carried on beside the main ones mentioned, not the least of these being individual services to members. Many of the members have availed themselves of this service.

If you feel that the Director can be of help to you, please feel free to call on him.

ENGINEERING COMMITTEEMEN

Without the wholehearted help of the members of the Engineering Committee, the work of the past year could not have been accomplished. Many of the members have given generously of their time in furthering industry-wide projects.

COMMITTEE MEETINGS

The Engineering Committee met on January 9, 1941, in New York City and on February 19, 1941, at Columbus. An Executive Engineering meeting was held on September 26, 1940, in Washington.

EXECUTIVE ENGINEERING COMMITTEE
1940-41

Edward L. Gove—Chairman, WHK
Porter Houston—WCBM
Paul deMars—Yankee Network
E. K. Cohan—CBS
J. R. Poppele—MBS
O. B. Hanson—NBC
L. C. Smeby—NAB—Ex-officio

ENGINEERING COMMITTEE
1940-41

Edward L. Gove—Chairman, WHK
F. M. Doolittle—WDRC
John V. L. Hogan—WQXR
J. C. Leitch—WCAU
Scott Helt—WIS
J. R. Donovan—WTOC
J. H. DeWitt—WSM
R. Morris Pierce—WGAR
Walter Hoffman—WWJ
Carl Meyers—WGN
Paul Loyet—WHO
Julius Hetland—WDAY
K. W. Pyle—KFBI
W. G. Edgerton—KTSA
Eugene G. Pack—KSL
R. V. Howard—KSFO
Jay Tapp—KGER
Francis Brott—KOMO
E. K. Cohan—CBS
O. B. Hanson—NBC
J. R. Poppele—MBS
L. C. Smeby—NAB—Ex-officio

Respectfully submitted,

Lynne C. Smeby,
Director of Engineering.

Legal Department

This is the report of the activities of the Legal Department for roughly eight months since the last annual meeting.

CONGRESS. To date no adverse legislation has been enacted. In summary the radio bills and their history are as follows:

In the field of copyright, Executive E, the International Copyright or Berne Convention Treaty is again before the Senate. A sub-committee of the Committee on Foreign Relations held hearings at which NAB appeared in opposition. The perennial bill for legalizing copyright in recorded renditions and interpretations was again introduced under NAPA sponsorship, this time by Representative Sachs (D-Penna.); no hearings have been held or are believed likely in the near future. Companion bills for the preservation of authors' rights were introduced by Senator Bone and Representative Kramer; NAB appeared at the hearing and suggested perfecting amendments. A bill introduced by

Representative Keogh (D-N. Y.), incorporating the minimum damage clause of the Duffy bill, and generally acceptable, has not been set for hearing. The Thomas bill embodying the draft of the Committee for the Study of Copyright has not been introduced; broadcasters are opposed to it.

The Johnson bill to bar broadcast of advertising of alcoholic beverages was reintroduced; when set for hearing NAB will oppose it vigorously.

The Ditter bill to amend the Communications Act and provide for five year license period and to prevent indirect censorship by the Commission was again reintroduced. Hearings have not been scheduled to date.

Bills affecting interception of messages and amendatory of the Communications Act in this respect do not disturb us.

Bills affecting national daylight saving time have been actively supported; hearings have not been set.

Three bills for improvement of administrative procedure, successors to the Walter-Logan bill, are under consideration. The Federal Communications Bar Association's draft of a bill embodying the best features of each is acceptable to counsel. As in the past, no action on such measures has been taken by the NAB.

STATE LEGISLATION. Legislatures in forty-four states have been in session this year. District Directors cooperated with counsel by appointing broadcasters in each state, and wherever possible in the state capital, to serve as Legislative Contacts for NAB. By providing an additional safeguard against overlooking the introduction of bills affecting radio, and liaison for communication on legislative matters in each state, this innovation has been most useful in this department.

Chiefly of note at this year's sessions was the introduction of 35 so-called "anti-ASCAP" bills in 18 states. Other than enactment of the Wisconsin law to provide effective enforcement of existing provisions relating to investigators and music brokers, no such bills have been enacted. The NAB did not encourage or support any legislation of this character. The Montana law of this character was repealed.

The Perry bill to bar off-the-air recording of broadcasts was again introduced, in somewhat different form, in New York. New York State Broadcasters persuaded the author to strike the enacting clause, and the measure was killed. A committee is working to perfect an acceptable bill for introduction at the next session.

Oregon passed a radio libel law, relieving broadcasters from liability for radio defamation unless the plaintiff can prove that the broadcaster failed to exercise due care. A similar bill was vetoed by the Governor of Washington.

LITIGATION. The position of the NAB in *RCA* v. *Whiteman* was sustained in the Circuit Court of Appeals and again in the Supreme Court, thus establishing the law, except in Pennsylvania, that broadcasters are at liberty to play phonograph records without license from the record manufacturer of the performing artists. This was a notable accomplishment for the industry, particularly for the smaller stations. Stuart Sprague and White and Case were on the briefs.

FACILITIES CONTRACT. Nearly five months were required in conference with the AAAA Time-Buyers' Committee to determine that complete reconcilement of views on certain provisions was impossible. The Agency Contract, recommended by the NAB March 21, is the result of the protracted discussions.

FCC APPLICATION FORMS. In cooperation with FCC staff an NAB committee was successful in securing amendment to the standard and FM forms which greatly facilitates filling out of these forms.

GENERAL. Correspondence with stations and their attorneys on numerous matters as well as assistance to staff and general office work has consumed considerable time. Since Ed Kirby's going to the War Department, the duties of Secretary of the Code Committee have temporarily devolved on counsel. Service as alternate to Neville Miller on the International Broadcasting Committee of the Defense Communications Board has not been burdensome to date. There have been no meetings of the Committee on Cooperation Between Press, Radio and Bar since the last report. The New York Tax Committee, appointed to combat assessment by the City of New York of real estate tax on station equipment, was successful in its efforts.

Respectfully submitted,

Russell P. Place,
Counsel.

Labor Relations

Just three years ago this week the National Association of Broadcasters set up its labor relations department. Those three years—and especially the last one—have seen American industry plagued by labor trouble. One of the few exceptions has been the broadcasting industry. Paying its employees well, obeying the law and constantly seeking to understand labor's viewpoint on all questions of mutual interest, the broadcasting industry has enjoyed three years of comparative peace.

The industry's labor policy is highly respected not only in other quarters of the business world but by labor and government as well.

Here are a few comments on the department's last report:

Sidney Hillman, now co-director of the OPM—"May I congratulate you on your achievements and the fine record you have maintained . . ."

A. J. Altmeyer, chairman, Social Security Board—"May I send you my sincere congratulations on your good work?"

J. R. Steelman, director of conciliation, U. S. Department of Labor—". . . The broadcasting industry and organized labor must be proud of their record for the past year."

William Green, president, American Federation of Labor—"Such a record must be interpreted as a tribute to collective bargaining, and to the wisdom and self-restraint of management and workers."

Thomas Kennedy, secretary-treasurer, United Mine Workers of America—"That the broadcasting industry and organized labor have gone through a year without any major labor trouble is a tribute to your work in this direction."

Any of these credits which appear to accrue to the NAB's director of labor relations must be interpreted as belonging to the entire industry, for the entire industry has given the labor relations director unstinted support in his efforts.

The NAB proposes to continue its current labor policy during the coming year. Members will be kept advised of trends and developments in the field of labor relations. They will be informed of any changes in labor laws that affect their operations. They may call upon the labor relations director for direct assistance with their individual or collective labor problems. They will find available at the NAB a growing fund of information useful in collective bargaining. The labor relations director will continue his efforts to preserve and foster the general goodwill between the industry and the labor movement, and will count on the continued assistance of the entire membership in this work.

Following is a topical review of labor developments related to the industry since the San Francisco convention last August.

RADIO'S PAYROLL

Latest available FCC figures, for the week beginning October 15, 1939, showed that the average broadcasting employee, executives *excluded,* received $41.08. There is every reason to believe that the Commission's next report will show a considerable increase, keeping broadcasting at or near the top of the list of all industries in this respect.

For comparative purposes it is necessary to *include* executives, in showing the increase in the industry's payroll and average weekly salary in recent years:

Week	Full-time Employees	Average Salary
March 6, 1938	17,085	$45.12
December 11, 1938	18,359	45.20
October 15, 1939	19,883	45.92

These figures do not include highly paid artists, musicians, announcers, writers and others employed for radio shows by advertising agencies. Their inclusion would raise the averages considerably.

WAGE AND HOUR ACT

The headache that came with the first application of the Fair Labor Standards Act of 1938 is gradually wearing off. The remaining dull pain results largely from the disappearance of a give-and-take arrangement as to working hours that prevailed in much of the industry before federal regulation of wages and hours. Before 1938, the broadcasting employee who wanted a day or two off usually got it without question. When he worked a long day or a long week (as the nature of the industry frequently requires), he was usually given compensatory time off. Because of the overtime payment required by the law, these practices necessarily have been discontinued in many cases. Employees have not liked this any more than have employers.

Some relief came last fall with the Wage and Hour Administrator's redefinition of "executives, administrative employees, professionals and outside salesmen," four classes of employees who need not be paid overtime. The new definitions, much broader than the old, exempted a great many broadcasting employees who previously had been covered by the Act. Before the new definitions were drawn, for instance, the Wage and Hour Division maintained that the broadcasting industry's outside salesmen were not outside salesmen within the meaning of the Act. After the NAB labor relations director presented the industry's case at hearings on proposals for the new definitions, the report accompanying the new definitions specifically stated that radio's outside salesmen were exempt.

Only one broadcasting station got into any serious trouble with the Wage and Hour Division during the past year, and that trouble resulted largely from the station management's misunderstanding of how to apply the Act to its employees. A court order requiring payment of back wages and an injunction against future violation resulted. Failure to keep proper records has resulted in several other minor cases, all of which were adjusted out of court.

Last November, after the new definitions mentioned above were issued, the NAB Labor Relations Department published a booklet, "The Wage and Hour Act: How It Affects A Broadcasting Station," which summed up the Act in a-b-c form for broadcasters. It has proved tremendously popular, with distribution already above 1,000. When necessary, this booklet will be revised.

This spring, the labor relations director has taken steps toward further clarification of the status of broadcasting technicians and engineers under the Act. Through a series of conferences and field inspection trips, the labor relations director and Wage and Hour opinion attorneys expect to be able better to advise broadcasters what technicians qualify as executives, professionals or administrative employees, and what ones are clearly non-exempt.

WAGNER ACT

The National Labor Relations Board has cited only two stations during the past eight months for violation of the Wagner Act. One of these was directed to reinstate several employees alleged to have been discharged for union activity. The other case was settled "out of court."

This record is far from bad, considering the number of complaints in other industries, and also considering the number of times broadcasters have dealt with labor unions for the first time.

The NAB labor relations director has advised dozens of broadcasters how to avoid missteps which might be construed as Wagner Act violation, and also has advised them on the technique of collective bargaining. This service should be used even more than it is.

Appointment of Dr. Harry A. Millis as chairman of the Labor Board to succeed J. Warren Madden has been generally hailed throughout the country as a step toward more harmonious labor relations. Both Dr. Millis and Dr. William Leiserson, appointed to the previous vacancy, have long records as mediators and conciliators. Both firmly believe in that technique.

STRIKES

Several incidents have led to the temporary withdrawal of union musicians from broadcasting stations, but there have been only two actual strikes in the industry during the past eight months. One was called at a southern station by the International Brotherhood of Electrical Workers (A. F. of L.) when six months of negotiations failed to produce an agreement on terms for a first contract covering technicians. The other was called by the American Communications Association (C.I.O.) at a New York City station during the course of negotiations toward a contract renewal. The latter was accompanied by sabotage. Neither strike had been settled when this report was prepared.

During a period when strikes made the headlines almost daily, the lack of any serious labor trouble in the broadcasting industry is a tribute to the industry, its employees, and the labor unions it deals with. Good wages, good working conditions, fair dealing and law obedience have paid dividends.

"CLOSED SHOP"

More often than not, the chief obstacle to a first agreement between an employer and a labor union is the union's demand for a "closed shop." The "closed shop" may take several forms:

(1) *The real closed shop, or "hiring hall" system.* This not only requires all employees to belong to the union but also requires the employer to take whatever employees the union sends in when vacancies occur.

(2) *The preferential shop.* This requires all employees to belong to the union and requires the employer to ask the union for replacements when vacancies occur. However, if the union cannot furnish suitable replacements, the employer may hire non-union employees, provided they join the union when they go to work.

(3) *The union shop.* This requires all employees to belong to the union while they are working, but gives the employer complete freedom to hire whomsoever he pleases.

There are many variations of these fundamental definitions. By and large, the two principal technicians' unions in the broadcasting industry (I.B.E.W. and A.C.A.) have insisted upon the closed or preferential shops, although each has settled for a union shop on several occasions. AFRA has asked only for a union shop.

The principal objection to a real closed shop or hiring hall system is obvious. The employer who has that relationship with a union, theoretically at least, has delegated to the union one of the functions ordinarily associated with management. On the other hand, furnishing competent employees places a tremendous responsibility upon labor unions. In some instances this responsibility has worked well, and the employer has not suffered. In other instances, it has led not only to foisting poor employees on the employer but to job-selling and other racketeering practices on the part of union leaders.

The preferential shop gives the employer, or arbiters, the ultimate word on employment, and thus should avoid most of the trouble that can result from a closed shop. Many employers have found it quite satisfactory, and have used a union to advantage as an employment agency. Others have had sad experiences with it, finding that the preferential shop, as it worked out, was really a closed shop with all the potential evils of a closed shop quickly developing.

The union shop has many advocates in both labor and industry. It is definitely to the advantage of the employer, many say, to have all his employees in the union for the sake of plant morale. Half in and half out means trouble no end, they say, with endless costly bickering. On the other hand, few employers like the idea of requiring any employee to join and pay dues to a labor union.

The NAB labor relations director sets forth these arguments for and against the various types of shops, without opinion, for the information of broadcasters who may sooner or later have to face this question in negotiations. He will be glad at any time to discuss this question further with any association members.

ARBITRATION

Arbitration is a well established principle in the labor policy of the broadcasting industry. Its extension is constantly advocated by the National Association of Broadcasters as fundamental to the development of sound labor relations.

Every contract between stations and the International Brotherhood of Electrical Workers and the American Communications Association, the dominant technicians unions, provides for arbitration of disputes arising under the terms of the contract. Some of these contracts go even further in providing for the arbitration of *any* dispute that arises during the term of the agreement. The unions, in some instances, have been hesitant in accepting the latter type of provision. Arbitration of *all* disputes, however, guarantees a peaceful relationship between the employer and the union for a given period of time, and makes the employer far more willing to bargain collectively in good faith than if he is faced with the possibility of "wild cat" strikes after a contract is made. There is a great variation in technicians contracts in the method of selecting arbiters. The American Arbitration Association, the U. S. Labor Department, local judges, National Labor Relations Board, State Board of Arbitration, and the prominent panel of the American Newspaper Publishers Association, and the Printing Pressmen's Union are among those specified in contracts as arbiters or selectors.

All contracts with the American Federation of Radio Artists, the dominant union of announcers, singers, and actors, provide for arbitration of disputes arising under the contract by the American Arbitration Association.

The American Federation of Musicians, the other principal union in the broadcasting industry, both nationally and locally has refused to insert arbitration provisions in its agreements. These agreements usually have provided for the reference of disputes to the national officers of the union—an arrangement obviously unsatisfactory to the employers.

THURMAN ARNOLD

About eighteen months ago Thurman Arnold, assistant attorney general in charge of anti-trust prosecution, started to prosecute labor unions for some of their practices which he contented were in violation of the Sherman Act. His drive got into full swing about the time that the National Plan of Settlement between the American Federation of Musicians and Network affiliates was about to expire. As you know, the A. F. of M. permitted the National Plan of Settlement, with its "quotas", to lapse.

Mr. Arnold had listed "unreasonable restraints designed to compel the hiring of useless and unnecessary labor" as one of five restraints which he felt were "unquestionable violations of the Sherman Act". Last month, with this type of restraint at issue, Mr. Arnold was reversed by the Circuit Court of Appeals in New York City. A few days later, with this same type of restraint at issue, Mr. Arnold was reversed by the Supreme Court. Previously he had been reversed on most of his other types of labor prosecutions.

In the New York case, Mr. Arnold had prosecuted the truck drivers' union for requiring out of town trucks to put on an extra driver from the New York local when they entered New York and for requiring payment of New York local members for unloading out of town trucks whether or not they actually did the unloading.

The truck owners resisted these demands but the union forced its claims upon them in some instances by actual violence to their drivers and trucks; and some by threats of such violence; and others by persuading receiving clerks not to receive the loads. At times the truck owners refused to allow the New York union members to have any part in the handling of their loads; more often they let them do some of the unloading; but in almost all cases they were forced to pay a full day's wage.

Mr. Arnold accused the union of violating not only the Sherman Act, but the Anti-Racketeering Act as well. Judge Learned Hand, however, turned Mr. Arnold down on both counts. There was no violation of the Sherman Act, he said, "for there is no evidence of any concerted agreement to fix the price of trucking, or of the commodities carried; nor was there any evidence that the action of the accused had, in fact, affected those prices".

Nor was there any violation of the Anti-Racketeering Act (extortion), Judge Hand said, because "if the employee in good faith actually proffers his services, it is the same whether or not they are accepted".

"The position of the accused, when the operators refused to employ them, was like that of 'stand-by' orchestras, so called", Judge Hand added. "If a conductor brings an orchestra from outside into the territory of a union powerful enough to coerce him he must either employ local musicians in their place, or pay an amount equal to their aggregate wages if they had played. In such cases it may be doubtful whether the local players can, in fact, substitute for the outsiders, and that might condemn them; but there was no such doubt here, for the accused were competent drivers."

In the Supreme Court, the decision of District Judge Sullivan of Chicago was upheld, without comment, in Mr. Arnold's case against the common laborers' union. Mr. Arnold had prosecuted this union for requiring Chicago contractors to hire "stand-bys" when concrete mixers were used. The union made the contractors hire as many "stand-bys" as there were men replaced by the mixers.

"I am of the opinion that defendants (the union), under such circumstances, are immune from prosecution under the Sherman Act by reason of the provisions of the Norris-LaGuardia Act which enlarges the scope of section 20 of the Clayton Act," Judge Sullivan said.

After pointing out that no labor union could be prosecuted for "normal, legitimate and lawful activities" Judge Sullivan added: "Such normal, legitimate and lawful activities of a labor union include the calling of strikes, or threatening to call strikes in order to obtain their demands, as in the present case, a demand against labor-saving devices which will displace their members or, in the alternative, the demand that if the labor-saving device is used, the same number of men be employed as if the other type of mixer were used. These are legitimate and lawful activities which a labor union is permitted to carry on in an effort to maintain employment and certain working conditions for its members, and restraint of trade or commerce attendant thereon, is only indirect and incidental."

Last month, the New York Court of Appeals enjoined the stagehands' union (I.A.T.S.E.) from striking at theaters against "Opera On Tour," a touring opera company using mechanized musical accompaniment. The stagehands issued the strike order at the request of the A. F. of M. The New York court held that the strike issue was not a legitimate labor dispute. This decision may prove to be of far reaching importance.

A. F. OF M.

Only a few local incidents have marred eight months' peaceful relationship between the industry and the American Federation of Musicians (A. F. of L.).

Quite a few local contracts expired in January, and in some instances local demands for increased employment or expenditure for musicians led in several instances to temporary withdrawal of the musicians or withdrawal of name bands for network sustaining programs. Most of these situations have long since been straightened out, although a few were still pending when this report was prepared.

In the middle west, at least one local took a cue from Chicago and St. Louis, and demanded the employment of platter turners. Platter turners are union musicians whose sole duty is to place phonograph records or transcriptions on turn-tables, turn them and remove them. In the larger Chicago stations they are paid $90 for a 25-hour week.

The networks last winter made new contracts with the union covering staff musicians in New York and Chicago. The new agreements provided a wage increase. The networks refused to agree to the union's demand that they would not furnish music to affiliates declared "unfair" by the union.

A. B. T. U.

The Associated Broadcast Technicians Unit of the International Brotherhood of Electrical Workers (A. F. of L.) has continued its organization drive throughout the country with a great deal of success. This union said April 15 that it had contracts covering technicians at 150 stations, while organization or negotiations were underway in at least 75 others. The NAB labor relations director has assisted dozens of stations in negotiations with this union.

AFRA

The American Federation of Radio Artists (A. F. of L.) has been so busy during the past eight months with projects previously undertaken that it has not expanded its territory to any considerable extent.

Last fall, the issue of whether Chicago staff announcers should receive extra pay for local commercials was settled by mediation and compromise. Those making $75 or more a week staff salary are permitted to do a specified number of local commercials without extra compensation. This issue was so complicated by its place in the general AFRA-network relationship that, at the same time, the commercial code was renewed until 1943; the sustaining talent agreements were renewed, with modifications; and NBC renewed its New York staff announcers' contract.

The "Chicago Formula" for payment of staff announcers is one of four now in effect. NBC at some of its managed and operated stations outside of New York and Chicago has agreed to turn over to staff announcers all talent fees it collects. CBS at some of its managed and operated stations outside of New York and Chicago has agreed to pay specified fees for local commercial announcing outside of regular hours. In New York, the networks pay specified fees for all commercials, local and network.

Negotiations toward an AFRA transcription code, covering actors, announcers and singers on transcribed programs, have continued throughout the winter and spring.

IATSE

The International Alliance of Theatrical and Stage Employees (A. F. of L.) maintains it has certain jurisdiction in television, but the various jurisdictional issues in this field have not yet come to a head. This union last month also laid claim to network sound-effects men—a claim disputed by AFRA.

ACA

The American Communications Association (CIO) continued to confine to the larger metropolitan centers in the northeast its efforts to organize technicians, announcers, salesmen and office help. The ACA now has contracts in Washington, Baltimore, Philadelphia, New York City and Buffalo.

Last winter, all broadcasting members were shifted from other locals to Broadcast Local 1, headed by Leonard Ohl of Philadelphia, and an organization drive was announced. Joseph Selley succeeded Mervyn Rathborne, resigned, as ACA president.

ANG

The American Newspaper Guild (CIO) did not enlarge its activities in the broadcasting field.

LABOR ON THE AIR

When the NAB Code of Program Standards was adopted two years ago, we were pretty sure that we could count on an unqualified endorsement from organized labor.

We had said that broadcasting stations were obligated to carry labor programs when they served the public interest. Time should not be sold for such programs. All parties to any controversy raised in a labor program should be afforded an equal opportunity before the microphone.

In other words, when a national labor issue of importance arose, a nation-wide network was obligated to give the justified amount of network time for discussion from all veiwpoints.

When a labor issue of local importance arose, a local station was obligated to give the justified amount of its time for discussion from all viewpoints.

Time should not be sold for this discussion because the employer ordinarily could out-buy the union, and thus weight the argument in his favor. That wouldn't be fair play.

It turned out that labor wasn't with us, 100 per cent. A great majority of labor leaders, however, have given the code their enthusiastic support. We have heard nothing but praise of the national network policy in regard to the amount of time accorded labor leaders and government officials dealing with labor problems. The National Broadcasting Company alone had 43 labor talks on the coast-to-coast network last year. William Green gave six of these; John L. Lewis, five. The Columbia and Mutual Broadcasting Systems carried about the same number.

Locally labor has fared well under the code. Let me cite an instance:

Out in Cincinnati, about 20,000 of those who work in town live across the Ohio river in half a dozen Kentucky communities. Until last fall, they commuted by two bus lines. One of these lines had a closed shop contract with the "Amalgamated," an A. F. of L. union of bus drivers and street car employees. The other had a closed shop contract with the "Brotherhood," an independent union of bus drivers and railroad employees. The two lines merged. A jurisdictional strike resulted. Service stopped completely. Taxis were at a premium. Thousands had to walk to work.

The issues in jurisdictional strikes are often confused and difficult for the general public to understand. And so L. B. Wilson, manager of Station WCKY, asked representatives of the two unions, the merged companies, government conciliators, and the city managers to sit around the microphone together, to explain the issues from their respective viewpoints.

Only the bus companies turned down the invitation. They said they would not have enough time before the broadcast to prepare their case.

The program was an outstanding success. Ideas were developed that aided materially in the settlement of the strike.

After the forum program, Mr. Wilson assigned several of his best news analysts to "cover" the strike. On a news basis, statements from all sides were carried as they were issued.

After the strike eventually was settled, the station reported to us:

"We found both the companies and the unions willing to co-operate in acquainting the public with the facts, and there was not a single case of objection by the unions, companies, or the listening public to the way our strike broadcast and our strike news was handled."

The forum type of program is not the *only* proper medium for a labor broadcast. It is an extremely fair means of presenting the issues and the arguments of all parties—because all sides reach the same audience—and round table discussion is often more fruitful than set speeches. A forum makes a good show, too. Labor leaders—and others as well—too often are inclined to forget that it takes showmanship to build and hold an audience.

There have been only two outstanding complaints against the operation of the code from labor quarters. They were much alike. Both came from the C. I. O. Both resulted from the refusal of stations to continue C. I. O. local "news" broadcasts for which C. I. O. unions bought time. The first was in 1939, against a small station in Akron, Ohio. The United Rubber Workers, a C. I. O. affiliate, had been broadcasting news *and views* about local labor troubles for some time. After the code went into effect, the station exercised a cancellation clause in its contract with the union, maintaining rightfully that sale of time for discussion of controversial issues would constitute code violation. As a display of good faith, the station staged a forum program to discuss the rubber workers' contention that the code was "unfair to organized labor" and union representatives took part. They refused the station's offer, however, of free time to discuss their problems from time to time, as the public interest warranted. Last fall, a San Francisco station refused to renew an expired contract with the local C. I. O. council for a similar program. Not only the station directly involved but all other stations in San Francisco offered the C. I. O. free time, as the public interest warranted, to discuss labor questions of general public interest. To date, this offer has not been accepted. In both instances, the C. I. O. unions complained to the Federal Communications Commission. The Commission informed them that there was nothing in the Communications Act of 1934 to require a station to accept any program.

Most of the other complaints—and they have been few—have arisen from differences of opinion between local labor leaders and station managers over the air-worthiness of programs or speeches proposed by the labor leaders.

For instance, a local business agent is conducting a strike involving 200 factory employees in a city of 150,000 population. He has a great deal to say about the situation and he wants to tell the whole world, too. And so he goes to the manager of a 50,000-watt, clear channel station that serves not only the 150,000 city dwellers but farmers 100 miles around and asks to buy or get free time to air his views. The station manager informs him that he cannot buy time, under the code, and that he regrets he cannot give away the time, either, because that station's far-flung audience or a good share of it just wouldn't be interested in hearing about the merits and demerits of a small strike.

On the other hand, the size of a strike certainly is not the only criterion for a broadcaster in determining whether it should be discussed on his station. A strike of three employees in a power plant which threw a community into total darkness would surely be of prime public interest.

In this connection, the NAB code manual says:

"The broadcaster who denies time to a labor leader or organization solely because the broadcast might "stir up trouble" or disturb the *status quo* is treading dangerous ground.

"Of course, no broadcaster would permit his facilities to be used to incite to riot or bloodshed. When a broadcaster is in doubt on this score, after reading the proposed script, he might well consult the proper police officials.

"On the other hand, the opinion of an employer that a labor program dealing with his employees would be "dangerous" should be considered for just what it is worth. It is certainly not for the broadcaster to decide that labor unions are good or bad, and give or refuse to give them time accordingly.

Not long ago, the NAB labor relations director helped to arrange for a national network program for a labor leader who had made his first request for time. First, he was surprised that he received it, and received it so promptly. Then he submitted his script. In it, he quite strongly attacked three of the largest industrialists in the country. The network lawyers looked it over, found no libel, and gave it their O.K. The labor leader was amazed.

"Do you mean I can say all that?" he asked.

We think labor is getting a pretty good break on the air.

Just a few weeks ago, the International Ladies Garment Workers Union (A. F. of L) raised a new question which was immediately referred to the Code Compliance Committee. This union had prepared and used with a great deal of success on several stations on a commercial basis a dramatic serial type of program, frankly loaded with propaganda about the benefits of union membership. In one city, all stations refused to accept the serial on the ground that its acceptance would constitute Code violation. The union wanted to know what our attitude was. The union maintained it had as much right to sell union memberships by advertising on the air as had a soap firm to sell soap.

Respectfully submitted,

JOSEPH L. MILLER,
Director of Labor Relations.

Public Relations

At the request of the War Department, Ed Kirby, NAB Director of Public Relations, was given an indefinite leave of absence by the Board of Directors to establish a radio department for the Army. As Chief of the new Radio Branch, Mr. Kirby reports directly to Major General Robert C. Richardson, newly appointed Director of Bureau of Public Relations of the War Department.

A full description of the organization and functioning of the new radio branch follows this annual report on the NAB's public relations activities.

In 1941, American radio must win its service chevrons in a war emergency.

It is about to undergo vast economic and social readjustments.

It is already accommodating itself to a war condition in every aspect of management, programming and of engineering.

The American System of privately owned and competitively operated broadcasting is facing the most crucial test in its brief but brilliant twenty year record.

Such a thought underlies the deliberations of every broadcaster in attendance at this, the nineteenth annual convention of the NAB.

It is pertinent, therefore, that we prepare at once for a new order of things.

For every consideration of self-interest must be submerged in service to the national defense.

No other industry has a more important mission for no other industry reaches such vast audiences of people—and with the spoken word—directly and immediately from the scene of action or from the seat of government.

Radio has a twofold mission: to keep the nation informed, and to inspire a loyalty of country, a pride in the Army and Navy, as the facts warrant.

Its mission, also, is to keep open the channels of trade and commerce, and thus justify its economic existence; to interest and retain large audiences of people before their loud speakers that maximum numbers may be reached instantly, when information must be relayed to the civilian population without loss of time or coverage—and thus justify its social being. The one makes possible the other.

It must, in addition, continue to provide opportunity for the expression of honest diversity of opinion and ideas in accord with the democratic principles we are defending, that truth and the facts may come out, upon which we may base a course of common action .

At the same time, the microphone must be denied to those who would foul its naturally simultaneous unifying character by promoting social, racial or religious strife and discord; it must be denied those whose alien-inspired demands for broadcasting time are for no other purpose than the promotion of civilian and military hysteria and confusion.

Fortunately, this country has seen examples of both types of broadcasting at work abroad.

Again we know that what does *not* go into the microphone is as important as what does.

This is not censorship.

After all, such a diversity of expression was permitted in England, that the British government changed hands in the midst of the most serious war it has faced since the signing of the Magna Carta.

This is the democratic way of finding fault and placing responsibility.

But this is quite a different thing from the use of democratic channels of mass communication by those whose only purpose in invoking the right of freedom of expression is to destroy it; whose only purpose in invoking the right of freedom of worship is to kill it; whose only purpose in using our democratic rights and media is to further advance the ruthless march of those who have no friendly inclinations toward us or toward our institutions.

In a war, every radio transmitter is a military objective, and their control and use a military and political achievement.

What is to be done about it?

This is the question American radio faces at this convention, and will continue to face tomorrow, next week and next year, and perhaps for several years to come.

The beginning and end of all radio problems lies in the character and quality of program service broadcast and heard.

The public relations position of any station, of any network or of the entire broadcasting industry, fundamentally, can be no better nor worse than the character of program service heard by those served.

Through no other means can we create a story to tell, for program service is *the* story. All else is secondary.

Public relations activities which do not permeate the daily radio program structure, or which are not directly and completely in accord—each with the other—visibly and audibly embarrass broadcasting, which may be heard and checked by friend or foe, eighteen hours the clock round.

Broadcasting has earned and can continue to earn public confidence through no superimposed public relations program which is not imbedded in actual program structure and in program improvement, artistic, social and technical.

It is time we start our public relations thinking in the program department. In the critical days ahead, new and greater demands are going to be placed upon the limited hours available for broadcasting. How we use time and talent is all important. Each program, whether musical, entertainment or otherwise must serve some useful purpose. Each day's schedule must be balanced to serve the war-emergency needs of our civilian population, urban and rural, hungry for news, in need of diversion and entertainment, seeking information, relaxation and inspiration from their radio sets. These have been the goals of our operating policies in normal times; they become absolute necessities during times of the war emergency.

There is immediate need for a broader interchange of information, ideas and experiences among all stations through the NAB. There is immediate need for a broader coordination of program effort, for an expansion of contact work with press and other media, and among all social and governmental agencies, telling, interpreting, designing the story of radio. There is immediate need of a central NAB clearance agency that, from the ever-increasing multiplication of demands, program priorities may be established so that prime time is available for prime purposes; that the right time is not given to the wrong person or group.

There is immediate need for considering call of a second, but different, NAB convention in the months of June or July, to which management should send those responsible for programs, for news and for special events broadcasting, in order that these specialists, immediately concerned, will have opportunity to exchange and establish programming and news policies, commercial and sustaining, needed in the emergency we now face. Ample precedent exists for such a practical and intelligent separation in our older sister media: the American Newspaper Publishers Association who convene once a year—*a management convention*—and the American Society of Newspaper Editors who convene, separately, once a year—a convention of news *specialists employed by management.*

Since its inception three years ago, the Public Relations Department has taken the position that so-called industry-wide public relations begins from the grass-roots *up:* that a radio station must serve the local needs of its community in accord with power, policy and income position, and in like fashion, a national network must serve similar interests in the national community. That, therefore, to the individual station or network is attracted every social, religious, educational, civic, political, labor and economic interest within its sphere,—the yardstick of local and national "public interest, convenience and necessity."

That if these interests are honestly served and fairly balanced, the station or network has solved its own public relations problem. But that if an individual operation fails to recognize, balance and serve such social and economic interests and differences in its field, it has created a problem of public relations not only involving itself—from possibly regulatory, and perhaps economic and social standpoints—but it has also created ill-will for the entire industry.

For, unlike in the newspaper field, where an individual paper may be singled out for unfairness and cited for editorial distortion, what the individual radio operation does wrong is, somehow, seized upon as typical of all. Condemnation comes down, not upon the heads of the few, but upon the heads of the many—the whole structure.

Radio is no stronger in the public mind than its weakest operation.

Herein lies the basic reason for a program of self-education on the one hand, and an expanded public relations operation on the other.

Freedom of the Air

Throughout the past year a consistent effort has been made to drive home the importance of a free American radio. The campaign was inaugurated at the San Francisco Convention where a placque symbolic of freedom of the air was dedicated at the Golden Gate Exposition, with simultaneous ceremonies at the New York World's Fair, each ceremony being the occasion for a three network broadcast in which several hundred independent stations participated as well.

It is gratifying to report that both the concept and the phrase "freedom of the air" have now become part of the language of the day. Seldom does any prominent speaker fail to include "freedom of the air" where "freedom of the press", "freedom of religion" and "freedom of the individual" are discussed.

At Radio's Twentieth Birthday Party held in the Hotel Willard, Washington, last November, both President Roosevelt and Wendell Willkie congratulated the industry for its fairness in the heated presidential campaign, and declared that a free American radio must continue to rank alongside a free American press as cornerstones of American democracy.

Continuing Benefits of the Code

The industry continues to receive social and commercial benefits from the operation of the NAB Code. This will be especially marked during the development of the war-emergency.

The development of the George Foster Peabody Awards for Public Service Broadcasting was one of the public relations highlights of the year.

Reflecting the public relations position over the past year of the radio industry in important related fields, are the following reports representative of outstanding national organizations and social groupings:

From the American News Publishers Association:

My feeling is that relationships between newspapers and radio have constantly improved in recent years. They should continue to improve with better factual understanding on both sides of the tasks involved in each of these fields of endeavor. I cannot speak too highly of the attitude displayed by the officers and staff of NAB in their consistent effort to promote such understanding. The NAB office has been both attentive and efficient in meeting every request for information which I have had occasion to make as chairman of ANPA's radio committee.

John S. Gray, *Retiring Chairman,*
ANPA Radio Committee.

From the United States Commissioner of Education:

Education by radio is becoming increasingly effective through the combined efforts of broadcasters and educators. Information being received by the Federal Radio Education Committee indicates that broadcasters throughout the country are adhering to the pronouncements in their Code by generously offering time and facilities to schools, colleges, and universities. This fact is substantiated by reports from the Educational Radio Script and Transcription Exchange, of the FREC, which each year offers practical services to approximately 15,000 educational and civic radio groups, many of which are working in close cooperation with their local broadcasters. Experimentation in the studio, the classroom, in listening groups, and in radio workshops is constantly creating programs and methods of utilization which are making radio a truly scientific aid to learning. Forums of the air, schools of the air, and news analyses organized and produced locally, regionally, nationally, and even internationally are but a few examples of the important contributions radio is making at every level of education.

Radio is our most instantaneous medium of mass communication. Its tremendous powers are being harnessed to the task of preparing our people to face unflinchingly the exigencies of the critical days ahead. People must have the facts upon which to base their judgments. Never in the history of our country has there been a greater need for clear and intelligent thinking.

Dictatorships strike with the speed of one man's decisions. Democracies act with the approval of the majority. Learning processes must be speeded up—education for democracy must go into high gear. Radio is playing an important part in meeting this great challenge.

J. W. Studebaker,
U. S. Commissioner of Education.

From the National Council of Women:

Women have become increasingly aware of the importance of radio in shaping public opinion. They have seen how radio has been used by the dictators to pave the way for the conquest of nation after nation. They realize fully that a propaganda offensive against the United States is now being waged from abroad in an attempt to spread confusion, to create disunity and to induce paralysis of thought and action in the United States. They know that the unremitting barrage of words hurled over the ether at the Western Hemisphere is aptly described by the Nazi propaganda machine as "bombs for the mind." And because of their complete understanding of the technique being used to undermine our national morale and unity, American women turn with renewed confidence to their own American system of broadcasting for the truth. They know that the Code adopted by the National Association of Broadcasters insures an impartial presentation of controversial issues and that the news presented by American broadcasters is not tinged with propaganda.

They are indebted to the radio industry for keeping faith with the American people, and enabling them to keep informed. A nation armed with the truth can face the problems which confront it with confidence, courage and a determination to move together, as a united people.

Freedom of radio, then, along with freedom of speech, of worship, of assembly and of the press, is a sacred trust American women will guard zealously to preserve. And when in the future, a just and honorable peace will have been won, they look to radio to strengthen the bonds of international friendship and to help build a world in which the Golden Rule will again prevail.

Mrs. Harold Vincent Milligan, *President.*

From the Radio Council on Children's Programs:

Under the joint sponsorship of the National Association of Broadcasters and the Radio Council on Children's Programs, with a grant of $1,500, a survey was undertaken in 1940 to further implement the standards on children's programs as set forth in the Code, adopted by the industry in 1939. As Vice Chairman and field representative of the Council, I contacted 516 stations in 168 cities in 39 states, assembling data on children's programs and holding conferences with 5,000 club and civic leaders and 1,200 radio executives. The tour covered 23,500 miles in 5½ months, during which time 54,000 copies of the Code Manual and the "ABC of Radio" were distributed, through 89 conferences and 62 broadcasts over major stations.

The findings of the survey have been incorporated in a report that is available to broadcasters, advertisers and lay groups. It reveals that in the area checked there are 1,479 programs or program series, 12% of which are transcribed; 48% network series; and 40% local originations. There is an average of 4.5 programs per station contacted; 8.8 programs per city, and 37.9 programs per state visited. 24.2% of these 1,479 programs are sponsored, and 75.8% are sustaining. There are 22 stations out of 372 that carry no children's programs. Local programs are broken down into about 19 classifications with numerous variations.

It is most encouraging to note that the broadcasters indicated their sincerity and good will by a 100% response to the survey and its local requirements of cooperation and effort. Furthermore, by the ample opportunity that travel by car offered, hours of radio listening in each area confirmed the fact that Code compliance is excellent. There is no doubt that when the condition of the children's program field is fully understood, the broadcasters will make a determined effort to remedy indicated weaknesses. Already many stations are setting up better standards and new programs, and are cooperating with local councils or committees that are functioning toward a better understanding of radio. An intelligent industry and listening audience will maintain the American System of Broadcasting to the end that it exemplifies democracy and the essence of freedom.

Mrs. Dorothy Lewis, *Vice Chairman.*

From the Federal Council of Churches of Christ in America:

The wise course charted by the National Association of Broadcasters in adopting the broadcasting Code has resulted in self-regulation and has removed any existing reasons for external regulation. For this accomplishment on the part of American radio, we are indeed grateful and watch with ever-increasing interest the steady growth of program standards at a time of national and world-wide uncertainty.

Dr. Frank C. Goodman, *Executive Secretary.*

From the National Council of Catholic Men:

Having made a survey of religious broadcasting by Catholics only a few months ago, and a similar survey in 1938, there is no doubt in our mind that radio's service to religion is expanding. To that majority of station operators who, conscious of their public service obligation, acknowledge that religion is a definite and an important part of the public service, we express our thanks.

But what is to be done about those operators who fail to see that in contributing good religious programs to their stations, the religious groups are helping them meet the "public interest, convenience, and necessity" clause of the Communications Act; who refuse to give sustaining time, or else the less desirable hours of early morning, for religious programs?

The whole of the radio industry pretty well stands or falls together in public opinion. Unfortunately, therefore, the broadcaster who conscientiously seeks to discharge his public service obligation stands in danger of suffering because of the defaults of the less conscientious members of the industry.

If the NAB Code not only forbade attacks upon another's race or religion but forbade the sale of time for religious programs; and if it went further and did the affirmative thing of at least recommending that all member stations do their best to serve the religious needs of their respective audiences, additional constructive benefit would result.

Edward J. Heffron, *Executive Secretary.*

From National Conference of Christians and Jews:

This year the national radio networks reached a new high in effective sustaining programs. The increasingly better quality may be due in part to the friendly competition in excellence, the rivalry in "good works" which radio in the American way produces. It takes several entries to make a good horse race. The privately operated radio systems, and the strong independent stations, struggle for the blue ribbon listening audiences. This set-up, by the way, is one reason for the superiority of democratic as compared with totalitarian radio.

An effect of this competition is the demand for good program content made upon public service and educational organizations which appeal for free time. A higher standard in program offerings is required of these organizations. Better showmanship, in the refined sense of that term, is now as characteristic of sustaining programs as of commercials.

The National Conference of Christians and Jews has never been denied time by any broadcasting system when it had programs to offer which were up to the standards that the American listening public now demands. This, we think, is a tribute to NAB as well as to the individual network companies, and to independent stations.

Concomitant with this advance in radio standards there has been a more intelligent service of the radio corporations in advising organizations such as ours in the preparation of scripts, the casting of parts, and the use of proper personalities which together are factors in effective radio production.

Radio is coming of age.

Everett R. Clinchy, *Chairman.*

The Radio Branch of the Bureau of Public Relations of the War Department

Last January all public relations of the War Department were re-organized under Major General Robert C. Richardson and placed directly under the Secretary of War.

The Bureau of Public Relations of the War Department consists of a Press Branch; a Pictorial Branch, for serving newsreels, motion picture industry and still picture agencies; a Radio Branch, to serve radio stations and networks, script writers and commentators; a Special Features Branch to serve magazine and feature writers; and a Press and Radio Intelligence and Analysis Branch.

The Radio Branch is, broadly, divided into two divisions: a writers section, and a special events division. An Administrative Executive, Robert C. Coleson, formerly in charge of Radio and Special Events at the San Francisco Golden Gate Exposition, is responsible for the assignment and scheduling of work, and the follow-through on all detail. In the writers' division, we have Jerry Ross, as Chief Script Writer, former New York Post newsman, free lance radio writer, formerly with Blackett-Sample-Hummert, and author of a dozen network script shows. Morris Jacobs, formerly with Benton and Bowes, and with Blackett-Sample-Hummert, who served as Program director for the Democratic National Committee in 1936, and who has had Army experience, is another staff writer. Also we have Joseph L. Brechner who has written the scripts on most of the Army Recruiting Transcription now on some 700 stations.

In charge of the Special Events Division we have Jack Harris, formerly in charge of News, Special Events and Sports at WSM, Nashville. As associates, are Brooks Watson, formerly in charge of News and Special Events for WMBD, Peoria, Illinois, and Ross Worthington, formerly producer of *We, The People,* and formerly with Pathe News. Mr. Worthington is responsible for coordinating the pictorial aspects of Army radio special events with the Pictorial Branch for newsreel and still picture coverage.

As liaison with educational broadcasters, commercial and non-commercial, is Captain Harold Kent, formerly in charge of Radio for the City of Chicago Public School System.

As Chief of the Bureau, they report to me, and I, in turn, am responsible directly to General Richardson.

The following information about War Department programs and policies will be helpful to members:

1 Clearances of all national network Army programs must be made through the Radio Branch.
2. Clearance of all commercial shows, local, regional, or national, who desire to originate from an Army Post, must be done through the Radio Branch in Washington.
3 It is not necessary to clear with Washington, any local program of a non-commercial nature. These can be cleared with the Commanding Officer of the post involved through the Public Relations officer at the Camp.
4 If you do not know the name of the Public Relations Officer in your area, it is my suggestion that your program manager write or phone the Public Relations at Camps so that your station may have direct and immediate contact with the Army in your area.
5 Army personnel may appear on commercial programs, provided it is done in their own leisure time and in accord with their own free choice as individuals. Under Army regulations, no endorsements or testimonials may be given or inferred.
6 Commercial programs from Army posts must be preceded and closed with a disclaimer in language substantially as follows:

"The origination of this broadcast from (name of Fort or Camp) does not, in itself, constitute an endorsement by the War Department, or its personnel, of the product advertised, the origination of the broadcast from this station being made solely for the entertainment of the military personnel stationed here."

7 Army bands may not be used on commercial programs. Army bands may be picked up by remotes from camps, or on programs of strictly Army nature, they may now broadcast from the studios of the stations.

8 Army radio program ideas, or special events features are offered radio stations and networks purely on their merits and inherent news interest.

9 The transcriptions now being used by the Recruiting Service are regarded as its prime radio recruiting requirement; additional programs on individual stations are not requested, but there is nothing to prevent local stations from working with local recruiting officers in developing special events programs as the opportunity presents itself.

10 News broadcasters should be especially careful to check unconfirmed reports. Definite evidence exists that deliberate attempts have been made by subversive elements to manufacture fear and hysteria by starting campaigns of rumors such as epidemics sweeping over camps, hoping for publication by air or press. Every rumor and unsupported "story" should be checked immediately with the Public Relations officer of the camp. The policy of the Army is to make all facts available, except those of a strictly military secret nature, or in time of war, such stories as movement of troops, and the like, which would be helpful to an enemy.

11 The services of the Radio Branch writers division is available to any station or writer or advertising agency who desire to develop material upon which broadcasts may be based, such as the story of various divisions and regiments, their battle records, individual heroics and citations, their battle songs, traditions and story behind their insignia, etc.; human interest stories; procurement stories—stories showing the importance of the man on the production line backing up the man on the firing line; animal stories such as the training of carrier pigeons; women's interest stories such as the new corps of women Lieutenants, Army hostesses, and Army housekeeping stories, recipes, traveling laundries; educational stories showing the training of farm and city boys to be radio operators, machinists, parachute jumpers, flying cadets; etc.

12 Our Special Events Division can, within regulation, make arrangements for clearance of broadcasts involving use of Army planes, equipment or troops. In the forthcoming Army maneuvers there will be many opportunities for exceptionally newsworthy broadcasts. These maneuvers will be the largest ever staged by any country in peace-time history. They will show the result of the intensive training our new Army has received and will test our combat ability as a fighting machine.

All stations in areas concerned should contact their nearest Public Relations officers so that advance plans may be made now. The Signal Corps are ready to render such technical assistance as may be needed.

13 Before making public commitment to broadcast any local event of a spectacular military nature, such as blackouts of a city where use of planes and anti-aircraft artillery may be contemplated, it would be helpful to all concerned if a check were made direct with the War Department in Washington through the Radio Branch, to ascertain if the use of military equipment will be authorized. One or two stations have been innocently embarrassed because of giving advance publicity for the broadcast of events based upon the over-enthusiastic statements by local civilian groups or, in some instances, by national guard officers whose units have not been inducted into Federal service and who are not authorized to make commitments for regular Army material or troops. Inquiries may be made by mail, wire or phone. There is always someone on duty in the Radio Branch, from 8:15 A.M. Eastern Time, through to 6:30 P.M. Later on these hours will be extended on through midnight.

The following are authorized to handle telephone inquiries direct with stations:

Robert C. Coleson; Jack Harris; Brooks Watson; Ross Worthington. The War Department telephone number is Republic 6700, Washington.

In case of doubt, call, anytime.

14 Captain Gordon Hittenmark, in charge of radio for the Morale Branch of the Army, is working through the Radio Branch of the Morale Officers of the camps, so that announcers of "early bird morning broadcasts," on stations within range of the soldiers in the various Camps, may procure personal items about the soldiers in camps, etc., which fit into the structure of typical early bird shows.

15 Attention of stations is called to days around which great patriotic interest centers, such as: Flag Day, June 14, the 4th of July, September 14, the day on which Francis Scott Key wrote the Star Spangled Banner, and November 11, Armistice Day.

16 A special service is being set up to serve domestic foreign language broadcasters.

17 The development of such additional programming policies as may be needed through the war-emergency, will be cleared directly through the NAB Code Committee as new conditions warrant.

The War Department is most grateful for the wholehearted cooperation it is receiving. General Richardson on many occasions has expressed his admiration for the public-spirited, patriotic manner in which the industry is going about the service of national defense.

To these, may I add my own expression of thanks.

Respectfully submitted,

Ed Kirby,
Director of Public Relations.
Chief, Radio Branch, War Department.

Research

The NAB Research Department has materially expanded its work since the San Francisco Convention in August of 1940. The NAB Board of Directors and the San Francisco Convention approved the "Unit Plan For Measuring Broadcast Advertising Volume" which called for the collection of monthly information from radio stations giving a list of accounts and products advertised with basic information on source of business, type of rendition, broadcast time, broadcast length and the number of times per month. The information thus collected was to be tabulated in terms of time units by classes of accounts to fulfill the need in the industry for an analytical record of business done which can be used by the radio industry in selling more broadcast advertising.

The approved plan authorized experimental operation to the end of the year 1940 and asked that appropriation be made to continue the service until the Research Committee and the Research Director could recommend a permanent plan of operation.

Membership of the NAB Research Committee is as follows:

William J. Scripps, Chairman—WWJ, Detroit, Michigan
H. M. Beville, Jr., Research Manager, NBC, New York City
Arthur B. Church, President, KMBC, Kansas City, Missouri
James D. Shouse, Vice President, WLW-WSAI, Cincinnati, Ohio
Dr. Frank N. Stanton, Research Director, CBS, New York City
Theodore C. Streibert, Vice President, MBS, New York City
Lee B. Wailes, Manager, Westinghouse Radio Stations, Inc.
James W. Woodruff, Jr., President, WRBL, Columbus, Georgia
Neville Miller, NAB, Washington, D. C.
Paul F. Peter, NAB, Washington, D. C.—Ex officio

The experimental operation has been concluded. "Broadcast Advertising Unit Reports" were released for each month, September through December, 1940. Considerable time was spent in investigating various means of presenting the information and, for that reason, no definite schedule for the release of information has yet been evolved. The September Unit Report was released in the NAB REPORTS December 6, 1940. The October Unit Report was released January 7, 1941; the November Unit Report

February 21, and the December Unit Report appeared in the NAB REPORTS March 21.

On resolution of the Research Committee in meeting January, 1941, notice was given in the December Unit Report that future reports would not appear in the NAB REPORTS, but would be sent to only those stations actually participating in the undertaking. Those stations submitting monthly reports of their business will receive monthly analyses of broadcast advertising.

BROADCAST ADVERTISING RECORD

Beginning with the January analysis, the Unit Plan will be operated under the name "Broadcast Advertising Record". January "Broadcast Advertising Record", published and released in the week of May 5, is a completely new report—revised—a new format to increase the value of this sales tool to individual stations. The Research Department, in collaboration with the Department of Broadcast Advertising, considered the direct application of the analysis to the specific station problem. After careful consideration, it was decided to rearrange the Report, adding some features and eliminating others which did not have direct application.

"Broadcast Advertising Record" consists now of three basic tables. Table I is a detailed analysis of Local broadcast advertising. Local business is presented by type of account under both retail and general advertising and is given in total units for all stations reporting. In an adjacent column, new figures are presented showing average per station. A blank column follows, headed "your station", into which the monthly units for each station can be written in for direct comparison with the average figures. In the following five columns, Local advertising placed in five population classifications is presented to give a positive comparison of the type of business placed in markets of the size of tbe station using the "Record".

Table II presents the same information for national spot business sbowing by type of account, retail and general, for all stations reporting with average per station, a blank column to be entered by the individual station, and national spot business placed in each of five population groups.

In evolving these tables, it was realized that the sales problem in securing local broadcast advertising is usually handled witbin the offices of the individual station, with a sales manager in charge and a staff of salesmen making the contacts. Separate handling of this information, presenting its complete analysis in one table, increases its value manifold. Similar handling of national spot business, which, although completely controlled by the station, is usually handled through the use of branch offices or national representatives and contact with national advertising agencies, warranted separate treatment.

The third table presents totals for the entire industry—a consolidation—presenting by type of account Local units, National Spot units, Regional Network units and National Network units with a total of the four classifications.

It will be noted in the January "Broadcast Advertising Record" that a tabulation by type of station has been omitted. A decision was reached to eliminate the analysis by station classification because of its limited value. Separate grouping of clear, regional and local cbannel stations has statistical value, but does not contribute materially to the sales problem of selling within a specific market. Competition within the industry is seldom confined to class of stations within a metropolitan area. The real situation is that local, regional and clear channel stations compete for advertising business within cities.

The population classifications presented in the January "Record" were settled upon after considered study. In prior analyses, nine classifications were used. However, these were regrouped because it was considered that the sales problems in broadcast advertising were not materially different in various cities to warrant the detailed breakdown. The new classification is as follows:

Less than 25,000 population
25,000 to 100,000
100,000 to 250,000
250,000 to 1,000,000
1,000,000 and over

Work is now well under way in the preparation of a master file by individual advertiser account. The record is started for the month of January. In the completed file a card will be kept for each individual advertiser showing product advertised, the stations used, with type of rendition, time of broadcast and total units. The reference value of this file will be immediately felt by the Department of Broadcast Advertising and, as it develops, its value will assume great importance to participating stations. "Broadcast Advertising Record" gives a quick answer to the question of the prospective advertiser, "How much broadcast advertising is placed by businesses like mine?" The master file will supply the normal question which follows, "What businesses?"

The suggestions of the Department of Radio Advertising and the Research Committee published in the January Broadcast Advertising Record are quoted here because they sum up the use of the "Record" in concise fashion. Those suggestions are as follows:

"1. Fill in your own figures on Tables I and II.
2. See from what sources you get no business or are below average compared with other stations.
3. Compare your own Record with stations in markets of similar size and figure your own relative standing.
4. Pick out one or two sources where you are weakest. Concentrate for a time on a special drive to get such accounts, then later go on to others in turn.
5. Write to the NAB Department of Broadcast Advertising for general data on specific account classifications, plus success stories.
6. Call a meeting of your sales staff and department heads to plan a campaign with specific presentations, using this Record as a starter to show your prospect how others in this field are using radio. Add punch to your presentations with specific program ideas, announcement campaigns, success stories, etc.
7. Then let us know what success you have, so that others may profit, and vice versa."

OPERATION OF THE "RECORD"

During the experimental period, the Research Department has experimented with a station reporting system designed to minimize the work involved in station cooperation. It is termed a "write-back" system. Essentially, it involves submitting forms on which the previous month's business is typed for the station's correction to conform with the current month's business. A service is rendered the station by rearranging the accounts in the exact classification of advertiser used in the "Record". This furnishes tbe station an analysis of its business which may be compared directly with the "Record" tabulations. Experimentation with this system of reporting has established its value and the Research Committee has decided to adopt it as standard procedure as soon as a final budget for the entire operation is adopted.

At the direction of the Research Committee, the Research Director has entertained bids from various tabulating houses for the work of machine tabulation. A recommendation will be submitted to the NAB Board at its meeting Monday, May 5, in St. Louis, on the budget required for the operation of the "Broadcast Advertising Record" and the details of how it is to be operated.

URBAN SURVEY

On recommendation of the Research Committee and the Director of Research, the NAB Board of Directors authorized the publication of a "Survey of Urban Radio Listening in the United States." The field work of the Survey was conducted by quarter during the years 1938 and 1939 by the Research Organization, Crossley, Inc., for the Columbia Broadcasting System and the National Broadcasting Company. The method employed in developing information on radio ownership and listening habits is basically the same as that used by the Joint Committee on Radio Research in conducting the Rural Radio Ownership Study published in 1939. Since NAB was a participant in the Joint Committee on Radio Research and a party to the publication of the Rural Survey, it was eminently proper that it sponsor the publication of an Urban Survey to complete the information on radio listening in the entire country.

On March 24, the publication "Urban Radio Listening in the United States" was mailed over Neville Miller's signature to the NAB membership, principal radio advertisers and advertising agencies—a mailing list of some 8,000 names. The Survey was received with great enthusiasm from stations, advertisers and agencies. Letters to NAB, the Columbia Broadcasting System and the National Broadcasting Company have heralded the Survey as a major contribution to the knowledge of the broadcasting industry.

Requests for copies of "Urban Radio Listening in the United States" have just about exhausted the supply available at NAB. Consideration is now being given the possibility of printing an additional supply.

A great number of stations, advertisers and agencies have written for detailed information to CBS, NBC and the NAB following the suggestion printed on page 40 of the publication.

METHOD STUDIES

The NAB Research Committee, in addition to the work involved in the operation of the "Broadcast Advertising Record" and the publication of "Urban Radio Listening in the United States," undertook a study of methods used in measuring program audience since the San Francisco Convention.

The Committee invited the C. E. Hooper Organization to present to it a report on the method employed in the "Hooper Radio Report 'National Returns' on Radio Programs." The Hooper reports are released monthly to subscribers. The method employed is known as "telephone coincidental." The method report, submitted to the Research Committee by Mr. C. E. Hooper and Dr. Matthew N. Chappell of C. E. Hooper, Inc., shed much light on the operation of the telephone coincidental method and sought to establish the merit of the method in competition with all others employed.

On invitation of the Committee, Mr. Paul West, President of the Association of National Advertisers, arranged to have Mr. A. W. Lehman, Managing Director of the Cooperative Analysis of Broadcasting, present a report on the method employed for that program rating service. The CAB method is described as that of telephone recall. Mr. Lehman delivered a very informative discussion of the method and showed the results of some exploratory studies of its operation in comparison to other types of measurements.

It is the intention of the Research Committee to hear further reports on methods employed in program audience measurement, preparatory to the preparation of a Research Manual for the use of the membership in placing or conducting audience measurement research.

FACILITIES CONTRACT—4A CONFERENCE COMMITTEE

The Director of Research was appointed a member, ex officio, of the 4A Conference Committee. This Committee was appointed by the Association to meet with a Time Buyers' Committee of the American Association of Advertising Agencies to effect needed changes in the "standard order blank for spot broadcasting," published in 1933.

The membership of the 4A Conference Committee was as follows:

Harry C. Wilder, Chairman,—WSYR, Syracuse, New York
Roy L. Harlow, Vice President, The Yankee Network
Richard H. Mason, Manager, WPTF, Raleigh, North Carolina
Edward W. Petry, President, Edward Petry & Company, Inc.
Frank A. Seitz, Vice President, WFAS, White Plains, New York
Dale L. Taylor, Manager, WENY, Elmira, New York
Lee B. Wailes, Manager, Westinghouse Radio Stations, Inc.
Paul F. Peter, NAB, Washington, D. C.
Russell P. Place, NAB, Washington, D. C.—Ex officio

John Benson, President of the 4A's, submitted to Neville Miller, prior to the San Francisco Convention, a list of points established by the 4A Time Buyers' Committee which were felt needed correction in a revision of the standard order blank.

At the first meeting of the NAB Committee with the 4A Committee, it was established that there existed a need for a complete revision and the NAB Committee undertook the task of drawing up a new form. The Committee felt that the form should be set up as a contract, rather than as an order blank, and obtained the approval of the 4A's on this feature.

Numerous meetings of the NAB Committee, alone and in conference with the 4A Committee, resulted in the publication, January 7, of the "Standard Facilities Contract (recommended by NAB)". Publication of this form was pursuant to the instructions of the Executive Committee of the NAB Board of Directors.

The American Association of Advertising Agencies objected to certain features of the Facilities Contract and joint meetings of the two committees were resumed. After a series of meetings, a revision of the contract was submitted to the NAB Board and approved. The new form, labeled "Agency Contract (recommended by NAB, March 21, 1941)," was published in the NAB REPORTS, March 21.

Subsequent to the publication of the March 21 Agency Contract form, the 4A's registered objections to certain features of it. It is quite apparent that the two Committees cannot reach complete agreement on the subject. However, the industry has gained much by the work of the 4A Conference Committee.

RECOMMENDED INVOICE FORM—FOR THE ACCOUNTING COMMITTEE

The American Association of Advertising Agencies indicated their desire to standardize invoice forms used in station billing for advertising service. It was pointed out that a wide variety of forms are employed on which is listed a varying amount and arrangement of information on the subject of billing, which makes it difficult for the advertising agency and the radio advertiser to effectively handle the bills.

The handling of this problem with the American Association of Advertising Agencies was originally assigned to the 4A Conference Committee in conjunction with its work on the "Facilities Contract." Considerable progress was made in developing a recommended invoice form in consultation with the NAB Accounting Committee. The project was turned over completely to the Accounting Committee when the 4A Conference Committee had completed its work.

The membership of the NAB Accounting Committee is as follows:

H. K. Carpenter, Chairman,—Vice President, WHK-WCLE, Cleveland, Ohio
S. R. Dean, Assistant Treasurer, CBS, New York City
E. J. Gluck, President, WSOC, Charlotte, North Carolina
Harry F. McKeon, Auditor, NBC, New York City

Glenn Snyder, Station Manager, WLS, Chicago, Illinois
Harold Wheelahan, Manager, WSMB, New Orleans, Louisiana
Paul F. Peter, NAB, Washington, D. C., Ex officio

The NAB Accounting Committee is currently reviewing invoice forms drawn up by the Research Department. The principal feature of the new forms will be the substitution of a certificate of performance offered to replace the affidavit of performance which has been used in the past. Discussions with the 4A Fiscal Committee have indicated their open-mindedness on the subject, contingent only on the NAB ability to educate advertisers and agencies on the significance of station logs.

It is hoped that agreement can be reached with the 4A's at an early date, and recommended invoice forms published as a revision of the NAB Accounting Manual.

CENSUS OF 1940

NAB Research Department has been in contact with the Bureau of Census during the past year and has assembled a complete file of census information released to date. Final figures on population have been released by state and county. Preliminary figures from the Housing Census have been released on occupied and unoccupied dwelling units by state and county. The Bureau has started the release of valuable information to the broadcasting industry on population of metropolitan areas. The 1930 Census definition of metropolitan areas has been continued. However, rather than confine their study to areas of 100,000 population and more, the 1940 releases will include those of population down to 50,000.

Considerable information has been released on the Census of Manufactures, the Agriculture Census, the Census of Business and preliminary detail breakdowns of the Population Census.

No information has been released to date on radio ownership which was obtained in the Housing Census. The original schedule of the Census Bureau was to start releasing radio figures by state early in 1941. The work of the Bureau has been such that that schedule was abandoned and, as nearly as can be approximated now, the first releases of radio information will not be available before June. The Bureau of Census has displayed a spirit of cooperation and Mr. Howard G. Brunsman, Chief, Housing Statistics, Population Division of the Bureau, in a letter dated April 8, 1941, has indicated that the radio information will be presented in the following detail:

1. All occupied dwelling units.
2. All owner-occupied dwelling units.
    a. White owners.
    b. Nonwhite owners.
3. All tenant-occupied dwelling units.
    a. White tenants.
    b. Nonwhite tenants.

The radio statistics for tenure and race, as indicated above, will be presented for each of the following areas:

1. All dwelling units in each state.
2. All urban dwelling units in each state.
3. All rural nonfarm dwelling units in each state.
4. All rural farm dwelling units in each state.
5. Each city with 50,000 inhabitants or more, separately.
6. Each metropolitan district, separately.

Statistics regarding radio will be presented in the Second Series Bulletins for all occupied dwelling units as follows:

1. All occupied dwelling units in each county.
2. All rural nonfarm dwelling units in each county.
3. All rural farm dwelling units in each county.
4. All occupied dwelling units in each urban place.

NAB DAYLIGHT SAVING TIME SURVEY

At the request of the NAB Board of Directors, the Research Department sent to all stations on March 12, 1941, a Daylight Saving Time questionnaire. The Survey was designed to develop information on the experience of the radio industry with daylight saving in effect in certain sections of the country during summer months. The questionnaire was sent to 837 stations and replies were received from 483. This represents a return of 58%.

The Research Committee reported the results of the Survey to the NAB Board of Directors.

SURVEY OF PROGRAMS ORIGINATING AT ARMY POSTS

At the request of the Public Relations Office of the War Department, the NAB Research Department conducted a survey of programs originating at army posts. A questionnaire on the subject was sent to 836 stations on March 5, 1941. The replies were received from 338 stations, a return of 40%. The questionnaires, as submitted, have been turned over to the Public Relations Department of the War Department.

MERCHANDISING POLICY AND PRACTICE SURVEY

On request of the Sales Managers' Committee and the Department of Radio Advertising, the Research Department conducted a survey on merchandising policy and practice among a selected group of stations in the NAB membership to obtain information on the subject for use at the St. Louis Convention. A preliminary report on the subject will be made to the Sales Managers' meeting at the Convention.

STATION ANALYSIS

As of April 1, 1941, the stations in the United States and Possessions numbered 891. An analysis of these by class of station is presented by the following table, together with the count of NAB member stations within each classification. These classifications agree with those used by the Federal Communications Commission in analyzing financial data furnished by stations. For purposes of comparison, figures as of July 15, 1940 are also presented.

	Stations as of July 1,	NAB Membership July 15,	Stations as of April 1,	NAB Membership May 1,
Clear Channel:	1940	1940	1941	1941
Unlimited (50kw)	33	32	37	35
Part-time (50kw)	4	4	4	4
Unlimited (5 to 25kw)	11	9	19	15
Part-time (5 to 25kw)	5	1	11	6
Regional Channel:				
Unlimited (High Power)	8	6		
Unlimited (Other)	212	156	218	168
Limited and Day	67	35	41	21
Part-time	30	16	24	12
Local Channel:				
Unlimited	330	168	385	221
Day and Part-time	40	15	48	14
Total	740	442	787	496
Non-commercial	39	3	37	4
Territorial	12	4	13	5
Construction permits	56(2-Ter.)	8	54(1-Ter.)	15(1-Ter.)
Grand Total	847	457	891	520

The second analysis of radio broadcast stations by population of metropolitan district or city appears in the following table. The information presented here shows the total number of stations in each classification as of April 1, 1941 and NAB member stations as of May 1, 1941. The nine population classifications agree with those employed by the FCC in their financial analyses.

Metropolitan Districts (1930 Census)	Operating Commercial Stations Continental U. S.		Non-Commercial Stations		Territorial Stations		Construction Permit Stations		Total Stations	
	Total	NAB	Total	NAB	Total	NAB	Total	NAB	Total	NAB
2,500,000 and over	51	23	3	1	0	0	2	0	56	24
1,000,000 to 2,500,000	60	46	3		0	0	0	0	63	46
500,000 to 1,000,000	44	36	3		0	0	4	2	51	38
250,000 to 500,000	95	69	4	2	0	0	3	1	102	72
100,000 to 250,000	102	78	1		4	3	10	4	117	85
City and Town										
50,000 to 100,000	56	36	2		2	1	5 (1-T)	2	65	39
25,000 to 50,000	106	69	1		1	0	7	4	115	73
10,000 to 25,000	164	90	8		1	0	13	1	186	91
Less than 10,000	109	48	12	1	5	2	10	1	136	52
Total	787	495	37	4	13	6	54	15	891	520

GENERAL RESEARCH ACTIVITY

In addition to the specific projects mentioned in the foregoing paragraphs, the Research Department has continued the work of assembling basic industry data and can report progress since the San Francisco Convention. The material now at hand has enabled the Research Department to better serve the various departments of the Association, the membership, and the many requests received from advertisers, agencies and the general public.

During the course of the last year, the Research Department has devoted much time to the music copyright problem under the direction of President Neville Miller.

The Department has rendered research counsel to the Engineering Department, the Labor Relations Department, the Public Relations Department, the Department of Broadcast Advertising, the Promotion Department and the Office of the Secretary-Treasurer.

During the course of the last year, the NAB Research Department has been called upon by the membership to a much greater extent than heretofore for research counsel and general industry information.

Your Research Director feels that the Association has advanced in matters of research during the past year. He has enjoyed his work for the industry and is looking forward to further progress during the coming year.

Respectfully submitted,
Paul F. Peter,
Director of Research.

Promotion and Circulation

National Defense, Listen Before You Vote, Radio's 20th Birthday and Reallocation were focal points of attention for broadcasters and this department since last August.

Continuing aid to National Defense is in line with the Board of Directors' "Defense of the Nation" resolution adopted at the San Francisco Convention. The aid is a demonstration of the desire, ability and capacity of the industry to assist the nation in this period of emergency. Indications are that these duties will increase.

Assistance to various government departments has been in accordance with the accepted industry understanding of the American System of Broadcasting. This has resulted in outstanding service to the country and the economical use of facilities of broadcasters. In all contacts the fact is emphasized that listening is voluntary, cannot be commanded; that if stations were to sanction violation of the listener-interest principle, there would be only one result—less listening, fewer listeners.

MAN POWER

Through NAB nearly 700 broadcast stations have pledged their cooperation to secure skilled man power for national defense projects by broadcasting Man Power announcements. Through radio at least 325,000 skilled workers were added to national defense employment rolls up to April 15, 1941, according to the United States Civil Service Commission.

NAVAL AVIATION

Procurement of embryo flyers for the Navy continues to be another service to the nation. According to Captain F. E. M. Whiting, USN, the announcements have sharply increased the number of accepted candidates. Because of age, educational and physical requirements for Navy flyers this is one of the most difficult and exacting recruiting assignments. On April 10 Captain Whiting expressed his appreciation of the help the Navy had received from the broadcasting industry and urged its continuance.

Earlier in the year, broadcast stations throughout the country cooperated with selective service. They also cooperated with the Department of Justice in alien registration.

At this writing the Treasury Department has made known preliminary plans for the sale of securities to the public. Several conferences have been held with officials in charge.

Another service which falls into the national defense category is to provide information concerning various groups, organizations or individuals claiming to be engaged in or affiliated with national defense.

Contacts with the Army are handled directly with Ed Kirby, NAB Director of Public Relations, who has been loaned to the Army for the duration. It is anticipated that before convention time the local recruiting-radio problem will be satisfactorily adjusted.

RADIO MOVIN' DAY

Months before FCC released its orders for stations to move to new frequencies the plan for marshalling the entire radio industry had been prepared. In actual practice servicemen, dealers, manufacturers, jobbers, utilities, electric associations, educators, civic groups, governors of states, mayors of cities, all contributed to the educational and promotional efforts of broadcast stations.

The nature and amount of united effort which taught the new dial locations to 100,000,000 listeners were presented in the brochure, "56 Days," mailed all stations and agencies on March 27.

A unique feature of the campaign was the assistance received from forty-seven of the forty-eight governors and the Governor of Puerto Rico. These men issued official proclamations or statements designating March 29 as Radio Movin' Day. Proclamations received wide newspaper publication. In some instances they were broadcast by every station within a state.

The cooperating governors and the names of the broadcasters who secured the proclamations on behalf of the radio industry follow:

Governor Frank M. Dixon, Alabama
  Howard E. Pill, WSFA, Montgomery
Governor Sidney P. Osborn, Arizona
  Dick Lewis, KTAR, Phoenix
Governor Homer M. Adkins, Arkansas
  Ed Zimmerman, KARK, Little Rock
Governor Culbert L. Olson, California
  Howard Lane, KFBK, Sacramento
Governor Ralph L. Carr, Colorado
  Gene O'Fallon, KFEL, Denver
Governor Spessard L. Holland, Florida
  W. Walter Tison, WFLA, Tampa
Governor Eugene Talmadge, Georgia
  J. Leonard Reinsch, WSB, Atlanta
Governor Chase A. Clark, Idaho
  C. G. Phillips, KIDO, Boise
Governor Dwight H. Green, Illinois
  Leslie C. Johnson, WHBF, Rock Island
Governor Henry F. Schricker, Indiana
  Eugene C. Pulliam, WIRE, Indianapolis
Governor George A. Wilson, Iowa
  J. O. Maland, WHO, Des Moines
Governor Payne Ratner, Kansas
  Ben Ludy, WIBW, Topeka
Governor Keen Johnson, Kentucky
  W. L. Coulson, WHAS, Louisville
Governor Sam Houston Jones, Louisiana
  James A. Noe, WNOE, New Orleans
Governor Sumner Sewall, Maine
  George Kelley, WCSH, Portland
Governor Herbert R O'Conor, Maryland
  John Elmer, WCBM, Baltimore
Governor Leverett Saltonstall, Massachusetts
  John Shepard, III, Yankee Network, Boston
Governor Murray D. Van Wagoner, Michigan
  John E. Fetzer, WKZO, Kalamazoo
Governor Harold E. Stassen, Minnesota
  Earl H. Gammons, WCCO, Minneapolis
Governor Paul B. Johnson, Mississippi
  Wiley P. Harris, WJDX, Jackson
Governor Forrest C. Donnell, Missouri
  Merle Jones, KMOX, St. Louis
Governor Dwight Griswold, Nebraska
  John J. Gillin, Jr., WOW, Omaha
Governor E. P. Carville, Nevada
  W. D. Warren, KOH, Reno
Governor Charles Edison, New Jersey
  Albert J. McCosker, WOR, New York
Governor John E. Miles, New Mexico
  Ivan R. Head, KVSF, Santa Fe
Governor J. Melville Broughton, North Carolina
  Edney Ridge, WBIG, Greensboro
Governor John Moses, North Dakota
  F. E. Fitzsimonds, KFYR, Bismarck
Governor John W. Bricker, Ohio
  Richard A. Borel, WBNS, Columbus
Governor Leon C. Phillips, Oklahoma
  Neal Barrett, KOMA, Oklahoma City
Governor Charles A. Sprague, Oregon
  C. Roy Hunt, KOIN, Portland
Governor Arthur H. James, Pennsylvania
  Dr. Leon Levy, WCAU, Philadelphia
Governor J. Howard McGrath, Rhode Island
  John J. Boyle, WJAR, Providence
Governor Burnet R. Maybank, South Carolina
  G. Richard Shafto, WIS, Columbia
Governor Harlan J. Bushfield, South Dakota
  A. A. Fahy, KABR, Aberdeen
Governor Prentice Cooper, Tennessee
  Harry Stone, WSM, Nashville
Governor W. Lee O'Daniel, Texas
  Harold Hough, WBAP, Fort Worth
Governor Herbert B. Maw, Utah
  S. S. Fox, KDYL, Salt Lake City
Governor James H. Price, Virginia
  C. T. Lucy, WRVA, Richmond
Governor Arthur B. Langlie, Washington
  H. J. Quilliam, KIRO, Seattle
Governor Matthew M. Neely, West Virginia
  Howard L. Chernoff, WCHS, Charleston
Governor Julius P. Heil, Wisconsin
  H. H. Born, WHBL, Sheboygan, and
  James F. Kyler, Janesville
Governor Nels H. Smith, Wyoming
  H. L. McCracken, KYAN, Cheyenne
Governor Guy J. Swope, Puerto Rico
  John A. Zerbe, WKAQ, San Juan

Proclamation Statement

Governor Robert A. Hurley, Connecticut
  Thomas C. McCray, WTIC, Hartford
Governor Walter W. Bacon, Delaware
  J. Gorman Walsh, WDEL, Wilmington
Governor Robert O. Blood, New Hampshire
  Earle Clement, WLNH, Laconia
Governor Herbert H. Lehman, New York
  Harold Smith, WOKO, Albany
Governor William H. Willis, Vermont
  Charles P. Hasbrook, WCAX, Burlington

In addition to the governors' proclamations there were 148 proclamations issued by the mayors of cities.

Strong support was accorded Movin' Day by utilities which serve a large segment of the entire population. Among them were:

Appalachian Power Company
Boston Edison
Buffalo, Niagara & Eastern Power Company
California Oregon Power Company
Central Illinois Electric and Gas
Central Illinois Public Service
Cincinnati Gas and Electric
Cleveland Electric Illuminating Company
Columbus (Miss.) Light & Power Dept.
Consolidated Edison of New York
Consolidated Gas, Electric Light & Power Company of
  Baltimore
Dallas Power & Light Company
Duke Power Company
Electric Power Board of Chattanooga
Georgia Power Company
Grays Harbor Public Utility District
Indiana Service Corporation
Kansas City Power and Light Company
Kansas Gas & Electric Company

Kentucky Utilities Company
Los Angeles Bureau of Power and Light
Louisville Gas & Electric Company
Monongahela West Penn Public Service Company
Nashville (Tenn.) Electric Service
New Orleans Public Service
Northern States Power Company (Minneapolis-St. Paul)
Oklahoma Gas and Electric Company
Pacific Gas and Electric Company
Pacific Power and Light Company
Peoples Power Company
Philadelphia Electric Company
Potomac Electric Power Company (Washington, D. C.)
Public Service Company of Colorado
Puget Sound Power & Light Company
Rochester Gas & Electric Company
San Antonio Public Service Company
Southern California Edison Company
South Carolina Electric & Gas Company
Southwestern Gas and Electric Company
Southwestern Public Service
Toledo Edison Company
Virginia Electric and Power Company
Virginia Public Service Company
Western Massachusetts Electric Company
Wisconsin Power & Light Company

Most distributed stuffers but some, such as Virginia Electric and Power, bought newspaper space, air time and made car and bus cards available to local stations. One bus company included mention of the change over in a letter to a list of 100,000 patrons.

The Ohio Bell Telephone Company, Cleveland and Toledo, distributed stuffers as did the Southwestern Bell Telephone Company, San Antonio. In Tampa, the Peninsular Telephone Company included Movin' Day stuffers in bills, the practice followed by Inter-Mountain Telephone Company, Johnson City, Tenn., and Missouri Telephone Company, Columbia.

The Northwestern Ohio Natural Gas Company, Toledo, was among the exclusive gas utilities which cooperated in Movin' Day. Assistance was also had from the city of Richmond (Va.) Gas and Water Department.

Department stores in many cities, grocery chains and gasoline and oil marketing companies distributed hundreds of thousands of leaflets and logs.

Members of the Radio Manufacturers Association supplied several million logs and tens of thousands of window streamers and a smaller number of window trims. One company scheduled a page in the *Saturday Evening Post.*

"LISTEN BEFORE YOU VOTE"

Preparation for the "Listen before You Vote" campaign began prior to the 1940 NAB Convention. Tempo increased in the early fall and peaked at election time. The emphasis laid on hearing both sides of the question resulted in an increase in the stature of radio. The use of radio is credited with producing the largest number of ballots ever cast in a presidential election. The 1940 total was 49,808,624, an increase of 4,200,000 over the 1936 record.

RADIO'S 20TH BIRTHDAY

Radio's 20th Birthday was celebrated throughout the country between November 11 and 30, 1940. Station managers and their personnel proved particularly adept in building interesting programs which focused public attention on radio's contribution to the American way.

On November 26 the National Radio Birthday Party was held at Hotel Willard, Washington, D. C. Guests included all members of FCC, members of the Cabinet, Senators, Representatives and more than a score of men who had been in radio for twenty years. Letters were received and read at this birthday celebration from President Roosevelt and Wendell Willkie.

RADIO CHRISTMAS

The December promotion, "50 Million Radio Sets by Christmas," was widely supported. The result is seen in the findings of NAB's Research Department that the total number of sets in operation in the United States at the year's end had increased to 50,100,000.

Respectfully submitted,

Arthur Stringer.

Broadcast Advertising

From May 1939 to January 31, 1941, the NAB Bureau of Radio Advertising functioned as an agency to serve the entire industry in matters relating to the commercial aspects of its business. Under the direction of Samuel J. Henry, Jr., this Bureau inaugurated many services and activities of great value to all broadcasters. The Bureau was a sub-department of the Association and its work was largely experimental. The value of the activity was made so apparent and the demand for enlarged efforts in a commercial field was so widespread, that consideration had been given for some time to the affairs of the Bureau.

With Mr. Henry's resignation on January 31, 1941 as supervisor of the Bureau, the Sales Managers Committee recommended and the Board approved, the abolition of the Bureau and the creation of the Department of Broadcast Advertising as a coordinate department of NAB. Frank E. Pellegrin was named and on April 1 he assumed his duties as Director of the newly created Department of Broadcast Advertising.

Annual Report—Department of Broadcast Advertising

Much of the time since that date has been spent on organization, the establishment of a central filing system to classify and make available useful material, in setting up policies and planning a program of action to be carried out with the assistance of the Sales Managers' Committee.

The aims and policies of the Department, as approved by the Sales Managers' Executive Committee, are as follows:

Statement of Aims, Policies and Objectives Department of Broadcast Advertising, NAB

Recognizing that the whole structure of the American system of radio is dependent upon the steady flow of revenue from the sale of commercial time, it shall be the purposes of the Department of Broadcast Advertising of the National Association of Broadcasters:

1. To promote the use of radio as an advertising medium wherever and whenever possible. To accomplish this purpose by:

   a) Maintaining a constant and practical contact with advertising agencies, manufacturers, trade associations;
   b) Helping sales departments of member stations sell more radio time—locally, regionally, nationally.

2. To uncover new fields for broadcast advertising revenue; to develop dealer-cooperative advertising for radio; to eliminate discrimination by advertisers against radio in favor of competing media; to compile and publish lists of dealer-cooperative advertisers, with all helpful data such as percentage of cost shared by parent company.

3. To gather complete files of success stories on all types of radio advertising, and make these readily and freely available to all members; to continue Trade Studies in various fields and distribute through the "Results from Radio" series and in other usable forms. To build special Sales Manuals on pertinent topics, such as Real Estate, Department Stores, Automotive, Motion

Pictures, etc.; to build visual presentations promoting the sale of radio as an advertising medium, for the use of local salesmen of member stations.

4. To advise new stations in the establishment and organization of an effective sales department. To develop and distribute effective sales formulae; to make practical analyses of all available surveys; to interpret and distribute these to member stations. To build a lending library of tested, successful programs and campaigns, on transcription and in complete sales presentation form; to make these freely available to members.

5. To cooperate fully with all other departments of NAB; to interpret their work and findings to the sales managers of member stations; to review and summarize items of significance or interest to sales managers that originate in the NAB Department of Engineering, Legal Department, Research Department, the Departments of Public Relations and Labor Relations, and the Department of Circulation and Promotion, as well as in such NAB committees as the Code Committee, Program Standards Committee, etc. To work closely with the Department of Research in carrying on the BROADCAST ADVERTISING RECORD (formerly the Unit Plan of Volume Measurement); to articulate and explain its functions and purposes, and to point out its practical application by sales departments of member stations through using it as radio's media record to increase station revenue.

6. To encourage and give immediate attention to requests for advice, information or assistance, from stations, advertisers and potential advertisers.

7. By self-regulation through voluntary and cooperative action, to forestall and make unnecessary further governmental regulation of commercial broadcasting.

8. To cooperate with broadcasters, agencies and advertisers to increase the effectiveness of radio as an advertising medium.

9. To cooperate with broadcasters in various areas in the matter of agency recognition, with a view to establishing desirable standards and exercising wholesome control over such important commercial considerations as credit, per-inquiry or contingent offers, requests for free time for disguised commercials, requests for excessive merchandising and plus services, etc.; to persuade them to maintain ethical standards and to convert them whenever possible into buyers of commercial time at established rates; to go direct to clients if necessary to correct agency abuses.

10. To study, evaluate and provide the answers to claims of superiority by competing media.

11. To compile lists of trade papers and house organs by fields of interest; to achieve close cooperation with them and to seek publication of constructive and informative articles on the value of radio as an advertising medium. To call attention to and make available all books, articles, speeches and studies of radio as an advertising medium, wherever and whenever published in any form. To watch, study, interpret and report any significant trends by consumer groups and by organizations of all sorts that may affect commercial broadcasting. To build towards a weekly published report to sales managers.

12. To cooperate in the sales promotion work of all types now being carried on independently by all others interested in radio as a medium, such as the networks, the national radio sales representatives, the trade publications, etc.; to plan definite objectives and secure the voluntary acceptance of individual assignments from this list by each interested agency.

13. To encourage and implement effective public relations work by sales managers in their respective localities, and to supply them with material for public speeches and programs before business, advertising, civic and social groups. To collect all speeches and articles prepared by members; to make these available to all other members; to arrange for publication in trade papers and house organs. To cooperate with schools, colleges and universities to the end that students of business and advertising may be properly and fully educated and kept abreast of the effective functions of radio as an advertising medium.

14. To attend district meetings of sales managers twice yearly; once for sales managers only and once in conjunction with the general district meeting; to carry on a year-round program of field work in cooperation with the Sales Managers' Committee. To participate and secure adequate representation of radio at meetings and conventions of other groups, such as the AFA, AAAA, NRDGA, ANA, etc. To cooperate along similar lines through the Sales Managers' Committee, with local advertising clubs everywhere.

15. To maintain governmental and informational contacts as necessary to handle questions and problems involving commercial radio, submitted to NAB by member stations. To observe and report on legislation affecting radio advertising.

16. To study and define "Station Promotion" and "Merchandising"; to make available a study on standards of practice; to act as a buffer against undue pressure from agencies and advertisers for exorbitant merchandising services not provided for in the rate structure.

17. To encourage a standardized, uniform radio contract form and other forms, and make these freely available to members. To encourage standardized frequency discounts; standardized lengths for spot announcements, with classification of stations according to network affiliation; standardized rate practices as to 1-minute ETs, 1-minute announcements, 100-word announcements, etc.; to encourage standard practices as to special charges for ETs or talent charges for live announcements, charges for network cut-in announcements, etc.

18. To explain and defend the American system of commercial radio as superior to all other systems; to make increasingly plain to the listening public that the preservation of our system depends upon the ethical and profitable use of radio as an advertising medium by those who make it possible.

19. To carry on these aims, policies and objectives, plus others that may be added in the future, through the constant cooperation with and suggestions from the sales managers of all member stations, expressed through the district chairman of each of the 17 Sales Managers' Divisions by proper channels to the Sales Managers' Executive Committee, which is recognized as the policy-making group for the Department of Broadcast Advertising; and thus through this modus operandi to carry on the administrative work of this Department through the united, correlated understanding and effort of all those whose responsibility it is to maintain the unceasing flow of revenue that supports the American system of broadcasting.

Work done by the Bureau of Radio Advertising since the last annual report was submitted, and by this Department since April 1, has included the continuation of the "Results from Radio" trade studies, with printed releases issued on these subjects:

- Department Stores (2)
- Laundries (2)
- Furniture Stores
- Ice Cream and Confectionery
- Garden and Field
- Light and Power
- Automobiles
- Drug Stores
- Alka-Seltzer
- Miscellaneous

Reprints of these studies, available at cost to NAB members, are being used by over 300 stations in direct solicitations by salesmen and as direct-mail promotion pieces with the station's individual message imprinted. Five thousand copies of each issue are printed and distributed. Many direct sales have been reported by members through the use of this material.

Other sales helps have been furnished in the form of a visual presentation on "Radio Reaches People", and special manuals and reprints on "Radio Advertising by Savings & Loan Associations", "Dealer-Cooperative Advertising", "Radio for Cleaners & Dyers", "Radio for Chain Druggists", "The Case for Distribution", "The Case for Advertising", "Building Field Sales Manual", and "Sales Administration of Stations".

Special emphasis in the future will be placed on making this Department a national clearing house for radio success stories and other sales helps in all types of business, and much more of this material will be distributed to the sales departments of member stations.

Through the Bureau and Department, the radio industry was represented at many national and regional conventions of groups and associations important to the business of broadcasting, such as the Advertising Federation of America, the American Association of Advertising Agencies, the Association of National Advertisers, the National Retail Dry Goods Association, and others.

Other field work has entailed trips to NAB District meetings and meetings of Sales Managers' Divisions, and direct selling trips to call on advertisers, associations and agencies.

The Department has continued its investigation of requests for free time and for contingent or pre-inquiry deals, and in each case has enlisted the cooperation of stations and endeavored to convert the advertiser to the proper use of radio on the basis of established rates.

Working contacts have been established with several governmental agencies to render better service to commercial broadcasters, and numerous requests from members for special information or assistance have been handled.

Work has been started by this Department in cooperation with the Department of Research to interpret the "BROADCAST ADVERTISING RECORD" (formerly the Unit Plan of Volume Measurement), to develop this into a practical means of increasing station revenue. Already useful when properly applied by sales managers, this record will become increasingly valuable from month to month as figures are gathered to show significant upward or downward trends.

At least one meeting of the Sales Managers' Division has been held in each district, providing a much-needed opportunity for a discussion of mutual problems, a helpful interchange of ideas, and recommendations to NAB, which have found expression in the statement of aims and policies given above.

Respectfully submitted,

FRANK E. PELLEGRIN,
Director, Department of Broadcast Advertising.

Reports

1626 K STREET, N. W. WASHINGTON, D. C Vol. 9, No. 21, May 29, 1941

WHITE RESOLUTION HEARING

The Senate Interstate Commerce Committee's hearing on the White resolution has been postponed from Saturday, May 31, to Monday, June 2. (For the text of the resolution, see NAB REPORTS, p. 437.)

WOMEN ENDORSE RADIO

General Federation of Women's Clubs on Friday, May 23, adopted the following resolution:

"WHEREAS, the system of radio broadcasting extant in the United States is the most democratic in the world and is the greatest medium for the preservation of democracy, bring freedom of speech and the exchange of ideas and information directly into the homes of millions of citizens, and

"WHEREAS, American radio through its public service programs has contributed tremendously to culture and education, not only in the homes of this great nation, but throughout the world, and as a vehicle for entertainment has served to maintain high morale in these times of stress, therefore, be it

"*Resolved,* that in order to preserve the freedom of radio for the best interests of democracy, the General Federation of Women's Clubs approves and advocates further Congressional study and investigation of the problems facing the broadcasting system in this country and, be it further

"*Resolved,* that the General Federation of Women's Clubs be instructed to send a copy of this resolution to the President of the United States, the secretaries of the Interstate Commerce Committees of the United States Senate and House of Representatives, and to the Secretary of the FCC."

ASCAP LOSES IN SUPREME COURT

The United States Supreme Court on Monday, May 26, in an opinion rendered by Associate Justice Black, in *Watson, Attorney General of Florida v. Buck, as President of ASCAP,* and *Buck v. Watson,* sustained the anti-monopoly provisions of the Florida statute which was enacted in 1937.

Two cases involving the Florida statute were before the court for determination. The special three judge lower court had held the entire 1937 statute unconstitutional on the grounds that several sections were unconstitutional and that these sections could not be separated from the remainder of the statute. A second statute of Florida, enacted in 1939, was held by the lower court to be constitutional, with the exception of two paragraphs. The two paragraphs held unconstitutional by the lower court were one which prohibited the copyright owner from imposing a license fee on programs which did not use the material coming under the license and the provision which requires a combination of two or more separate copyright owners to afford licensees the option of paying on a per-piece basis at prices fixed by the individual copyright owner and filed with the Comptroller of the state. The Attorney General appealed from the decision covering the 1937 statute and from the ruling of the lower court that the two sections of the 1939 statute were unconstitutional. ASCAP appealed from the decision of the lower court holding the 1939 statute to be constitutional except with regard to the above-mentioned two sections. The lower court had entered a permanent injunction against the enforcement of the 1937 statute and the two sections of the 1939 statute on the grounds that they violated the federal Copyright Act and the federal Constitution.

The Supreme Court reversed the lower court with instructions to vacate the injunction and to dismiss ASCAP's bill of complaint on the grounds that the monopoly provisions of the 1937 law were constitutional and that *"ASCAP comes squarely within the definition of the combinations prohibited by Section 1 of the 1937 Act."* The opinion then points out that, since ASCAP is a prohibited association within the meaning of the 1937 act, the Court is not called upon at the instance of ASCAP *"to pass upon the validity of other provisions * * * which might cover other combinations not now before us. It is enough for us to say in this case that the phase of Florida's law prohibiting activities of those unlawful combinations described in Section 1 of the 1937 act does not contravene the copyright laws or the federal Constitution."*

The decision leaves both the 1937 and the 1939 statutes in full force and forever lays at rest ASCAP's contention that the copyright laws granted it and copyright owners special privileges. As stated by the Court, *"This contention is based on the idea that Congress has granted the copyright privilege with relation to public performances of music, and that with reference to the protection of this particular privilege, combination is essential. We are therefore asked to conclude from the asserted necessities of their situation that Congress intended to grant this extraordinary privilege of combination. This we cannot do. We are pointed to nothing either in the language of the copyright laws or in the history of their enactment to indicate any congressional purpose to deprive the states, either in whole or in part, of their long-recognized power to regulate combinations in restraint of trade."*

Attorneys express the belief that, since Associate Justice Black wrote the unanimous opinion of the Court, it is proper to consider that opinion in conjunction with Justice Black's minority opinion in the preliminary hearing before the Supreme Court in the same case in 1939. It was in this minority opinion that Associate Justice Black characterized ASCAP as *"a price fixing combination that actually wields the power of life and death over every business in Florida, and elsewhere, dependent upon copyrighted musical compositions for existence."*

Attorneys representing the State of Florida were Tyrus A. Norwood, Assistant Attorney General, Lucien H. Boggs of Jacksonville, and Andrew W. Bennett of Washington, D. C. Thomas G. Haight represented ASCAP.

At the same time, the Supreme Court reversed the lower court in the Nebraska-ASCAP litigation (*Swanson v. Buck, et al.*), in which the lower court had held Nebraska's 1937 statute to be unconstitutional in its entirety. This statute was substantially the same as the 1937 Florida law. The short opinion stated that the case was reversed and remanded with instructions to dismiss on authority of *Watson v. Buck* (the Florida case). The attorneys representing Nebraska were John Riddell, Assistant Attorney General, and William J. Hotz, Special Assistant to the Attorney General. Thomas G. Haight represented ASCAP.

(Continued on page 476)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

ASCAP LOSES IN SUPREME COURT

(Continued from page 475)

The texts of the decisions follow:

SUPREME COURT OF THE UNITED STATES

Nos. 610, 611.—October Term, 1940.

J. Tom Watson (Gibbs), individually and as Attorney General of the State of Florida, et al., Appellants,

vs.

Gene Buck, individually and as President of the American Society of Composers, Authors and Publishers, et al.

Gene Buck, individually and as President of the American Society of Composers, Authors and Publishers, et al., Appellants,

vs.

J. Tom Watson (Gibbs), individually and as Attorney General of the State of Florida, et al.

Appeals from the District Court of the United States for the Northern District of Florida.

[May 26, 1941.]

Mr. Justice Black delivered the opinion of the Court.

In broad outline, these cases involve the constitutionality of Florida statutes regulating the business of persons holding music copyrights and declaring price-fixing combinations of "authors, composers, publishers, [and] owners" of such copyrights to be illegal and in restraint of trade.

The American Society of Composers, Authors and Publishers (ASCAP), one of the appellants in No. 611 and one of the appellees in No. 610, is a combination which controls the performance rights of a major part of the available supply of copyrighted popular music. The other appellants in No. 611 (appellees in No. 610) are individual composers, authors and publishers of music controlled by ASCAP. The appellees in No. 611 (appellants in No. 610) are the Attorney General and all the state prosecuting attorneys of Florida who are charged with the duty of enforcing certain parts of the statutes in question.

These two cases were originally a single action, in which ASCAP and its co-parties sought to enjoin the state officials from enforcing a 1937 Florida statute.[1] A federal district court, composed of three judges under §266 of the Judicial Code, granted a temporary injunction, and this Court affirmed without passing upon the merits of the constitutional questions involved. *Gibbs* v. *Buck,* 307 U. S. 66. A supplemental bill of complaint was then filed, asking that the three judge court enjoin a 1939 Florida statute relating to the same subject.[2] On final hearing, the three judge court again enjoined the state officials from enforcing any part of the 1937 statute, but granted the injunction only as to certain sections of the 1939 act. 34 F. Supp. 510. No. 611 is an appeal by ASCAP and its co-complainants from the refusal to enjoin the state officials from enforcing the remainder of the 1939 act. No. 610 is an appeal by the state officials from the order granting the injunction as to the 1937 act and as to certain sections of the 1939 act.

The court below, without passing at all upon the validity of thirteen out of twenty-one sections and subsections of the 1937 act, held that the remaining eight sections deprived copyright owners of rights granted them by the federal copyright laws, and that the statute must fall in its entirety. This it did upon the premise that the sections held invalid and the other parts of the bill were intended by the Florida legislature to form "a harmonious whole" and to "stand or fall together." The ultimate questions involved are such that we must first determine whether this ruling was correct. We hold that it was not, for the following reasons.

The Florida legislature expressed a purpose directly contrary to the District Court's finding. For what the legislature intended in this regard was spelled out in section 12 of the Act in the clear and emphatic language of the legislature itself. That section reads:

> "If any section, sub-section, sentence, clause or any part of this Act, is for any reason, held or declared to be unconstitutional, imperative [sic] or void, such holding or invalidity shall not effect the remaining portions of this Act; and it shall be construed to have been the legislative intent to pass this Act without such unconstitutional, inoperative or invalid part therein; and, the remainder of this Act, after the exclusion of such part of parts, shall be held and deemed to be valid as if such excluded parts had not been included herein."

This is a flat statement that the Florida legislature intended that the act should stand and be enforced "after the exclusion of such part or parts" as might be held invalid. Unless a controlling decision by Florida's courts compels a different course, the federal courts are not justified in speculating that the state legislature meant exactly the opposite of what it declared "to have been the legislative intent." But the Supreme Court of Florida recognizes and seeks to carry out the legislative intent thus expressed. Speaking of a similar severability clause of another statute, that court said: "The Act as a whole evinces a purpose on the part of the Legislature to impose a license tax on chain stores and Section fifteen provides that if any section, provision or clause thereof, or if the Act as applied to any circumstance shall be declared invalid or unconstitutional such validity shall not affect other portions of the Act held valid nor shall it extend to other circumstances not held to be invalid. Under the liberal terms of Section fifteen it may be reasonably discerned that the Legislature intended that the Act under review should be held good under any eventuality that did not produce an unreasonable, unconstitutional or an absurd result. . . . The test to determine workability after severance and whether the remainder of the Act should be upheld rests on the fact of whether or not the invalid portion is of such import that the valid part would be incomplete or would cause results not contemplated by the Legislature." *Louis K. Liggett Co.* v. *Lee,* 109 Fla. 477, 481. Measured by this test the court below was in error, for there can be no doubt that section 1 and the other sections upon which the court failed to pass are complete in themselves; they are not only consistent with the statute's purpose but are in reality the very heart of the act, comprising a distinct legislative plan for the suppression of combinations declared to be unlawful. For as pointed out by the court below, the sections that were not passed on are those which outlaw combinations to fix fees and prescribe the means whereby the legislative proscriptions against them can be made effective.[3] Since, therefore, that phase of the act which aimed at unlawful combinations is complete in itself and capable of standing alone, we must consider it as a separable phase of the statute in determining whether the injunction was properly issued against the state officials.

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[1] Fla. Laws 1937, ch. 17807.

[2] Fla. Laws 1939, ch. 19653.

[3] The Court said:

"There remain: Sections 1, 2-C and 3, in effect declaring ASCAP and similar societies illegal associations, outlawing its arrangements for license fees, and proscribing and making an offense, attempts to collect them; Section 7-B making persons, acting for such a combination, agents for it and liable to the penalties of the Act; Section 8 fixing the penalties; Section 9 giving the state courts jurisdiction to enforce the Act, civilly and criminally; and Sections 10-A, 10-B, 11-A and 11-B, prescribing procedure under it." 34 F. Supp. 516. With the possible exception of section 3, nowhere in the course of the opinion were any of these sections held invalid.

As a matter of fact, as the record stands the right of ASCAP and its co-complainants to an injunction depends upon this phase of the statute and is not to be determined at all by the validity or invalidity of the particular sections which the court below thought inconsistent with the federal Constitution and the copyright laws passed pursuant to it. The ultimate determinative question, therefore, is whether Florida has the power it exercised to outlaw activities within the state of price fixing combinations composed of copyright owners. But before considering that question it is necessary that we explain why we do not discuss, and why an injunction could not rest upon, any other phase of Florida's statutory plan.

Defendants in the injunction proceedings are the state's Attorney General, who is charged with the responsibility of enforcing the state's criminal laws, and all of the state's prosecuting attorneys, who are subject to the Attorney General's authority in the performance of their official duties.[4] Under the statutes before us, it is made the duty of the state's prosecuting attorneys, acting under the Attorney General's direction, to institute in the state courts criminal or civil proceedings. The original bill alleged that the defendants had threatened to—and would, unless restrained—enforce the 1937 statute "in each and all of its terms and the whole thereof, and particularly against these complainants and others similarly situated . . . ", and that as a consequence complainants would suffer irreparable injury and damages. The supplemental bill contained similar allegations as to the 1939 act. Both bills were drawn upon the premise that complainants were entitled to an injunction restraining all the state's prosecuting officers from enforcing any single part of either of the lengthy statutes, under any circumstances that could arise and in respect to each and every one of the multitudinous regulations and prohibitions contained in those laws. In their answers, the state's representatives specificially denied that they had made any threats whatever to enforce the acts against complainants or any one else. In their answer to the supplemental bill, however, they said that they would perform all duties imposed upon them by the 1939 act. The findings of the court on this subject were general, and were to the effect that "Defendants have threatened to and will enforce such State Statutes against these Complainants and others similarly situated in the event that such Complainants and others similarly situated refuse to comply with said State Statutes or do any of the acts made unlawful by said State Statutes." It is to be noted that the court did not find any threat to enforce any specific provision of either law. And there is a complete lack of record evidence or information of any other sort to show any threat to prosecute the complainants or any one else in connection with any specific clause or paragraph of the numerous prohibitions of the acts, subject to a possible exception to be discussed later. The most that can possibly be gathered from the meager record references to this vital allegation of complainants' bill is that though no suits had been threatened, and no criminal or civil proceedings instituted, and no particular proceedings contemplated, the state officials stood ready to perform their duties under their oath of office should they acquire knowledge of violations. And as to the 1937 act, the state's Attorney General took the position from the very beginning, both below and in this Court, that under his construction of the earlier act no duties of any kind were imposed upon him and his subordinates except with relationship to prohibited combinations of the type defined in section 1.

Federal injunctions against state criminal statutes, either in their entirety or with respect to their separate and distinct prohibitions, are not to be granted as a matter of course, even if such statutes are unconstitutional. "No citizen or member of the community is immune from prosecution, in good faith, for his alleged criminal acts. The imminence of such prosecution even though alleged to be unauthorized and hence unlawful is not alone ground for relief in equity which exerts its extraordinary powers only to prevent irreparable injury to the plaintiff who seek its aid." *Beal* v. *Missouri Pacific Railroad Corp.,* 312 U. S. 45, 49. A general statement that an officer stands ready to perform his duty falls far short of such a threat as would warrant the intervention of equity. And this is especially true where there is a complete absence of any showing of a definite and expressed intent to enforce particular clauses of a broad, comprehensive and multi-provisioned statute. For such a general statement is not the equivalent of a threat that prosecutions are to be begun so immediately in such numbers, and in such manner as to indicate the virtual certainty of that extraordinary injury which alone justifies equitable suspension of proceedings in criminal courts. The imminence and immediacy of proposed enforcement, the nature of the threats actually made, and the exceptional and irreparable injury which complainants would sustain if those threats were carried out are among the vital allegations which must be shown to exist before restraint of criminal proceedings is justified. Yet from the lack of consideration accorded to this aspect of the complaint, both by complainants in presenting their case and by the court below in reaching a decision, it is clearly apparent that there was a failure to give proper weight to what is in our eyes an essential prerequisite to the exercise of this equitable power. The clear import of this record is that the court below thought that if a federal court finds a many-sided state criminal statute unconstitutional, a mere statement by a prosecuting officer that he intends to perform his duty is sufficient justification to warrant the federal court in enjoining all state prosecuting officers from in any way enforcing the statute in question. Such, however, is not the rule. "The general rule is that equity will not interfere to prevent the enforcement of a criminal statute even though unconstitutional. . . . To justify such interference there must be exceptional circumstances and a clear showing that an injunction is necessary in order to afford adequate protection of constitutional rights. . . . We have said that it must appear that 'the danger of irreparable loss is both great and immediate'; otherwise the accused should first set up his defense in the state court, even though the validity of a statute is challenged. There is ample opportunity for ultimate review by this Court of federal questions." *Spielman Motor Sales Co.* v. *Dodge,* 295 U. S. 89, 95-96.

Such "exceptional circumstances" and "great and immediate" danger of irreparable loss were not here shown. Tested by this rule, therefore, and with the possible exception of that phase of the statute outlawing Florida activities by combinations declared unlawful in section 1 of the 1937 act (which we shall later consider separately), neither the findings of the court below nor the record on which they were based justified an injunction against the state prosecuting officers.

In addition to the fact that the situation here does not meet the tests laid down in the decided cases, the very scope of these two statutes illustrates the wisdom of a policy of judicial self restraint on the part of federal courts in suspending state statutes in their entirety upon the ground that a complainant might eventually be prosecuted for violating some part of them. The Florida Supreme Court, which under our dual system of government has the last word on the construction and meaning of statutes of that state, has never yet passed upon the statutes now before us. It is highly desirable that it should have an opportunity to do so.[5] There are forty-two separate sections in the two acts. While some sections are repetitious, and while other sections are unimportant for present purposes, there are embraced within these two acts many separate and distinct regulations, commands and prohibitions. No one can foresee the varying applications of these separate provisions which conceivably might be made. A law which is constitutional as applied in one manner may still contravene the Constitution as applied in another. Since all contingencies of attempted enforcement cannot be envisioned in advance of those applications, courts have in the main found it wiser to delay passing upon the constitutionality of all the separate phases of a comprehensive statute until faced with cases involving particular provisions as specifically applied to persons who claim to be injured. Passing upon the possible significance of the manifold provisions of a broad statute in advance of efforts to apply the separate provisions is analogous to rendering an advisory opinion upon a statute or a declaratory judgment upon a hypothetical case. It is of course conceivable that a statute might be flagrantly and patently violative of express constitutional prohibitions in every clause, sentence and paragraph, and in whatever manner and against whomever an effort might be made to apply it. It is sufficient to say that the statutes before us are not of this type. Cases under the separate sections and paragraphs of the acts can be tried as they arise—preferably in the state courts. Any federal questions that are properly presented can then be brought here. But at this time the record does not justify our passing upon any part of the statute except, possibly, that phase which prohibits activities in Florida by combinations declared unlawful. While the proof and findings in this regard are not as clear and specific as they might and should be, we nevertheless, under the circumstances of this case, proceed to this ultimate and decisive question.

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[4] The Secretary of State and the State Comptroller were added as parties defendant by a "Further Supplemental Bill of Complaint" filed October 19, 1939. The ground given by the complainants for adding parties was that certain duties were imposed on these officials by the 1939 act. The duties, however, required only that certain fees be collected, and not that actions be brought to enforce the law.

In the course of this litigation, Florida has had three Attorneys General. The present Attorney General took office on January 7, 1941, and all the parties have joined in a motion to substitute him as a defendant in place of his predecessor in office. There is no objection to the substitution, and the motion is granted.

[5] Cf., e.g., Arkansas Corporation Commission *v.* Thompson, 312 U. S. —, —; Railroad Commission of Texas *v.* Pullman Co., 312 U. S. —, —; Railroad Commission of Texas *v.* Rowan & Nichols Oil Co., 311 U. S. 570, 575; Thompson *v.* Magnolia Petroleum Co., 309 U. S. 478, 483; Ex parte Baldwin, 291 U. S. 610, 619; Gilchrist *v.* Interborough Rapid Transit Co., 279 U. S. 159, 207.

In the consideration of this case, much confusion has been brought about by discussing the statutes as though the power of a state to prohibit or regulate combinations in restraint of trade was identical with and went no further than the power exercised by Congress in the Sherman Act. Such an argument rests upon a mistaken premise.[6] Nor is it within our province in determining whether or not this phase of the state statute comes into collision with the federal Constitution or laws passed pursuant thereto to scrutinize the act in order to determine whether we believe it to be fair or unfair, conducive to good or evil for the people of Florida, or capable of protecting or defeating the public interest of the state.[7] These questions were for the legislature of Florida and it has decided them. And, unless constitutionally valid federal legislation has granted to individual copyright owners the right to combine, the state's power validly to prohibit the proscribed combinations cannot be held non-existent merely because such individuals can preserve their property rights better in combination than they can as individuals. We find nothing in the copyright laws which purports to grant to copyright owners the privilege of combining in violation of otherwise valid state or federal laws. We have, in fact, determined to the contrary with relation to other copyright privileges.[8] But complainants urge that there is a distinction between our previous holdings and the question here. This contention is based on the idea that Congress has granted the copyright privilege with relation to public performances of music, and that with reference to the protection of this particular privilege, combination is essential. We are therefore asked to conclude from the asserted necessities of their situation that Congress intended to grant this extraordinary privilege of combination. This we cannot do. We are pointed to nothing either in the language of the copyright laws or in the history of their enactment to indicate any congressional purpose to deprive the states, either in whole or in part, of their long-recognized power to regulate combinations in restraint of trade. Compare *Waters-Pierce Oil Co.* v. *Texas* (No. 1), 212 U. S. 86, 107.

Under the findings of fact of the court below, ASCAP comes squarely within the definition of the combinations prohibited by section 1 of the 1937 act. Section 1 defines as an unlawful combination an aggregation of authors, composers, publishers, and owners of copyrighted vocal or instrumental musical compositions who form any society, association, or the like and the members of which constitute a substantial number of the persons, firms or corporations within the United States who own or control such musical compositions and "when one of the objects of such combination is the determination and fixation of license fees or other exactions required by such combinations for itself or its members or other interested parties." Section 8 of the 1937 act makes it an offense for such combinations "to act within this State in violation of the terms of this Act." The court below found that there were 1425 composers and authors who were members of ASCAP; that the principal music publishers of the country are members; that the Society controls the right of performance of 45,000 members of similar societies in foreign countries; and that the Board of Directors of ASCAP have "absolute control over the fixing of prices to be charged for performance licenses. . . ." Since under the record and findings here ASCAP is an association within the meaning of section 1 of the 1937 act, we are not called upon at its instance to pass upon the validity of other provisions contained in the numerous clauses, sentences, and phases of the 1937 or 1939 act whch might cover other combinations not now before us. It is enough for us to say in this case that the phase of Florida's law prohibiting activities of those unlawful combinations described in section 1 of the 1937 act does not contravene the copyright laws of the federal Constitution; that particular attacks upon other specified provisions of the statutes involved are not appropriate for determination in this proceeding; that the court below erred in granting the injunction; and that the bill should have been dismissed. All other questions remain open for consideration and disposition in appropriate proceedings. For the reasons given, the judgment below in No. 610 is reversed and the cause remanded to the lower court with instructions to dismiss the bill. The judgment in No. 611 is affirmed.

It is so ordered.

Mr. Justice Murphy took no part in the consideration or decision of this case.

A true copy.

Test:

Clerk, Supreme Court, U. S.

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[6] We have been referred to a recent consent decree against ASCAP in the federal district court for the Southern District of New York, the theory being that the decree might have some bearing upon the state's power to pass the legislation now under attack. But it has not. In matters relating to purely intrastate transactions, the state might pass valid regulations to prohibit restraint of trade even if the federal government had no law whatever with reference to similar matters involving interstate transactions.

[7] The court below concluded as a matter of law that "enactment of the said Statute was not necessary to protect, nor does it serve the public interest of the State of Florida. . . ."

[8] Interstate Circuit, Inc. *v.* United States, 306 U. S. 208. Cf. Fashion Originators' Guild of America *v.* Federal Trade Commission, 312 U. S. —; Ethyl Gasoline Corp. *v.* United States, 309 U. S. 436.

SUPREME COURT OF THE UNITED STATES

No. 312.—October Term, 1940.

Harry R. Swanson, as Secretary of State of Nebraska, et al., Appellants,

vs.

Gene Buck, Individually and as President of The American Society of Composers, Authors and Publishers, et al.

Appeal from the District Court of the United States for the District of Nebraska.

[May 26, 1941.]

Mr. Justice Black delivered the opinion of the Court.

Most of the questions presented by this case are the same as those that were raised in Nos. 610 and 611, this day decided. Here, as there, at the request of ASCAP and its co-complainants a federal District Court composed of three judges enjoined various state officials from enforcing a state statute[1] aimed primarily at price-fixing combinations operating in the field of public performance of copyright music.[2] Here, as there, the complainants alleged, and the defendants denied, that enforcement of the act had been threatened. Here, as there, the court below found that threats had been made, that some of the sections of the act were invalid, that the invalidity of those sections permeated the whole, and that the state officials should be enjoined from enforcing any of the numerous provisions of the act. But, as in the Florida case, the court below proceeded on a mistaken premise as to the rôle a federal equity court should play in enjoining state criminal statutes. Here, there was no more of a showing of exceptional circumstances, specific threats, and irreparable injury than in the Florida case. In his brief in this Court, the Attorney General of Nebraska stated that "Appellants, as law enforcement officers, sincerely hope that no action under this law will be required. None was threatened before nor since the suit was started." With one possible exception, the record bears out the statement of the Attorney General; there was no evidence whatever that any threats had been made, but in his answer the Attorney General stated that he would "enforce the act against the complainant Society . . . [if] the complainant Society would operate in the State of Nebraska in violation of the terms of the statute by conniving and conspiring to fix and determine prices for public performance of copyrighted musical compositions. . . ." As we have just held in *Watson* v. *Buck,* it was error to issue an injunction under these circumstances.

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[1] Neb. Laws 1937, ch. 138.

[2] 33 F. Supp. 377.

In other material respects also, this case is like the Florida case. The court below failed to pass on what we consider the heart of the statute because of what it regarded as the pervading vice of the invalid sections. But section 12 of the Nebraska statute is similar to section 12 of the Florida statute and provides that "If any section, subdivision, sentence or clause in this Act shall, for any reason, be held void or non-enforceable, such decision shall in no way affect the validity of enforceability of any other part or parts of this Act." The legislative will is respected by the Supreme Court of Nebraska,[3] and the court below should have followed state law in this regard. That part of the statute on which the court did not pass—and the part which the Attorney General said he stood willing to enforce if violated—set up a complete scheme for the regulation of combinations controlling performing rights in copyright music. On the authority of *Watson* v. *Buck,* the decision below is reversed and the cause is remanded with instructions to dismiss the bill.

It is so ordered.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Sales

HOW TO IMPROVE COMMERCIALS

In response to numerous requests from NAB members who attended the Sales Managers' meeting at the convention and heard the talk by Horace Schwerin on "Improving Your Commercials," this digest is provided.

Mr. Schwerin is General Manager and Director of Research of the Raymond Spector Agency of New York City, and his talk was the result of research carried on during the past several years with the "Program Analyzer" machine, developed by Dr. Paul Lazarsfeld and Dr. Frank Stanton.

Thousands of typical radio listeners were tested for their reaction to radio commercials, in conditions as closely as possible approximating normal home listening. The machine recorded their likes and dislikes, and after a great number of tests were conducted on all types of programs and all types of commercials, it was possible to work out a practical application of these findings. Subsequent tests showed that the new commercials, written according to the new principles, enjoyed much greater attention and acceptance from listeners.

Mr. Schwerin explained in detail the methods used, illustrating his discussion with charts, graphs, transcriptions, phonographs and other material. Admitting the possibility of some errors and not claiming infallibility for the tests, he nevertheless stated that several advertisers, participating in the research, had applied its finding with their definitely improved results. He suggested that sales managers confer with their program and continuity departments in a discussion of these points, and that by working cooperatively each station could improve results for its advertisers. The conclusions reached following the tests are:

1. Program personalities should give all the commercials. This means that in news programs, for example, the newscaster should deliver the commercials.
2. The style of the commercials should be in the same tempo as the program content. For example, in a variety show the commercials should be in dialogue.
3. The commercial sentence structure should follow the same general pattern as the rest of the program (indicating collaboration between commercial copy writer and program writer). For example, news commercials should be written in short, pithy sentences.
4. Axioms make poor openings for news commercials, although they may be effective on other types of programs. The opening: "How many times have you heard it said that what you don't know will never hurt you" is a typical example of a bad opening for a news commercial.
5. The lead into a commercial should tie-in with the mood, or "gestalt", of that program. For example in news, one effective way of doing this is to refer directly to the news itself, even if this reference is a very general one. For example: "All the news of war and blockades these days," and "News is the story of change", are both highly effective openings when used in commercials. However, leads into news commercials need not be news items.
6. Do not allow listeners to "anticipate" commercials. This can be avoided by shifting the middle commercial forward or back from day to day; closing commercials should be followed by part of the program; there should never be a noticeable pause, change of tone or different emphasis and delivery at the beginning of any commercial, and commercial should not be "telegraphed" by the use of certain opening words such as "Friends," "Well, friends," etc.

MILLINERS BLAME RADIO

P. W. Judah, of the Associated Millinery Industries, St. Louis, Mo., writes NAB as follows:

> "The millinery industry of America, giving employment to approximately 100,000 people, has been very materially and adversely affected in the past two years by radio entertainers making jokes on the styles of the hats of today.
>
> "We realize this harm has been done in an unconscious way, and not at all maliciously; however, this entire industry is having quite a struggle at this time, and I am sure any influence you men can exert to forestall these jokes in the future, will be highly appreciated."

It is suggested that you call this to the attention of those who are responsible for writing comedy at your station.

IMPORTANCE OF LOCAL BUSINESS

FTC figures show that the smaller the market, the more the radio station depends on local advertising. In cities of less than 25,000 population, 74 per cent of a station's revenue comes from local advertisers. This drops to 67 per cent in cities of 25,000 to 50,000 and to 50 per cent in cities of more than 50,000.

IS RADIO ADVERTISING ECONOMIC?

The charge that radio advertising is an economic waste, so often made, is eloquently answered by Richard R. Deupree, president of Proctor & Gamble Co. Using the soap business to illustrate, he said that in 1880-90 the housewife paid 5 cents for Ivory Soap, and still paid only 5 cents in 1941, although raw materials have doubled in price and wages have risen tenfold, and Federal taxes, unknown 50 or 60 years ago, now cost the manufacturer a sum equal to his factory payroll.

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[3] See Petersen *v.* Beal, 121 Neb. 348, 353, quoting and approving the following excerpt from Scott *v.* Flowers, 61 Neb. 620, 622-623: "The general rule upon the subject is that where there is a conflict between an act of the legislature and the constitution of the state, the statute must yield to the extent of the repugnancy, but no further [Citing authorities]. If, after striking out the unconstitutional part of a statute, the residue is intelligible, complete, and capable of execution, it will be upheld and enforced, except, of course, in cases where it is apparent that the rejected part was an inducement to the adoption of the remainder. In other words, the legislative will is, within constitutional limits, the law of the land, and when expressed in accordance with established procedure, must be ascertained by the courts and made effective."

"It does not seem possible," he stated, "that expenses such as I have mentioned could be absorbed if we had not advertised Ivory almost continuously since 1882. If through false reasoning or any other cause, honest advertising is crippled and hampered, it would be the death blow to real industrial development."

HOTELS INCLUDE RADIO

It was reported to NAB that the current cooperative advertising campaign sponsored by hotels, with payment on a duebill basis, would exclude radio. Upon investigation, we are assured by the American Hotel Association that all media are equally acceptable in the campaign and will be treated impartially, provided radio stations, like other media, are willing to accept duebills in payment. Many NAB members report that they are now refusing this type of payment.

DEFENSE STAMPS AS PRIZES

Station WKAT, Miami Beach, is awarding National Defense Stamps in place of cash awards on quiz and similar programs. The suggestion has been made that if this plan were adopted by a large number of stations, it would result in increased savings, and widespread and continuing publicity to defense stamp sales.

WHY ADVERTISING IS ESSENTIAL DURING THE NATIONAL DEFENSE EMERGENCY

Some business men are prone to believe that during the period of capacity production brought about by business stimulation of the national defense program, it is unnecessary to maintain an advertising campaign. During such periods demand often exceeds supply; a "seller's market" exists, and sometimes the problem is not one of distribution and sales, but rather of producing enough to satisfy the market. Advertising expenses therefore, they say, can be curtailed or eliminated altogether.

That this reasoning is economically unsound has been demonstrated during similar periods in the past, notably 1915-1919. Chief reasons why advertising should be continued by every business man are:

1. To maintain his market, his established routes of distribution through jobbers and dealers, consumer acceptance of his product and consumer consciousness of his brand name, so that when the crisis is over and the impetus of national defense is taken away, he can continue operating on a normal pre-crisis basis. Otherwise all these factors in successful selling may be lost to more aggressive competitors who seize upon this opportunity to establish their competitive brands.
2. During periods of national emergency we must have the highest efficiency possible in manufacturing and distribution. It is admitted that advertising contributes much to this efficiency, and therefore is of extreme importance to the economic welfare of a nation during an emergency period.
3. The nation's economic and social life must be maintained as nearly normal as possible, because normalcy in a democracy is a contributing factor to success. Advertising helps make normalcy possible in a social economy that has been so dependent upon advertising.
4. Civilian morale in a democracy requires that we maintain a standard of living unknown under dictatorships. Advertising contributes greatly to our higher standard of living, and thus to the maintainance of civilian morale.
5. We must strive for a reasonable price stability. Advertising and a free competitive system aid greatly in stabilizing prices. As an example, consider P & G Ivory soap, a common household item: In the past 60 years, the price of raw materials for this product has doubled, wages have increased 10-fold, and taxes have been increased enormously. At the same time, research and constant improvements in manufacture and distribution have given the consumer a much better product—without a penny of increase in the price. Without advertising this would have been impossible.
6. During this period it is necessary to eliminate unemployment insofar as possible, so that all those not engaged in national defense can earn salaries to help pay the costs of defense, rather than be an added burden upon government or public charity. Advertising contributes directly and indirectly to greater employment in private industry.
7. Civilian morale likewise depends greatly upon a firm belief in the democratic system. and in its features of free enterprise and competition. Advertising is of extreme importance in their maintainance.
8. In a democracy, to build civilian morale, it is important that we continue our media of entertainment and enlightenment: the press, the magazines, and the radio. Advertising supports all of these and makes them possible.
9. During times of national emergency it is important that consumers be given adequate market information: where to buy what they need, when to buy, and how to buy, in order that they may get the most out of the products and services they purchase. It is also important to regulate supply and demand, and to diversify as much as possible the spending of consumers, so that all business may prosper. Advertising is of the utmost importance in all these efforts.
10. An intangible value, and yet one of the most important possessed by any business man, is the "franchise value" of his product or business, established over a period of many years at great effort and expense. Advertising protects this priceless ingredient until return to normalcy.
11. Staggering national defense costs must be borne by taxes, which can only be paid by business and by wage earners in business. Therefore sales, wages. incomes and profits must not only be maintained but increased if possible. Advertising is of material aid along these lines.
12. Finally, advertising is a vital, inherent and integral part of our national economy. To stifle or curtail it would be to upset the economic balance; to foster and maintain it would be to preserve that balance, so essential to efficiency and national well-being.

NO MOVIE CHISEL FOR CISLER

Attempts by the movies to chisel free time have increased many fold since the MBS-ASCAP rapprochement, according to evidence collected by Steve Cisler, general manager of station WGRC, Louisville.

Harry Loud, Air Trailer Division, Metro-Goldwyn-Mayer was the writer of one of the letters to Mr. Cisler which solicited free time.

"Now that the ASCAP controversy has been settled and ASCAP music is returning to Mutual affiliated station," he wrote on May 15, "we believe you will be interested in Metro-Goldwyn-Mayer's Hollywood Radio Reporter recorded programs," etc.

Mr. Cisler replied:

"Your letter of May 15 is one of the reasons this station and others don't want ASCAP music back on the air. You movie people are getting out the chisel once again with this offer of movie radio trailers that some stations are just crazy enough to accept.

"For your own information, WGRC did not vote yes on the Mutual deal with ASCAP because we didn't think it was worth the money, and we knew that the chiseling would start from movies with plugs on this or that picture, etc.

"Your local theaters are especially abusive in not buying radio time. It is chisel, chisel, chisel, free, free, free.

"So stop kidding yourself and radio that you have something we need . . . free. Take some of that big money you pay newspapers, billboards, and magazines and BUY radio.

"So far as Louisville radio . . . movies . . . and WGRC the rule is 'no cashee . . . no talkee . . . no singee'."

In a memorandum, same day, Mr. Cisler said to Fred Weber, general manager of Mutual:

"I am alarmed at the rising tide of chiseling by the movie boys in connection with Mutual's return of ASCAP music.

"It was my understanding that the new Mutual agreement did not require the announcement of movie or show titles with the playing of ASCAP tunes.

"The 'Adventures in Rhythm' show on Wednesday—May 21—specifically mentioned 'Last Time I Saw Paris' . . . from the *forthcoming* MGM picture . . . blank blank.

"Today I received this chisel letter from MGM. The answer is 'NO.' "

"ASCAP publishers are flooding us with mailed music, asking in practically all cases that the show or movie be credited when the number is used. We are returning all such music.

"Fred, the radio business is never going to get one dollar from movies if we keep giving it away. How about considering the evil and ask originating stations to lay off such credits?

"We have instructed our program department to refuse all movie premieres, Hollywood chatter and to have the control man pull the switch on any network announcer who *seems about* to put in a plug for a movie or show.

"Plenty of radio stations didn't like these free plugs for movies on all networks prior to 1941, and lots of us don't want them restored now."

NATIONAL DEFENSE

Local recruiting personnel of the United States Army will no longer solicit time on broadcast stations. This change in practice became effective by order from Washington to Commanding Generals of all Corps Areas.

The weekly transcribed programs, being broadcast by more than 700 stations and the live announcements handled from NAB headquarters comprise all of the programs released in finished form for the air in behalf of recruiting.

This entire change will be discussed in detail in a letter, dated June 2, addressed to all stations by Arthur Stringer.

Radio Branch, Bureau of Public Relations, War Department

This Branch, headed by Ed Kirby, prepares nothing for broadcasting in finished form. It operates on the theory that what the Army does is news, purely from the standpoint of audience interest; and that a richer variety will be provided if it depends upon the various interpretations placed upon factual information by individual stations.

The Radio Branch is ready to serve all broadcasters even to the extent of doing necessary research for any program or series of programs a program manager may have in mind. Write, teletype or telephone. The number is Republic 6700, Extensions 3887, 4787 and 4788.

Army Maneuvers

This summer U. S. Army maneuvers will be the biggest in peacetime history of any country in the world. They involve 1,500,000 men.

Such an outstanding event, occurring at this time, will naturally be covered by radio as well as by the press, magazines, syndicates and news reels. But it is much easier for fifty correspondents, armed with pencils, to cover maneuvers than for radio.

Accordingly, the Radio Branch of the Army has assigned four men from headquarters to establish a radio pool of interest and prepare schedules of events so that the stations can make a broadcast:

> Ross Worthington will officiate in Texas; Jack Harris in Tennessee; Brooks Watson in Louisiana and Bob Coleson on the West Coast where he is already in action.

What a Station Can Do in Advance

Stations can tell the public what these maneuvers mean. The purpose is to test the combat effect of the Army by simulating warfare. The boys are going to miss their meals and they are going to get dirty and dusty. The Army is going through a hardening process. Like all athletes, the boys must have conditioning and training.

And the stations can do this: in these simulated combat areas the highways will be crowded with trucks carrying troops and supplies. Because of the simulated warfare there will be no advance announcement of troop movements. When the news of a troop movement is known, the station can explain that it is unwise from a safety point of view for civilian motorists to cut through the line of travel of the convoy. These soldiers are driving trucks under order. They are instructed to observe safety measures, yet they must remain in convoy. If the residents of your service area understand these facts, accidents will be avoided. This can also be done in advance.

Two New News Services

This week the Radio Branch inaugurates a special service for news announcers. It contains undated material processed for radio and prepared at the request of numerous smaller stations that wished to have a human interest story or a fact or two readily included in a news show.

The other news service is the story of our Army throughout the entire range of American history. In reality it is a daily diary, in one or two sentences especially prepared for radio. The facts can be used in a chatter program, a home economics program, a variety show or news.

Educational Bulletin

The Radio Branch issues each week an educational bulletin to the educational directors of stations.

Red, White and Blue Network

This is the name given to stations near Army camps which may care to use, on already scheduled "early bird" shows, bits of information concerning the group in their immediate neighborhood. Through the efforts of Gordon Hittenmark, late of station WRC, the public relations officer of the camps, the station managers and the "early bird" announcers have been brought together. The idea of this procedure is simply to facilitate the supply of suitable material for the stations.

History of 55 Divisions

The Script Section, Radio Branch, War Department, Bureau of Public Relations has in preparation a brief history of each of the 55 Army Divisions. The information already distributed for radio writers and radio producers concerns The "Fighting First" Division and its component units. These short histories have been condensed from hundreds of pages in the files of the War Department. Writers and producers interested in additional facts can secure them by writing directly to: Radio Branch, Bureau of Public Relations, War Department, Washington, D. C.

Stations Can Work Out Special Stunts

Stations that desire are naturally free to work out special stunts. The local public relations officer will lend assistance. And, on request, the Radio Branch, Bureau of Public Relations, will supply stations with needed information for the preparation of programs.

Warning

At the same time if an individual comes to station executives proposing some spectacular stunt, such as a black-out, it is advised that stations check with the Radio Branch, Washington, address as above, before making commitments and issuing publicity.

IRE CONVENTION

The Institute of Radio Engineer's summer convention will be held in the Hotel Statler, Detroit, Michigan, June 23-25. The program this year will be of unusual interest to broadcast engineers and among other subjects, are the following: UHF Antennas; Frequency Modulation; Television; Electronic Applications; Broadcast Transmitters; Standard Band Transmitting Antennas; Rectifiers; Transmission Lines; Mechanical Calculation For Directional Antenna Patterns; UHF Tubes; Plate Modulated Amplifiers; Square Waves and UHF Propagation.

Interesting inspection trips have been scheduled and among these are: Trip to Harper Hospital to inspect electronic medical apparatus; trip to Edison Institute Museum and Greenfield Village; trips to automobile factories and a trip to the Shrine of the Little Flower.

An interesting program has been laid out for the entertainment of the ladies.

Full details concerning the Convention can be obtained by addressing the, Institute of Radio Engineers, 330 West 42nd Street, New York City.

SEND NAMES TO NAB

NAB has been requested to secure the names and present whereabouts of radio men who have been drafted into the Army. Will station managers please send this information to NAB headquarters immediately? The request was made by the War Department in the hope that many of these men could fill public relations posts.

LARRY SUNBROCK

S. A. Cisler, Radio Station WGRC, Louisville, Kentucky, would appreciate a collect wire from anyone knowing the whereabouts of Larry Sunbrock. Sunbrock promoted a thrill show and rodeo in Louisville recently.

NAME BAND TAX

The Bureau of Internal Revenue advised the NAB this week that it was appealing a lower court decision which held that the leader of a name band was not liable for social security taxes for band members. (Griff Williams v. Collector of Internal Revenue). Under the lower court decision, a broadcaster would be responsible for social security taxes on payments to name bands.

The NAB intends to review for its members soon all applicable social security tax regulations.

INSURANCE

The manual rates for compensation insurance enumerated in the NAB Reports, Page 368 of April 25th are adjusted each year to comply with the experience of the insurance companies writing compensation insurance. The rates quoted in the bulletin of April 25th are as of the date of April 4, 1941. Please correct Minnesota's rating under Code #8742 from 8 cents to 57 cents. Michigan's rating under Code #8742 should be changed from 8 cents to 39 cents. Since April 4, 1941, the rate in Utah (Code #7609) has changed from $1.13 to $1.33 and the rate under Code #7610 in Maine has been changed from 9 cents to 12 cents.

BMI

BMI Receives Canadian Fees

Broadcast Music, Inc. was recognized as a new competitive performing rights society by the Canadian Government in a decision made public on May 12th. The Canadian Copyright Appeal Board granted BMI a tariff of 1¢ per licensed set, the amount requested in October 1940 when BMI was required to file its proposed tariff for 1941. This was at a time when the music heard on the air was predominantly ASCAP's and before BMI was licensing the catalogues of many of its more important publishers.

The Canadian body, looking forward to 1942, announced that there should be a comprehensive study of the problem of performance fees. Recognizing that the basing of copyright fees upon actual use is the most satisfactory method, it requested an appropriation of $5,000 to defray the cost of making an investigation. In speaking of the necessity of a survey of this kind, the Board said:

> "The entry of a second musical works licensing company in the Canadian field of radio broadcasting introduces a problem of considerable difficulty, and if this continues it is one that may require in the early future a careful reconsideration of the whole question of the licensing and performance of musical works in so far as radio broadcasting is concerned."

Britain Accepts BMI

The BMI hit, *There I Go,* received its first major broadcast in Great Britain recently by Bebe Daniels. Bebe and her husband, Ben Lyon, are among the best loved personalities in Great Britain. Their radio program, "Hi, Gang", has enjoyed the longest run 'on the air' of any show produced since the war began.

Another popular American in England, band leader Carroll Gibbens, introduced *There I Go* and *So You're the One* to British listeners, sharing the honors with the British band leaders, Jack Payne and Geraldo.

BMI FEATURE TUNES

June 2 - June 9

1. MY SISTER AND I
2. WALKIN' BY THE RIVER
3. WISE OLD OWL
4. FRIENDLY TAVERN POLKA
5. G'BYE NOW
6. WHAT D'YA HEAR FROM YOUR HEART
7. HERE'S MY HEART
8. WITH A TWIST OF THE WRIST
9. I WENT OUT OF MY WAY
10. THE RELUCTANT DRAGON
11. ALL ALONE AND LONELY

Hollywood Report

Hi, Neighbor, a new BMI song by Jack Owens, cowriter of the *Hut Sut Song,* will be sung by the Merry Macs in the new Universal picture, *San Antonio Rose.* One of the Macs, Ted McMichael, collaborated with Owens on the *Hut Sut Song.*

This information is brought to New York by Harry Engel, head of BMI's west coast division, who points out that everyone in Hollywood with the exception of the motion picture producers owning music publishing companies is completely satisfied with the music situation as it is.

"We have had no complaints of any kind for the past three months," said Mr. Engel. "The advertising agencies and performing artists, as well as the broadcasters, are finding all the material they want for performance without difficulty. We are continuing to receive the same favorable comment from the Mutual stations that we received in the past."

Songwriters All

A galaxy of the people in all walks of life who write songs will be staged soon in the Grill Room of the Hotel Taft by Frankie Masters who has asked BMI for as large a company of talented and photogenic writers as can be assembled in New York. Those who write songs as a hobby as well as those who have become prosperous from the fat checks received from their creation will be included. Frankie will endeavor to play as many as his high standard of entertainment permits.

Among the many BMI candidates are: Joan Whitney, night club singer; Jack Baker, business executive; Helen Bliss, department store clerk; Lanny Ross, vocalist; Kent Cooper, head of Associated Press; Robert Sour, broker; Hy Zaret, lawyer; Jean Barry, clerk in Macy's; Norman Weiser, magazine writer; Leah Worth, clerk in Hosiery shop; Kay Twomey, model and designer; Sylvia Dee, housewife.

They Buy Ballads

Romantic ballads lead all other types of popular songs by a big margin in popularity with the radio audience, it is revealed in a survey of the best selling numbers published by BMI. Radio listeners buy about four times as many ballads as rhythm numbers and novelties. In the first year of operation, BMI has had some twelve outstanding hits—an unusual record for any one publishing house, and, of these, only three fell in the rhythm and novelty classification, *Practice Makes Perfect, So You're the One,* and *The Wise Old Owl.*

Of BMI's twelve big sellers, nine are ballads, headed by *I Hear a Rhapsody,* a 200,000 copy number that is 1941's most popular song thus far. Other BMI ballads that have been great favorites all over the country are *There I Go, You Walk By, High On A Windy Hill, May I Never Love Again, I Give You My Word, Walkin' By the River, It All Comes Back To Me Now,* and *My Sister And I.*

My Sister And I, the newest hit to come from BMI, is creating a sensation along Tin Pan Alley—comparable to the furor aroused by *I'll Never Smile Again* last year. Written by BMI's 'Big Three', Hy Zaret, Joan Whitney and Alex Kramer, the touching ballad retells in song the recollections of a little Dutch boy and his sister who were forced to leave Holland by the Nazi invasion. Although the number has just begun to hit its stride, it has already sold more than 100,000 copies, including arrangements, and is a best seller on nine phonograph records.

"All Alone and Lonely"

When Jimmy Dorsey's Decca recording of *All Alone and Lonely* was released last week, a lot of people were very happy. Swing master Dorsey was certain that he had another topnotch record to follow his last great success, *Amapola.* BMI, publisher of the new song, felt that *All Alone and Lonely* was another hit song to add to the string of BMI hits that began last August with *Practice Makes Perfect.* But David Sanders and Al Pearson, the two Detroit boys who wrote the song, were probably the happiest of the lot.

A few months ago they had given up hope of becoming songwriters. Music publishers in Detroit were not very receptive and neither one of the boys could leave home and try to interest publishers in Chicago or New York. But you can't keep a good song down these days. After passing through the hands of many musicians who had heard *All Alone and Lonely,* played by the four piece rhythm band David Sanders leads in Detroit's 'Frog's Club', a copy of the song found its way into the hands of Jimmy Dorsey.

Jimmy Dorsey, who is billed as the "World's Greatest Saxophonist" might well add "World's Greatest Tune Picker" to his billing. One of the first leaders to see the potential of *High On A Windy Hill, I Hear A Rhapsody, Amapola* and a score of other Hit Parade favorites, Dorsey played the new song once and put it down for immediate recording. Convinced of the commercial possibilities of the ballad, he brought it to BMI and within a few days contracts were signed with Pearson and Sanders for immediate publication of the song.

All Alone and Lonely marks the first successful venture into songwriting for this newest team of composers. Sixfooter Sanders plays the piano, organ, and solovox, and has been a professional musician since the age of sixteen when he was regular organist at a Baptist Church in Wilmington, Delaware. Following that ecclesiastical booking, he went to work in Toledo speakeasies as pianist and eventually formed the small rhythm band he is now leading. His major ambition is to "be a good songwriter" and everybody at Broadcast Music, Inc. is convinced that he is on his way.

Al Pearson, the other writer of the song, is a guitarist who studied at the Detroit Conservatory of Music for three years. He has played in night clubs as master of ceremonies, tenor vocalist and featured guitarist. Pearson is still a little dazed by his new found success. After he had signed the publication contract he asked that he be notified by wire whenever his song is played on the air. If Jimmy Dorsey has picked another hit song, and BMI succeeds in making a spot on the Hit Parade for it, there'll be a long line of messenger boys making its way to the Pearson front door.

Torch Tune

BMI's *I Went Out Of My Way,* is being hailed with the same professional enthusiasm that greeted *My Sister And I.* Six recordings have been made or scheduled: Joan Merrill (Bluebird), Teddy Powell (Bluebird), Jan Savitt (Victor), Orrin Tucker (Columbia), Frankie Masters (Okeh), and Connie Boswell (Decca). Both words and music are by Helen Bliss who wrote *The Moon Won't Talk.*

STATE LEGISLATION

Florida:

H. 1429 (Burwell, et al.) MUSICAL COPYRIGHT—COLLECTIONS—Relating to the collection of fees and royalties from persons doing business in this state for the privilege of using, selling, performing or broadcasting, publicly or privately, any musical device of any nature, compositions, songs, or plays. Referred to Committee on Finance and Taxation.

FEDERAL COMMUNICATIONS COMMISSION

FLY DISCUSSES TELEVISION, FM

Progress of FM broadcasting and television are not likely to be interfered with because of government priorities, FCC Chairman James Lawrence Fly said at a press conference early this week. Mr. Fly said that he has not received any official reports on this subject and the Commission is keenly alive to the problem.

The Chairman said that naturally as requirements become heavier there will be less and less supply of everything. He said that it particularly and naturally affects the entire radio field in terms of new production. He stated that priorities are inclined to weigh heavier on FM than on a going outfit, such as standard broadcast. Mr. Fly said that he doubted whether the Commission should delay commercialization of FM and television. He doubted the wisdom of such a move contending that postponing this would only be another disturbing influence. He said that he didn't think that the Commission should move in and out in such a way. Even under present conditions, he said, the industry has an opportunity to square away and use the time to good advantage.

SUPPLEMENTAL FORM ADOPTED

Pursuant to its new chain broadcasting regulations, the FCC has adopted a supplemental form (FCC Form No. 335, "Supplement Concerning Chain Broadcasting to Application for Standard Broadcast Authorization"), in which all applicants for such broadcast facilities must attest to network affiliation, if any. Licensees are required by Section 43.1 of the Rules and Regulations to keep the Commission informed of contracts and arrangements, including changes, covering chain affiliations.

To fulfill the assurance given in the Commission report on chain broadcasting, the Rules of Practice and Procedure have been amended (Sections 1.71 and 1.81) to provide a hearing in cases where the applicant desires to enter into or retain a contract not in conformity with the chain broadcasting rules.

NEW FCC RULE

FCC has adopted Section 2.92 of the General Rules and Regulations under the heading "National defense-emergency authorization" as follows:

"The Federal Communications Commission may authorize the licensee of any radio station during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army or Navy."

RULE AMENDED

FCC amended its Rules of Practice and Procedure by striking the third proviso of Section 1.71 thereof, reading as follows:

"Provided, further, That in cases where an applicant desires a modification of a rule or regulation, he shall submit a formal petition setting forth the desired change and the reasons in support thereof."

The Rules of Practice and Procedure are amended by adding the following new provision:

"Amendment of Rules"

"Sec. 1.81—*Requests for amendment of rules.* Any person may petition for amendment of any rule or regulation. Such petition shall show the desired change in the rules and regulations and set forth the reasons in support thereof.

* * * * *

Paragraph (b) of Section 1.72 of the Rules of Practice and Procedure is hereby repealed, and the following provisions adopted in lieu thereof:

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied either (1) by a petition in accordance with Section 1.81 to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(d) Defective applications will not be considered by the Commission."

The Commission also extended the effective date of Section 3.32(b) of Standard and High Frequency Broadcast Rules which prohibits broadcasting of commercial programs under experimental authorizations, to July 29, 1941.

SHORT WAVE PROPAGANDA

James Lawrence Fly, Chairman, Federal Communications Commission, gave the following address before the Committee on Communications, American Bar Association, at luncheon, May 23, 1941:

I am happy to be here with you this noon, and to join you in showing appreciation for the services rendered by the editors of the Federal Communications Bar Journal. All of us know how important it is to have a medium for the reporting of legal news and the discussion of legal problems in the communications field. Such a medium is important for the functioning of any bar group, and these young men are to be congratulated for having undertaken this significant task, and for having devoted their time to it so unselfishly.

My subject this noon is foreign short-wave propaganda, and the Foreign Broadcast Monitoring Service, recently established by the Federal Communications Commission to record, transcribe, and analyze foreign short-wave programs.

The amount of this stuff aimed by various countries at the United States is really amazing. Thus, the Italian radio sends us more than four hours of broadcasts a day; the British Broadcasting Company (BBC), about six and one-half; and the German radio nearly eleven. Japan's North American service now runs to about four and one-half hours daily. To this total must be added various programs directed at American audiences by radio stations in Australia, the Soviet Union, and fifteen or twenty other nations. To increase the possibilities of good reception, programs are usually broadcast on three, and often as many as five frequencies.

The contents of these broadcasts range from dance music to learned discourses on economics or anthropology, with regular news the standard fare for stations in almost every country. All sorts of devices are used to attract listeners. Lord Haw-Haw was Germany's chief drawing card, but his popularity, I am informed, has declined. Both England and Germany announce lists of prisoners taken, in order to build up audiences on the other side; they know that relatives and friends of soldiers at the front will listen for familiar names. Other devices are used to attract American listeners: Britain has its equivalent of our March of Time on the Air; Germany has Fritz and Fred, an "ersatz" version of Lum 'n' Abner or Amos 'n' Andy. The Rome radio has a musical request program for American listeners; Berlin spends much radio time reading and replying to cables and letters from the United States. ASCAP music was available on the short waves throughout the period when favorite ASCAP tunes could be heard on few American stations.

No one really knows just how many Americans listen to these broadcasts. Private surveys indicate that there are few regular short-wave listeners in the United States; my own guess is that foreign broadcasts—except, of course, those relayed over American networks—reach a relatively small American audience. For example, I doubt whether more than half a dozen of you have listened to a foreign short-wave propaganda broadcast during the past month. How about that? How many of you have actually listened in on short-wave to British, German, Italian or other foreign broadcasts during the past month?

Experts in the field inform me that few of the propaganda devices used in broadcasting are new; they are chiefly the old devices of exaggeration, suppression, distortion, appeals to vanity, pride, and self-interest, and exploitation of previously existing jealousies and hatreds. Thus, the Germans point to the period of the American Revolution and the War of 1812; the Englsh point to the century of good feeling which has existed since.

Even a slight difference in emphasis may have very real significance. When the Italians seized the British fort Sidi Barrani last fall, for example, the Italian radio acclaimed the victory as of great importance. When the British recaptured it thereafter, Italian announcers called it a "miserable victory," and depreciated its importance. Similarly, during the very first days of the Greek campaign when the Greeks were retreating, the British radio talked about the *Greek* army. But when the tables were turned and the Italians were hurled back into Albania, the British radio stressed the Italian defeat at the hands of *"allied forces."* You seldom hear much about "German victories" over the Italian radio; it always speaks of "Axis victories."

In general, programs beamed at the United States are of three types. Some are intended to appeal to Americans in general. News broadcasts and talks on current issues are of this type. A second type of program is aimed at particular groups of Americans. One night last week, for example, BBC broadcast to the United States a program appealing primarily to American ministers of the gospel, while a simultaneous German program was appealing primarily to tenant farmers, share croppers, and the Oakies portrayed in "Grapes of Wrath." In general, the BBC seems to concentrate upon American groups which are in a position to influence public opinion, while Germany caters to larger but less articulate sections of the American public.

A third type of propaganda program is aimed specifically at Americans of foreign descent. Frequently these programs are in a foreign language, and it is interesting to contrast the news broadcast to the United States in English with the news broadcast immediately before or after by the same foreign station in its own language.

The real significance of such programs is seldom visible upon their face. The German radio, for example, hinted not long ago of certain frictions between the French government at Vichy and the German government, and portraying the French government as taking a firm stand. Did this indicate actual friction between the two? Probably not. The underlying significance was presumably either an attempt by Germany to paint the French government as independent of German domination, in order to procure for Vichy a more favorable treatment from the United States; or else a move to prepare American listeners for some new action by the French. Other examples can be given of how motives, and hence probable future actions, can be inferred from propaganda by radio.

The significance of such broadcasts often lies less in what is said than in the frequency with which it is said and the proportion of time devoted to saying it. The various themes which each foreign station dwells upon can be charted in almost the way that the rise and fall of a stock on the stock exchange can be charted. The former director of the Princeton University listening center, now on the FCC Monitoring Service staff, has prepared a chart showing the shift in emphasis of Nazi broadcasts to the United States which occurred about May 1940, when Belgium and Holland were invaded. Prior to that time, somewhat more emphasis was placed upon praise of United States isolationism than upon criticism of the United States. After May 1940, more than twice as much emphasis was placed upon criticism of the United States as upon praise of isolationism.

One of the chief motifs of German broadcasts today seems to be the attempt to drive a wedge between the American people and what the German radio now calls "Washington politicians." Another is the driving of a wedge between Jews and non-Jews in the United States. This German short-wave anti-Semitism appears to be aimed less at injuring the Jews of the United States than at attempting to stir up American disunity and domestic strife.

I should say that the British broadcasts aimed at the United States have vastly improved in effectiveness during recent months. The British Broadcasting Company once sent us learned but dull discourses by university professors about the niceties of international law, or descriptions of Buddhism by retired army officers. Today, listeners on short-wave can hear Somerset Maugham, a novelist popular with the American public, or Leslie Howard, an actor well-known to American movie audiences. Similarly, the North American broadcasts of the French Government station, Paris-Mondial, were, when first inaugurated in the spring of 1938, extremely dull and uninspired. With the invasion of Denmark and Norway in April, 1940, a significant change occurred. "Cultural" talks and features designed particularly for women and students of art and literature were substantially replaced by news and comment designed to inspire confidence in France and hatred of Germany.

Frequently American listeners are given varying treatments of the same theme from different sources almost simultaneously. Thus, when our ambassador to England, Mr. John G. Winant, spoke at a luncheon in London some days ago, the British transcribed his address and broadcast portions of it that very evening. German listening posts evidently picked it up and transcribed it, for the following evening the German radio carried portions of the speech, interlarded with German analysis and comments. Similarly each major American speech or diplomatic move is variously interpreted from London and Berlin. In such cases, the American short-wave listener has available something approaching the forum debates broadcast over domestic stations, except that on the short waves he must tune to various stations to get various points of view.

The first American agencies to engage in systematic rather than casual listening to foreign short-wave broadcasts were probably the newspapers. Various newspapers, news gathering agencies, and the news divisions of our broadcasting networks set up listening posts during 1939, as a supplement to their more formal news gathering routines. Shortly thereafter, political science and journalism departments in our universities took an interest; listening posts were established at Princeton, Leland Stanford, and elsewhere. The Federal Communications Commission has had the aid and advice of these pioneers in establishing its own Foreign Broadcast Monitoring Service.

The first step in this monitoring is to record the programs picked up on phonograph records, a task performed by the regular FCC National Defense Operations Section, and then to transcribe the records to paper. This transfer of the programs to paper is essential, for as repeated psychological studies have shown, human beings accept spoken words less critically than written words. With a typed script before you, you can analyze, criticize and deduce. When listening to spoken words, the tempo is such that you can only accept or reject.

Once scripts are reduced to writing, and those in foreign languages translated into English, the task is to condense. The British alone broadcast each week more words than are contained in the Bible or in the works of Shakespeare; this flood of material must be reduced to manageable proportions.

In sifting the grain from the chaff, trends are often more important than specific statements. A discussion of the invasion of England from a German station, for example, or a discussion of Far Eastern developments from Great Britain, may have little significance. But if an increasing proportion of German radio time were to be devoted to invasion stories, or an increasing proportion of British radio time to the Far East, we might safely infer the preparation of some move in these directions. Likewise, much is to be learned from a comparison of daily broadcasts sent to different parts of the world. Thus, while the Nazi broadcasts aimed at Britain and North America in the summer of 1940 dealt menacingly and often with invasion of England, domestic German broadcasts seldom alluded to the subject. The obvious deduction was that early invasion was not actually contemplated since the German home front was hearing little or nothing about it and was not being led to expect it.

Careful analysis of foreign short-wave broadcasts should keep the United States informed of the objectives which other countries are pursuing, and of their attitude toward the United States. The Report Section of the FCC's new Foreign Broadcast Monitoring Service will prepare confidential daily summaries, both factual and interpretative, of foreign broadcasts. These summaries will be made available for the information of various government departments.

Fear has been expressed in some quarters that foreign propaganda aimed at the United States by short-wave may corrupt the American listening public. I am very much inclined to doubt it. Listening in over the short-wave band of my own radio, and then turning back to the domestic broadcast band, I do not believe that any appreciable proportion of Americans are going to rely upon broadcasts from abroad so long as American broadcasting stations adhere to high standards of impartiality and completeness in their news and discussion programs. In a country where neither the press nor the radio is free, propaganda broadcasts from abroad may have considerable influence. But so long as the public trust in the impartiality of domestic news and discussion is maintained, few if any listeners will be misled by partisan propaganda from abroad.

FROM THE FCC MAIL BAG

Various letters suggesting that broadcasts in foreign languages be discontinued by domestic radio stations have been received by the Federal Communications Commission. The Commission advises that it has issued no ruling which precludes such broadcasts. An extensive study, however, has been made of foreign language programs. Each licensee has the initial responsibility under the law for the selection of program material, and foreign language broadcasts are subject to the same considerations that govern general broadcast service. Specific complaints regarding programs which appear to be contrary to the public interest receive prompt attention.

To a national group which urged that foreign language programs be not "ruled off the air without further consideration," Chairman James Lawrence Fly stated these personal views:

"In my opinion foreign language broadcasts are of considerable value. I believe that it would be a serious mistake for either the Government or the broadcast stations to take any action at this time to discontinue or curtail them. These programs have an important place in the lives of foreign-born citizens and residents, and it is likely that their elimination would be regarded as a senseless discrimination, arousing antagonism and hostility. In particular, I wish to concur in your opinion that these broadcasts can play an important role in the 'Americanization process.' It seems clear to me that any persons . . . who are bringing pressure on stations to discontinue all foreign language programs are pursuing a shortsighted policy and should not be encouraged."

The Commission has received numerous letters regarding alleged refusal of broadcasting time to Charles A. Lindbergh. Such inquirers are informed:

"Broadcast stations are expressly declared by the Communications Act not to be common carriers and, accordingly, determination as to who shall appear on programs is a matter resting in the first instance with the individual broadcast station. Broadcasters have the duty of serving the public interest, convenience, and necessity and the discretion left to them in the selection of who may use broadcast facilities and the conditions with respect to such use is subject to this legal requirement.

"In carrying out the obligation to render a public service, stations are required to furnish well-rounded rather than one-sided discussions of public questions. This duty does not imply any requirement that the use of broadcast facilities shall be afforded to any particular individual or group. In other words, the duty of the station is to present both sides of public issues fairly rather than to allow any one man to use its facilities. The Commission will give consideration to any evidence that both sides of the questions upon which Colonel Lindbergh sought to speak are not being fairly presented by any radio station."

To a woman who wants to be guest on the "I'm an American" program, the Commission reiterates that it is without authority to put anybody on or take anybody off the air; that such determination rests with the individual broadcast station. The same explanation is given to another woman who would force radio stations to use a particular song, and to a Dayton listener who protests rendition of classical music in syncopated style, and to a citizens' group which adopted a resolution favoring "less time for broadcast programs of an emotional nature and more time for programs with constructive and educational features." In the case of letters objecting to particular programs the Commission suggests that such comments be transmitted directly to the station involved.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, June 2. They are subject to change.

Monday, June 2

NEW—Symons Broadcasting Company, Ellensburg, Wash.—C. P., **1110 kc.,** 1 KW, unlimited time.
WHB—WHB Broadcasting Company, Kansas City, Mo.—C. P., **710 kc.,** 5 KW, DA-night and day, unlimited time.
WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—C. P., **710 kc.,** 10 KW, unlimited time, DA-night.

Monday, June 2

Hearing to be held in Pensacola, Florida, beninning June 2 and continued thereafter in Panama City, Florida, and Ocala, Florida, as follows:

Pensacola, Florida, in Court Room, County Court Building.
Panama City, Florida, in Court Room, County Court House.
Ocala, Florida, in U. S. Court Room, 2nd Floor, U. S. Post Office Building.

WTMC—Ocala Broadcasting Company, Inc., Ocala, Fla.—In the Matter of Revocation of License of Station.
WDLP—Panama City Broadcasting Company, Panama City, Fla.—In the Matter of Revocation of License of Station.

Tuesday, June 3

Broadcast

Consolidated Hearing

To be held in Portsmouth, Ohio, in the Scioto County Probate Court Room

WPAY—Chester A. Thompson (Transferor) and The Brush-Moore Newspapers, Inc. (Transferees), Portsmouth, Ohio.—Transfer on control of corp., **1370 kc.,** 100 watts, unlimited time.
WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Renewal of license, **1370 kc.,** 100 watts, unlimited time.

Friday, June 6

NEW—Butler Broadcasting Corporation, Hamilton, Ohio.—C. P., **1420 kc.,** 250 watts, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

June 27

NEW—Parkersburg Sentinel Company, Parkersburg, W. Va.—C. P., **1310 kc.,** 250 watts, unlimited time.
WRDO—WRDO, Incorporated, Augusta, Maine.—Renewal of license, **1400 kc.,** 100 watts, unlimited time.

July 28

KMA—May Broadcasting Company, Shenandoah, Iowa.—Renewal of license, **930 kc.,** 1 KW night, 5 KW day, unlimited.

August 1

To be held in Atlanta, Georgia

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **890 kc.,** 1 KW night, 5 KW LS, unlimited time.

August 4

KFRO—Voice of Longview, Longview, Texas.—Modification of C. P., **1340 kc.,** 5 KW, unlimited, DA-night. Present assignment: **1340 kc.,** 1 KW, unlimited, DA-night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KENO—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co. (assignor), Nevada Broadcasting Co., a corporation (assignee). Las Vegas, Nevada.—Granted consent to consignment of license of station KENO from George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co. to Nevada Broadcasting Company, a corporation; station operates on **1400 kc.,** 250 watts, unlimited time.
W3XE—Philco Radio & Television Corp., Philadelphia, Pa.; W3XP—Philco Radio & Television Corp., Portable (area of Philadelphia, Pa.).—Present license for television station further extended on a temporary basis only, for period June 1 to not later than July 1, 1941, pending determination upon application for renewal (B2-SVB-8) and (B2-SVB-19).
W2XVP—City of New York, Municipal Broadcasting System, New York City.—Present license for high frequency broadcast station further extended on a temporary basis only, for period June 1 to not later than July 1, 1941, pending determination upon application for renewal (B1-SHB-71).
W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present license for high frequency broadcast station further extended on a temporary basis only, for period June 1 to not later than July 1, pending determination upon application for renewal (B5-SHB-48).
W4XA—The National Life & Accident Ins. Co., Inc., Nashville, Tenn.—Present license for high frequency broadcast station further extended on a temporary basis only, for period June 1 to not later than July 1, 1941, pending determination upon application for renewal (B3-SHB-51).
W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present license for high frequency broadcast station further extended on a temporary basis only, for period June 1 to not later than July 1, 1941, pending determination upon application for renewal (B3-SHB-21).
WERC—Presque Isle Broadcasting Co., Erie, Pa.—Granted modification of construction permit to change type of transmitter originally specified (B2-MP-1146).

DESIGNATED FOR HEARING

George Grant Brooks, Jr., Scranton, Pa.—Application for construction permit for new broadcast station to operate on **1400 kc.,** 250 watts, unlimited time, exact site and antenna system to be determined with Commission approval; requests facilities of WARM. Joint hearing with application of WARM for renewal of license and application of Anthracite Broadcasting Co., Inc., for new station at Scranton to operate on **1400 kc.,** 250 watts, unlimited, requesting facilities of WARM.

WICA—WICA, Inc., Ashtabula, Ohio.—Application for construction permit to install a new transmitter and directional antenna for night use; increase power from 1 KW to 5 KW day, 1 KW night, and change hours of operation from daytime only to unlimited (B2-P-3081).

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Application for construction permit to change frequency from **1490** to **970 kc.;** increase power from 250 watts to 1 KW night, 5 KW day; install new transmitter, move transmitter to 1½ miles north of McKees Rocks Boro, Stowe Twp., Pa. (3 miles NW center of Pittsburgh), and install directional antenna for day and night use. To be heard jointly with application of WICA listed above (B2-P-3055).

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Application for construction permit to change frequency from **1170** to **1070 kc.;** increase power from 5 to 50 KW; move transmitter, install new transmitter, and directional antenna for night use.

APPLICATIONS PLACED IN PENDING FILES

KMMJ—Don Searle, G .A. Searle, Jr., Helen Searle Blanchard and Herbert Hollister (Transferors); Grand Island Independent Publishing Co. (Transferee), Grand Island, Neb.—Placed in pending files pursuant to Order No. 79, application for consent to transfer all the outstanding stock of station KMMJ, Inc., from Don Searle, H. A. Searle, Jr., Helen Searle Blanchard and Herbert Hollister, to the Grand Island Independent Publishing Co. (B4-TC-268).

WTFL—Tom M. Bryan (Assignor), Ralph A. Horton (Assignee), Fort Lauderdale, Fla.—Placed in pending files pursuant to Order No. 79, application for consent to the assignment of license of station WTFL, from the individual licensee, Tom B. Bryan to Ralph A. Horton (B3-AL-305).

WOKO, Inc., Albany, N. Y.—Placed in pending files pursuant to Order No. 79, application for new FM station (B1-PH-80).

Courier-Journal and Louisville Times Co., Louisville, Ky.—Placed in pending files pursuant to Order No. 79, application for new FM station (B2-PH-88).

MISCELLANEOUS

W2XVT—Allen B. DuMont Labs., Inc., Passaic, N. J.—Granted special temporary authority to operate a 100 watt transmitter with special emission for FM on channel No. 1 **(50000-56000 kc.),** in order to conduct tests, for the period May 21 to June 19, providing no interference is caused to other stations.

KRME—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate the relay transmitter covered by pending application for construction permit (B5-PRY-245) in order to broadcast races on Inland Lake, Yosemite, San Joaquin Valley, for the period May 25 to May 31, only (B5-S-896).

KGU—Marion A. Mulrony & Advertiser Publishing Co., Inc., Honolulu, Hawaii.—Granted special temporary authority to rebroadcast transmissions of U. S. Army planes EY3, HF7 and L35 operating on **6500 kc.** for a period of about one-half hour on the evening of May 20, in connection with territory "Blackout" scheduled to take place throughout Hawaii only (B-S-124).

High Point Broadcasting Co., High Point, N. C.; Ralph L. Lewis, Greensboro, N. C.—The Commission on its own motion consolidated the hearing now set for May 21 on these two applications and continued same until May 28, 1941.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7 p. m. until conclusion of Modesto Music Festival from Junior College Auditorium on May 23 only (B5-S-825).

WDAE—Tampa Times Co., Tampa, Fla.—Granted special temporary authority to rebroadcast transmission between 5:30 and 5:45 p. m. EST, May 26, of Florida Forest and Park Service, radio station WRQO on **2226 kc.** in special demonstration of forest fire prevention service program only (B3-S-437).

W2XBS—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate a specially constructed 1 KW peak power, special emission laboratory model FM visual transmitter alternately with the regular W2XBS transmitter on Channel No. 1 for the purpose of making field observations, for the period May 25 to June 25, 1941.

W2XBS—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate television broadcast station W2XBS with special emission in addition to A3 emission on Channel No. 1, in order to conduct experimental tests for the NBC for period May 26 to June 24.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-889).

WTAW—Agricultural & Mech. College of Texas, College Station, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-852).

WSBC—Radio Station WSBC, Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-872).

KHBC—Hawaiian Broadcasting System, Ltd., Hilo, T. H.—Granted authority to determine operating power by direct measurement of antenna input (B-Z-901).

KROY—Royal Miller, Sacramento, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-900).

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-869).

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-883).

KGA—Louis Wasmer, Spokane, Wash.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-903).

KLBM—Harold M. Finlay, La Grande, Ore.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-850).

KYA and Aux.—Hearst Radio, Inc., San Francisco, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-866) and (B5-Z-870).

KFVS—Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-877).

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-858).

KVOX—KVOX Broadcasting Co., Moorhead, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-792).

WMPC—The Liberty St. Gospel Church of Lapeer, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-881).

KFJB—Marshall Electric Co., Marshalltown, Iowa.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-893).

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-854).

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Granted authority to determine operating power by direct measuremena of antenna input (B3-Z-837).

KMED—Mrs. M. J. Virgin, Medford, Ore.—Granted authority to install automatic frequency control equipment (B3-F-187).

WFTC—Jonas Weiland, Kinston, N. C.—Granted authority to install automatic frequency control equipment (B5-F-187).

KHUB—John F. Scripps, Watsonville, Calif.—Granted authority to determine operating power by direct measurement (B5-Z-836).

WCBD—WCBD, Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement (B4-Z-871).

WDAN—Northwestern Publishing Co., Danville, Ill.—Granted authority to determine operating power by direct measurement (B4-Z-842).

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted authority to determine operating power by direct measurement (B4-Z-818).

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Granted authority to determine operating power by direct measurement (B3-Z-878).

KBTM—Regional Broadcasting Co., Jonesboro, Ark.—Granted authority to determine operating power by direct measurement (B3-Z-856).

KVNU—Cache Valley Broadcasting Co., Logan, Utah.—Granted authority to determine operating power by direct measurement (B5-Z-874).

KENO—Nevada Broadcasting Co., Las Vegas, Nev.—Granted construction permit to move studio and transmitter from The Meadows to El Rancho Vegas, Las Vegas (B5-P-3135).

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted construction permit to change type of transmitter, make changes in antenna and change location of transmitter to lower floor level same address; **1240 kc.** under NARBA (B4-P-3133).

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Granted construction permit to change tubes in last radio stage from four RCA 209-A to two RCA 805 (B3-F-3123).

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted modification of construction permit (B5-P-2843, which authorized increase in power, installation of DA for day and night use, changes in equipment, and move of transmitter) for installation of new transmitter, and extension of commencement date to 60 days after grant and completion date to 180 days thereafter (B5-MP-1293).

KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted license to cover construction permit (B5-P-2940) which authorized changes in transmitting equipment and to specify **1360 kc.** under NARBA (B5-L-1398).

WRDO—WRDO, Inc., Augusta, Me.—Granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA (B1-Z-758).

KOMA—KOMA, Inc., Oklahoma City, Okla.—Granted authority to determine operating power by direct measurement of antenna power on **1520 kc.** under NARBA (B2-Z-771).

KUSD—University of South Dakota, Vermillion, So. Dak.—Granted special temporary authority to remain silent for the period June 9 to 2:30 p. m., September 15, 1941, in order to observe University summer vacation (B4-S-651).

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Denied special temporary authority to operate daytime with non-directional antenna until sunset at Sacramento, Cal., for a period not to exceed 30 days (B2-S-762).

KFJZ—Tarrant Broadcasting Co., Fort Worth, Tex.—Granted modification of construction permit (B3-P-2497, which authorized new transmitter, installation of directional antenna, increase in power and move of transmitter to ½ mile NW of Birdville, Texas) for extension of completion date to August 15/41 (B3-MP-1292).

GMYR—F. W. Meyer, Denver, Colo.—Granted license to cover construction permit (B5-P-2067, which authorized a new station to operate on **1340 kc.**, 100 watts night, 250 watts-LS, unlimited time) (B5-L-1394). Also granted authority to determine operating power by direct measurement of antenna power (B5-Z-862).

KPRC—Houston Printing Corp., Houston, Tex.—Granted modification of construction permit (B3-P-2791, for authority to install directional antenna and increase power to 5 KW) for changes in directional antenna requesting **950 kc.** under NARBA and extension of completion date to 120 days after grant (B3-MP-1264).

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted modification of construction permit (B3-P-1939, which authorized installation of new transmitter and directional antenna for night use, change of frequency and increase of power) for change in directional antenna for night use on **1150 kc.** under NARBA, and extension of commencement date to 10 days after grant and completion date to 30 days thereafter (B3-MP-1299).

WDSU—WDSU, Inc., New Orleans, La.—Granted modification of construction permit (B3-P-2923, which authorized move of transmitter, increase in power and installation of directional antenna for day and night use) for extension of completion date to September 1/41 (B3-MP-1288).

High Point Broadcasting Co., High Point, N. C.; Ralph L. Lewis, Greensboro, N. C.—The Commission on its own motion, continued the consolidated hearing now set for May 21 on these two applications, to May 28, 1941.

WHBQ—Broadcasting Station WHBQ, Inc., Memphis, Tenn.—Granted license to cover construction permit (B3-P-3075, for new transmitter and increase in power to 250 watts), **1400 kc.**, unlimited (B3-L-1396). Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-867).

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Texas.—Granted license to cover construction permit (B3-P-2230) for new transmitter, changes in antenna, increase in power to 1 KW and move; **1360 kc.**, unlimited (B3-L-1390).

WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Granted license to cover construction permit (B1-P-1877) as modified (B1-MP-1223), for new station to operate on **1420 kc.**, 1 KW, directional antenna, unlimited time (B1-L-1403). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-887).

WLAG—LaGrange Broadcasting Co., LaGrange, Ga.—Granted license to cover construction permit (B3-P-2763) as modified (B3-MP-1183) for new station to operate on **1240 kc.**, 250 watts, unlimited time (B3-L-1402). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-884).

KALE—KALE, Inc., Portland, Ore.—Granted license to cover construction permit (B5-P-2729, for installation of directional antenna for night use and increase in power to 5 KW) (B5-L-1339). Also granted authority to determine operating power by direct measurement of antenna power (B5-Z-739).

W47PH—Penna. Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit (B2-PH-69, covering new FM station) for change in type of transmitter and to make changes in antenna system (B2-MPH-21).

W6XAO—Don Lee Broadcasting System, Hollywood, Cal.—Granted license to cover construction permit (B5-PVB-38 as modified), for new television broadcast station upon an experimental basis only; **50000-56000 kc.**; visual power 1 KW; 150 watts aural power (B5-LVB-26).

WBOS—Westinghouse Radio Stations, Inc., Hull, Mass.—Granted license to cover construction permit (B1-PIB-23 as modified) to move international broadcast station, increase power to 50 KW, and makes changes in equipment (B1-LIB-15).

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 3:30 to 4:30 p. m. and from 5:30 to 6:30 p. m. CST, May 24, in order to broadcast baseball game with Upper Iowa University; from 3:30 to 4:30 and 5:30 to 6:30 p. m., CST, May 30, in order to broadcast baseball game with Upper Iowa University; from 3:30 to 4:30 p. m. and from 5:30 to 6:30 p. m., CST, June 2, in order to broadcast baseball game with Univ. of Wisc. only (B4-S-520).

KFDY—So. Dak. State College Brookings, S. Dak.—Granted special temporary authority to operate from 2 to 4:30 p. m., CST, May 24, in order to broadcast State Collegiate track meet; from 7:30 to 10:30 p. m., CST, June 9, in order to broadcast State College graduation exercises only (B4-S-645).

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 9:15 p. m., EST, to conclusion of President's Address on May 27, in order to broadcast said address only (B1-S-748).

KFRO—Voice of Longview, Longview, Tex.—Granted motion for continuance of 60 days of hearing now set for June 4, 1941, on application for modification of construction permit to change power from 1 to 5 KW.

The Metropolis Co., Ocala, Fla.; Bay County Publishers, Inc., Panama City, Fla.—Granted motions to accept amendments to applications for licenses for new stations so as to change answers to Question 15(a) re pending applications.

WGST—Georgia School of Technology, Atlanta, Ga.—Grented motion for continuance of 60 days of hearing on application for renewal of license, now set for June 7, 1941.

KMA—May Broadcasting Co., Shenendoah, Iowa.—Granted motion for continuance of 60 days of hearing on application for renewal of license, now set for May 27, 1941.

WRDO—WRDO, Inc., Augusta, Me.—Granted motion for postponement of hearing on application for renewal of license, for 30 days.

Ralph L. Lewis, Greensboro, N. C.—Dismissed motion and supplemental motion for continuance of hearing on application for construction permit for new station; on Commission's own motion continued indefinitely consolidated hearing on Lewis application and application of R. B. Terry, D. A. Rawley, C. M. Waynick and H. A. Cecil, d/b as High Point Broadcasting Co., High Point, N. C., for new station; referred to Commission the petition of

Lewis to sever his application from the High Point Broadcasting Co. application.

KTBC—State Capitol Broadcasting Assn., Inc., Austin, Tex.—Granted special temporary authority to operate from 8:30 to 9 a. m. and from 10 a. m. to local sunset, CST, on May 25, June 1, 8, 15 and 22, 1941, in order to broadcast a program originating in the Governor's mansion, provided WTAW remains silent.

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate from 9 to 10 a. m., CST, on May 25, June 1, 8, 15 and 22, 1941, in order to cooperate with KTBC in a special broadcast, provided KTBC remains silent.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to remain on the air from regular sign-off time (10 p. m., EST) to conclusion of Joe Louis-Bill Conn fight on June 18, 1941; to conclusion of Fritzie Zivic-Al Davis fight June 25, 1941, in event these bouts should run later than 10 p. m.

WBML—Middle Georgia Broadcasting Co., Macon, Ga.—Granted special temporary authority to rebroadcast a portion of the U. S. Army plane-to-plane communication in connection with the arrival of 160 U. S. Army training planes, 80 of which will be stationed at U. S. Army Flying School No. 1, between May 28 and June 5, 1941, only.

WSOC—Radio Station WSOC, Inc., Charlotte, N. C.—Granted license to cover construction permit as modified to install new transmitter, new antenna, move studio and transmitter, increase power specifying **1240 kc.** (B3-L-1399). Granted authority to determine operating power by direct measurement of antenna input.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate additional time May 27, 1941, in order to broadcast President Roosevelt's address only.

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Denied request for special temporary authority to operate on an unlimited time basis for a period of one month.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Denied request for special temporary authority to operate on an unlimited time basis for a period of one month.

W47A—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Granted special temporary authority to install at New Scotland, N. Y., and operate through a temporary antenna mounted on a 65-foot telephone pole, for a period not to exceed 90 days, pending installation of antenna described in construction permit.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 to 6 p. m., CST, on June 8, 1941, in order to broadcast complete Commencement Service of Purdue University only.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted extension of special temporary authority to remain silent for the period ending in no event later than June 19, 1941, pending completion of adjustments made necessary by fire.

WGEO—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to operate with the last intermediate power amplifier as the last radio stage; last radio stage consists of 6 General Electric GL858 tubes, maximum rated carrier power 50 KW for a period ending not later than September 1, 1941.

KEX—Oregonian Publishing Co., Portland, Ore.—Petition for reconsideration and grant of application for renewal of license for station KEX, granted, hearing heretofore scheduled, cancelled, and renewal of license granted on regular basis.

KGA—Louis Wasner, Spokane, Wash.—Petition for reconsideration and grant of application for renewal of license for KGA, granted, cancelled hearing heretofore scheduled, and renewal of license granted on regular basis.

WGN—WGN, Inc., Chicago, Ill.—Granted petitions of WGN to intervene and to enlarge issues in the hearing on the applications of WTCN, Minneapolis, and WHB, Kansas City, Mo., for construction permits to change frequency to **710 kc.**

Park Cities Broadcasting Corp., Dallas, Texas.—Granted motion for leave to intervene in the hearing on the application of WHB to change frequency to **710 kc.**, and dismissed motion for continuance of hearing.

APPLICATIONS FILED AT FCC

550 Kilocycles

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Authority to determine operating power by direct method.

560 Kilocycles

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Authority to determine operating power by direct method.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—License to cover construction permit (B4-P-1990) as modified to increase power from 1 KW night, 5 KW day, to 5 KW day and night; changes in directional antenna system, and new transmitter.

WGAN—Portland Broadcasting System, Inc., Portland, Maine—License to use formerly licensed WE 352-E-1 main transmitter as an auxiliary using 500 watts.

580 Kilocycles

NEW—Martha M. Russell, d/b as Russell Plantation, Russelltown, Tex.—Construction permit for a new broadcast station to be operated on **580 kc.**, 1 KW, unlimited hours. Class III-B. Amended to specify transmitter site as site to be determined.

590 Kilocycles

WKZO—WKZO, Inc., Kalamazoo, Mich.—Authority to determine operating power by direct method.

WKZO—WKZO, Inc., Kalamazoo, Mich.—License to cover construction permit (B2-P-3060) to install a new directional antenna for night use.

610 Kilocycles

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction permit to move formerly licensed RCA 1-DB main transmitter to be used as an auxiliary transmitter with power of 1 KW.

620 Kilocycles

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wisconsin.—Authority to determine operating power by direct method.

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wisconsin.—License to cover construction permit (B4-P-2696) as modified to install directional antenna for night use and increase power.

760 Kilocycles

WJR—WJR, The Goodwill Station, Detroit, Mich.—Authority to determine operating power by direct method.

770 Kilocycles

WCAL—St. Olaf College, Northfield, Minn.—Authority to determine operating power by direct method.

780 Kilocycles

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Construction permit to install new transmitter and directional antenna for night use, change frequency from **770** to **1080 kc.**, power from 10 to 50 KW, hours from Simul. D, share WBBM night to unlimited time and move transmitter. Amended to request **1110 kc.** under NARBA and make changes in directional antenna.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Authority to determine operating power by direct method.

790 Kilocycles

WEAN—The Yankee Network, Inc., Providence, R. I.—Authority to determine operating power by direct method.

850 Kilocycles

WEEU—Berks Broadcasting Co., Reading, Pa.—Authority to install new automatic frequency control equipment.

910 Kilocycles

WFDF—Flint Broadcasting Co., Flint, Mich.—Modification of construction permit (B2-P-2451) as modified, for installation of new transmitter and directional antenna for day and night use, increase power, change frequency, and move transmitter, requesting extension of completion date from 6-14-41 to 8-14-41.

950 Kilocycles

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—License for reinstatement of auxiliary license (B1-L-1271).

980 Kilocycles

NEW—Southwestern Michigan Broadcasting Corp., Kalamazoo, Mich.—Construction permit for a new broadcast station to be operated on **980 kc.**, 1 KW, unlimited hours, employing directional antenna at night. (Facilities WHAL, construction permit of WHAL to be surrendered if and when this application is granted.)

1000 Kilocycles

WINS—Hearst Radio, Inc., New York, N. Y.—Modification of construction permit (B1-P-3026) for approval of directional antenna system and approval of present licensed site. Amended to make changes in proposed directional antenna system, approval of studio and transmitter sites.

WINS—Hearst Radio, Inc., New York, N. Y.—Authority to determine operating power by direct method.

1040 Kilocycles

W9XC—Central Broadcasting Co., near Mitchellville, Iowa.—Modification of construction permit (B4-PEX-34) for increase power and new equipment, to change frequency from **1000 kc.** to **1040 kc.**, make changes in antenna and extend completion date from 10-11-41 to 150 days after date of grant.

1090 Kilocycles

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Authority to determine operating power by direct method.

1110 Kilocycles

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Construction permit to install directional antenna for night use. Amended to request **1110 kc.** under NARBA and changes in directional antenna.

1150 Kilocycles

WTAW—Agricultural and Mechanical College of Texas, College Station, Texas.—License to cover construction permit (B3-MP-1006) as modified, for new transmitter, increase in power and change frequency under NARBA.

WDEL—WDEL, Inc., Wilmington, Del.—Authority to determine operating power by direct method.

1240 Kilocycles

NEW—R. O. Hardin, tr. as Nashville Broadcasting Co., Nashville, Tenn.—Construction permit for a new broadcast station to be operated on **1240 kc.**, 250 watts, unlimited hours, Class IV. (Facilities of WSIX if and when vacated.)

WRAL—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Construction permit to install new transmitter, install directional antenna for night use, change frequency from **1240 kc.** to **620 kc.**, increase power from 250 watts to 1 KW night, 5 KW day, and move transmitter.

WRAL—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Authority to determine operating power by direct method.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Authority to determine operating power by direct method.

KGY—KGY, Inc., Olympia, Wash.—Authority to determine operating power by direct method.

1300 Kilocycles

KGLO—Mason City Globe-Gazette Co., Mason City, Iowa.—License to cover construction permit (B4-P-2329) as modified to install new transmitter, directional antenna for night use, increase power, change frequency; approval of transmitter site, changes in directional antenna on **1300 kc.** under NARBA.

KGLO—Mason City Globe-Gazette Co., Mason City, Iowa.—Authority to determine operating power by direct method.

1330 Kilocycles

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Construction permit to change frequency from **1330 kc.** to **630 kc.**, power from 1 KW to 1 KW night, 5 KW day, install new transmitter, make changes in directional antenna for day and night use and move transmitter. Amended to give transmitter site.

WHBL—Press Publishing Co., Sheboygan, Wisc.—Authority to determine operating power by direct method.

1340 Kilocycles

KXRO—KXRO, Inc., Aberdeen, Wash.—Authority to determine operating power by direct method.

KGEZ—Donald C. Treloar, Kalispell, Mont.—Authority to determine operating power by direct method.

KMYR—F. W. Meyer, Denver Colo.—Modification of license to increase power from 100 watts night, 250 watts to 250 watts day and night.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Authority to determine operating power by direct method.

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Authority to determine operating power by direct method.

WCLS—WCLS, Inc., Joliet, Ill.—Authority to determine operating power by direct method.

1350 Kilocycles

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Authority to determine operating power by direct method.

1360 Kilocycles

NEW—McKeesport Radio Co., McKeesport, Pa.—Construction permit for a new broadcast station to be operated on **1360 kc.**, Class IV, 250 watts and daytime hours.

1380 Kilocycles

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—License to cover construction permit (B3-P-2933) as modified, to install new transmitter, make changes in antenna, change frequency and increase in power.

1400 Kilocycles

NEW—Frank T. Nied and Perry Stevens, d/b as Nied and Stevens, Warren, Ohio.—Construction permit for a new broadcast station to be operated on **1400 kc.**, class IV, 250 watts and unlimited hours. Amended to specify transmitter site.

NEW—South Jersey Broadcasting Corp., Vineland, N. J.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 250 watts, unlimited hours. Class IV, facilities of WDAS. Amended to request **1400 kc.**, Class IV, facilities of WDAS when WDAS goes to **1260 kc.**

WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Authority to determine operating power by direct method.

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Authority to determine operating power by direct method.

NEW—William J. Bray, James L. Ewing, T. B. Lanford and John C. McCormack, d/b as The Capitol Broadcasting Co., Port Allen, La.—Construction permit for a new broadcast station to be operated on **1400 kc.**, 250 watts, unlimited hours.

NEW—Henry Norman Saurage, Baton Rouge, La.—Construction permit for a new broadcast station to be operated on **1400 kc.**, 250 watts, unlimited hours.

WJZM—Wm. D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—Modification of construction permit (B3-P-2983) for a new station, requesting approval of antenna, transmitter, and transmitter and studio sites.

WEST—Associated Broadcasters, Inc., Easton, Pa.—Authority to determine operating power by direct method.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Authority to determine operating power by direct method.

NEW—Air-Waves, Inc., Baton Rouge, La.—Construction permit for a new broadcast station to be operated on **1400 kc.,** 250 watts, unlimited hours.

1410 Kilocycles

WALA—W. O. Pape, tr. as Pape Broadcasting Co., Mobile, Ala.—Modification of construction permit (B3-MP-932) as modified, for increase in power, installation of new equipment and directional antenna for night use, and move transmitter, requesting extension of completion date from 6-29-41 to 9-29-41.

1420 Kilocycles

NEW—Anthracite Broadcasting Co., Inc., Scranton, Pa.—Construction permit for a new broadcast station to be operated on **1400 kc.,** 250 watts, unlimited hours. Class IV. Facilities of WARM.

1440 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—Authority to determine operating power by direct method.

1450 Kilocycles

KFIZ—The Reporter Printing Co., Fond du Lac, Wisc.—Authority to determine operating power by direct method.

WNAB—Harold Thomas, Bridgeport, Conn.—Modification of construction permit (B1-P-2410) as modified, for a new broadcast station, requesting change in type of transmitter, approval of studio site and extension of completion date from 6-30-41 to 90 days after grant.

WRLC—R. G. LeTourneau, Toccoa, Ga.—Authority to determine operating power by direct method.

WRLC—R. G. LeTourneau, Toccoa, Ga.—License to cover construction permit (B3-P-2767) as modified, for a new station.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Authority to determine operating power by direct method.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Authority to determine operating power by direct method.

NEW—Forward Wheeling Radio Corp., Wheeling, W. Va.—Construction permit for a new broadcast station to be operated on **1450 kc.,** 100 watts and unlimited hours. Class IV.

WWDC—Capital Broadcasting Co., Washington, D. C.—License to cover construction permit (B1-P-2679) as modified, for a new station.

WWDC—Capital Broadcasting Co., Washington, D. C.—Authority to determine operating power by direct method.

WWDC—Capital Broadcasting Co, Washington, D. C.—License to cover construction permit (B1-P-2679) as modified for a new station (Amplifier).

WWDC—Capital Broadcasting Co., Washington, D. C.—Authority to determine operating power by direct method (Amplifier).

KBPS—Benson Polytechnic School, R. T. Stephens, Agt., Portland, Ore.—Construction permit to install new antenna and increase power from 100 to 250 watts. Amended: to request unlimited time.

WMVA—Wm. C. Barnes and Jonas Weiland, d/b as Martinsville Broadcasting Co., Martinsville, Va.—Voluntary assignment of license to Martinsville Broadcasting Co., Inc.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—License to cover construction permit (B2-P-2578) as modified to install new transmitter, new antenna and increase in power.

KGIW—E. L. Allen, Alamosa, Colo.—Authority to determine operating power by direct method.

WEED—William Avera Wynne, Rocky Mount, N. C.—Authority to determine operating power by direct method.

1490 Kilocycles

NEW—Luther E. Gibson, Vallejo, Calif.—Construction permit for a new station to be operated on **1490 kc.,** 250 watts, unlimited time. Class IV. Amended: re antenna changes.

WGAL—WGAL, Inc., Lancaster, Pa.—Authority to determine operating power by direct method.

WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Authority to determine operating power by direct method.

FM APPLICATIONS

NEW—James F. Hopkins, Inc., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **46500 kc.;** coverage, 2130 square miles; population, 2,196,632. Amended: To change coverage to 6,790 square miles; population to 2,697,132, move transmitter and make changes in antenna system.

NEW—Ashland Broadcasting Co., Ashland, Ky.—Construction permit for a new high frequency broadcast station to be operated on **46100 kc.;** coverage, 5,119.5 square miles; population, 421,990. Amended: To change coverage to 4,160 square miles, population to 398,692 and make changes in antenna system.

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Construction permit for a new studio transmitter link broadcast station to be operated on **331000 kc.,** power 50 watts, emission: special for frequency modulation (to be used in conjunction with FM station W55M).

NEW—Debs Memorial Radio Fund, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **48700 kc.;** coverage, 8,600 square miles; population, 12,300,000.

TELEVISION APPLICATION

W9XAK—Kansas State College of Agriculture and Applied Science, Manhattan, Kansas.—Modification of construction permit (B4-PVB-25) for a new television broadcast station, for extension of completion date from 7-15-41 to 10-15-41.

MISCELLANEOUS APPLICATIONS

WCRC—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Modification of construction permit (B1-PIB-26) as modified, which authorized a new international broadcast station, requesting the additional frequencies of **6120, 6170, 21570 kc.,** and sharing time on all frequencies with WCBX and share on **6060, 9650, 11830, 15270** and **21520 kc.** with WCAB.

W2XB—General Electric Co., New Scotland, N. Y.—Modification of license to change frequency from **60000-86000** to channel No. 3, **66000-72000 kc.**

NEW—Rome Broadcasting Corp., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.,** 15 watts, A3 emission.

WCBX—Columbia Broadcasting System, Inc., near Wayne, N. J.—Modification of construction permit (B1-PIB-27) for move of transmitter and increase in power, requesting additional frequencies **6060, 21520 kc.,** and sharing time on all frequencies with WCRC and share on **6060, 9650, 11830, 15270** and **21520 kc.** with WCAB.

NEW—James Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.,** 25 watts, A3 emission.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Callaway Mills—Charging price discrimination in violation of the Robinson-Patman Act, a complaint has been issued against Callaway Mills, Lagrange, Ga., which manufactures tufted bedspreads, bath mats, rugs and allied products and sells them for use and for resale.

The complaint alleges that the respondent has discriminated in price between different purchasers of its products of like grade and quality by selling to certain purchasers at lower prices than the prices at which it sells products of the same grade and quality to other of its purchasers, and by allowing certain purchasers adjustments, rebates or discounts not given other purchasers.

According to the complaint, the respondent grants a five per cent rebate to any retail customer or "individual recognized department store" customer on its purchases if such purchases exceed $500 a year, the rebate being denied others of this class of customers whether or not their purchases of the respondent's products exceed $500 a year. Mail order houses, according to the complaint, are allowed a discount of five per cent and a rebate of five per cent without regard to quantity qualifications.

The complaint alleges that one customer classified by the respondent as a special wholesale distributor is allowed a 10 per cent discount while other jobber customers are allowed a five per cent discount. The complaint further alleges that such jobbers are granted additional rebates based on annual volume ranging from two per cent on net volume if the volume totals $10,000, to 5 per cent on net volume if the volume totals $25,000 or more. (4506)

Kemico—A complaint has been issued alleging that F. W. Johnson, trading under the name Kemico, Park Ridge, Ill., has made misleading representations in the sale of 15 formulas for various medicinal and cosmetic preparations and in advertising the therapeutic values of the preparations compounded from the formulas.

According to the complaint, the respondent advertised, among other things, that: "Greaseless Massage Cream" is a cure or remedy for skin imperfections; "Hair Lay Cream" promotes hair growth and relieves itching scalp; "Dandruff Remedy" is a cure or remedy for that condition, and "Teeth Whitener Formula A," "Teeth Whitener Formula B," "Pine Oil Nasal Spray," "Menthol," "Camphor Nasal Spray," and "Nose Inhalant" are effective for the purposes advertised and are safe for use.

The complaint alleges that the preparations so advertised do not accomplish the results claimed; that "Dandruff Remedy" is of no therapeutic value in treating dandruff in excess of affording temporary relief from the itching symptom associated with dandruff and assisting in the temporary removal of dandruff scales, and that "Teeth Whitener Formula A," "Pine Oil Nasal Spray," "Menthol," "Camphor Nasal Spray," and "Nose Inhalant" are not entirely safe for use. (4505)

Reed Drug Company, Inc.—A complaint alleging misrepresentation in the sale of a medicinal preparation has been issued against Reed Drug Co., Inc., 103 East Main St., West Frankfort, Ill.

The complaint charges the respondent with disseminating advertisements in which it represents directly and by implication that the preparation designated as "Mrs. Bee's Femo Capsules", "Femo-Caps", and "Bee Caps", constitutes a safe, competent and effective treatment for delayed menstruation.

According to the complaint, the product sold by the respondent is not a competent or effective treatment for delayed menstruation and is not safe for use in that it contains certain drugs in quantities sufficient to cause serious and irreparable injury to health, if used under the conditions prescribed in the advertisements or under customary or usual conditions.

The complaint further charges that the advertisements disseminated by the respondent constitute false advertisements in that they fail to reveal that use of the preparation under such conditions may result in gastro-intestinal disturbances or other serious injury. (4507)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Allied Specialties, Inc., 621 Nobel St., Indianapolis, and Ralph J. Biery and Anne Springer, its officers, have been ordered to cease and desist from misrepresentations in the sale of "Ko-Pak-Ta" warming devices employed for displaying peanuts, and of nuts for use in the devices.

Commission findings are that:

Salesmen for the respondents advertise in local newspapers, a typical advertisement reading: "$2,600 cash will purchase controlling interest in business. Worth $500 monthly to right man. Party selected must be between 25 and 55 years of age, and furnish references. Gentile. Unusual circumstances have made this opening available. Address Box No. ———."

Persons responding to advertisements receive special appointments with the respondents' representatives and are usually told that large profits will result from operating the nut display warmer. However, the respondents' representations are exaggerated and untrue and none of the purchasers have earned as much as $500 monthly. Instead, it has been the experience of some purchasers that the method of vending as proposed by the respondents is impractical and will not induce a sufficient amount of sales to cover operating costs.

The Commission order directs the respondents to cease misrepresenting the possible earnings or profits of those who purchase or operate the nut display warmers and to cease representing, directly or by inference, that the respondents guarantee any specified amount as earnings or profits to purchasers or operators.

The respondents also are ordered to cease representing, directly or by inference, that they assign exclusive territorial rights in any certain trade area, when such territory is not so allotted; that they obtain locations for nut display warmers when locations for all the warmers sold by the respondents are not so obtained, and that the respondents resell or permit the return of warmers for refund of investment in case a purchaser is dissatisfied, unless such devices are so disposed of and the investment is returned.

The Commission dismissed the complaint in this proceeding as to William G. White, former vice president of Allied Specialties, Inc., who had not participated in the respondents' acts and practices, as found. (3360)

Capital Drug Company—Max Caplan, trading as Capital Drug Co., 18 East Campbell Ave., Roanoke, Va., has been ordered to cease and desist from misrepresentations in the sale of "Mrs. Bee Femo Caps," a medicinal preparation.

The Commission order directs the respondent to cease disseminating advertisements which represent, directly or through inference, that this preparation constitutes an effective treatment for delayed menstruation; that the preparation does not cause the user any discomfort, and that it is safe or harmless; or which advertisements fail to reveal that use of the respondent's product may cause gastro-intestinal disturbances and other serious consequences. (4343)

Colonial Drug Co., Tulsa, Okla., and M. A. Younkman, president of Colonial Drug Co. and trading as Colonial Sales Co., have been ordered to cease and desist from misrepresentations in the sale of "Natural Mineral Extract," a medicinal preparation.

Commission findings are that the respondents disseminated advertisements in various States representing, directly or by implication, that the external application of their product constitutes a cure or remedy for various skin conditions and other ailments, and that its internal use will purify the blood and be a competent treatment for indigestion and stomach, intestinal and other disorders when in fact its use does not accomplish the results claimed and its therapeutic value is limited to that of a mild laxative or mild diuretic.

The Commission order directs the respondents to cease disseminating advertisements which represent that "Natural Mineral Extract" constitutes a cure or remedy for, or posses therapeutic value in, the treatment of eczema, acne, athlete's foot, rheumatism, and some 25 other ailments; that it possesses germicidal, antiseptic, or astringent properties; that it has therapeutic value as a tonic or a blood purifier or in the treatment of women's ailments, and that it constitutes a competent or effective treatment for ill-nourished, backward or defective children. (4260)

Compressed Air Institute—A complaint charging Compressed Air Institute, 90 West St., New York, and others, with certain acts and practices in the sale and distribution of compressed air machinery and pneumatic tools, has been dismissed. The other respondents in the case were C. Clifford Rohrbach, secretary and manager of the institute, and Independent Pneumatic Tool Co., 600 West Jackson Boulevard, Chicago; Gardner-Denver Co., South Front St., Quincy, Ill.: Ingersoll-Rand Co., 11 Broadway, New York; Worthington Pump and Machinery Corporation, Harrison, N. J.; The Cleveland Pneumatic Tool Co., 3734 East 78th St., Cleveland; The Cleveland Rock Drill Co., 3734 East 78th St., Cleveland; Sullivan Machinery Co., Michigan City, Ind., and Chicago Pneumatic Tool Co., 6 East 44th St., New York, members of the institute. (3958)

Gordon-Gordon, Ltd., and its selling agent, Princess Pat, Ltd., 2709 South Wells St., Chicago, has been ordered to cease and desist from making misleading representations in the sale of cosmetics.

Commission findings are that the respondents, in radio broadcasts and printed matter, made various representations purporting to be descriptive of the quality and effectiveness of their cosmetics and the harmful effects of certain ingredients used in face powders by their competitors.

Findings are further that the respondents represented, among other things, that the use of face powders containing orris root causes the pores of the skin to clog, irritates the skin and causes skin roughness, when in fact the evidence shows there is no indication that orris root will clog the pores; that face powder containing orris root does not generally cause irritation or skin roughness; that some persons are allergic to orris root and their use of face powder containing it would tend to cause skin irritation and roughness (tests showing that from 10 per cent to 24 per cent of the persons tested might be so affected), and that at the time of hearing in the Commission proceeding, only about 10 per cent of face powder manufacturers used orris root as an ingredient.

The Commission order directs the respondents to cease making the representations found to have been made concerning the effect of orris root in face powder unless such representations are limited to cases in which the user is allergic to orris root.

The respondents also are directed to cease representing that "Princess Pat Powder" is non-allergic to all persons, and that its application will smooth the skin, make the skin soft or pliant, or prevent coarse pores and blackheads; that use of their preparation designated "Muscle Oil" and "Princess Pat Irradiated Muscle Oil," will prevent crow's feet, wrinkles or sagging facial muscles or will penetrate beneath the skin surface and beneficially affect underlying facial muscles; that "Skin Cleanser" will penetrate beneath the surface or prevent coarse pores, pimples, blackheads or rough skin texture, and that the preparation "Skin Food Cream" or "Anti-Wrinkle Cream" will nourish or feed the skin, or that it is a tonic for the underlying nerves or will smooth out or prevent lines or wrinkles.

The order also prohibits the respondents from using any designation for their product formerly known as "Skin Food Cream" and as "Anti-Wrinkle Cream" which includes the word "Food." (3793)

Hearst Magazines, Inc., of which Good Housekeeping Magazine is a wholly owned subsidiary, has been ordered to cease and desist from misrepresentations in its periodicals, magazines and other publications, in connection with the use of seals, emblems and other insignia, purporting either to guarantee the quality of various advertised products or to indicate the nature and extent of respondent's testing of such products.

The respondent maintains departments known as Good Housekeeping Bureau and Good Housekeeping Institute for testing various products. In connection with the activities of these departments, the respondent issues seals of approval, usually elliptical in form, containing the words "Tested and approved," a cut of a star followed by a serial number with the name "Good Housekeeping Institute" or "Good Housekeeping Bureau." When the respondent issues a certificate certifying that the product has been tested and approved, it authorizes the use of seals of approval on the applicant's merchandise and the reproduction of such seals in various advertising and in circulars as may be desired.

The Commission finds that the respondent has represented that all products, services or commercial offerings advertised in Good Housekeeping are guaranteed by the respondent. The representations with reference to guaranty of certain products advertised in Good Housekeeping Magazine, the Commission finds, have the tendency to mislead readers of the magazine and to cause them to believe that the guaranty of the respondent is an unlimited guaranty. In addition to this, the respondent authorizes advertisers in the magazine to publicize such guaranty in other publications, on labels attached to their products, and on containers of products by use of an emblem or shield reading "Guaranteed by Good Housekeeping as advertised therein" or "Guaranteed as advertised in Good Housekeeping." Such advertisers, when advertising in newspapers and publications not owned or controlled by the respondent, and on labels and in circulars and other advertising material, use the above-described emblem or shield.

Based upon the testimony of various witnesses with reference to the extent to which their products were investigated by the respondent and the volume of business conducted in said products, the Commission finds that while tests were made before seals of approval were issued by either of the above-mentioned departments of Good Housekeeping Magazine, such tests were generally not sufficient to assure the fulfillment of the claims made for such products.

The Commission also finds that the use and authorization by the respondent of many different forms of seals, shields, emblems and insignia, and the association therewith of the testing facilities and operation of its various departments in various magazine articles and in booklets, circulars and other advertising material, are confusing to the average reader and have the tendency and capacity to mislead and deceive purchasers and readers of the respondent's magazine into believing that all products bearing a seal, shield, emblem or insignia of Good Housekeeping Magazine have been thoroughly and adequately tested and approved and are guaranteed by the respondent when, in fact, such products are not guaranteed by the respondent and some have not been adequately tested by it.

The Commission finds that the respondent also, by means of articles in its magazine and by other statements and representations, represents, directly and by inference, that all representations of, and claims made for, products, services, or other commercial offerings appearing in advertisements in its periodicals are true. Such representations are usually made in connection with discussion of the testing facilities of Good Housekeeping Magazine and the effect or purport of the guaranty by it of all advertising appearing in its issues.

Based upon testimony concerning advertisements issued on various products, the Commission finds that many of the advertisements appearing in Good Housekeeping Magazine contained false, deceptive and misleading statements and representations with reference to the therapeutic value of medicinal preparations, the properties and effectiveness of cosmetic preparations, the fiber content and qualities of fabrics and wearing apparel, the properties and purity of food products; the results to be obtained from the use of various articles of merchandise, and the efficiency and reliability of services and other commercial offerings.

The Commission orders that Heart Magazines, Inc., its officers, directors or representatives, in connection with the offering for sale and distribution of its periodicals, magazines or other publications, and the issuance or authorization of various seals of approval, emblems, shields or other insignia, cease and desist from:

1. Representing, directly or indirectly, that all representations of, and claims made for, products, services or other commercial offerings described in advertisements appearing in any of its periodicals, magazines or other publications are true when any representation or claim contained in such advertisements is not in fact true;

2. Using, or authorizing, or allowing others to use, seals, emblems, shields or other insignia, which represent in any manner that any food, drug, cosmetic, or therapeutic device, has been tested, or tested and approved, by, or at the instance of, the respondent, or any organization owned or controlled by it, or otherwise representing, or authorizing or allowing others to represent in any manner, that any such product has been tested, or tested and approved, by, or at the instance of, the respondent or any organization owned or controlled by it, unless and until the product concerning which such representation is made has, in fact, been adequately and thoroughly tested in such a manner as to insure, at the time such product is sold to the consuming public, the quality, nature and properties of such product in relation to the intended usage thereof and the fulfillment of the claims made therefor in connection with the use of such insignia or representation;

3. Using, or authorizing, or allowing others to use, seals, emblems, shields or other insignia which represent in any manner that any mechanical device or article of household equipment, other than those included in paragraph 2, has been tested, or tested and approved by, or at the instance of, the respondent, or any organization owned or controlled by it, or otherwise representing, or authorizing or allowing others to represent, that such product has been tested and approved, unless and until the product concerning which such representation is made has, in fact, been adequately and thoroughly tested in such manner as reasonably to assure, at the time such product is sold to the consuming public, the quality, nature and properties of such product in relation to the intended usage thereof and the fulfillment of the material claims made in connection with the use of such insignia or representation;

4. Authorizing, using or allowing the use of seals, emblems, shields or other insignia which represent, directly or by implication, that an inquiry or investigation has been made by, or at the instance of, the respondent, or any organization owned or controlled by it, of a service or other commercial offering (not including any product) in connection with which such seal, emblem, shield or

other insignia is used, unless and until the respondent has, in fact, made a sufficiently adequate and thorough investigation or inquiry as to assure the fulfillment of the claims made for such service or commercial offering in connection with the use of such insignia or representation;

5. Representing, directly or by implication, that any product, service or other commercial offering advertised in its magazines, periodicals or other publications, or for which respondent has authorized the use of any seal, emblem, shield or other insignia, is guaranteed by respondent, unless such guaranty is without limitation, or, if limited, unless all limitations upon such guaranty are clearly, conspicuously and explicitly stated in immediate conjunction with all such representations of guaranty;

6. Authorizing, or allowing others to represent, directly or by implication, that any product, service or other commercial offering advertised in its magazines, periodicals or other publications, or for which respondent has authorized the use of any seal, emblem, shield or other insignia, is guaranteed by respondent, unless such guaranty is without limitation, or, if limited, unless all limitations on such guaranty are clearly, conspicuously and explicitly stated in immediate conjunction with all such representations in the guaranty.

The provisions of the order do not prohibit the use of the word "recommended" on any seal, emblem, shield or other insignia when the product on which the insignia is used has been adequately and thoroughly tested by the respondent in such a manner as reasonably to assure the quality, nature and properties of such product in relation to the intended usage and when the form of the insignia is readily distinguishable by the consuming public from any seal, emblem, shield or any other insignia bearing any guaranty. (3872)

Witol, Inc., Witol Beauty Laboratories, Inc., and William Witol, president of Witol, Inc., all of 1700 Broadway, New York, has been ordered to cease and desist from misrepresentations in the sale of cosmetic preparations.

The order directs the respondents to cease disseminating advertisements which represent that their preparations "Witol's New Liquid Skin Peel" or "Take-Off" will remove the outer layer of the skin and give the user a new, fresh surface skin; that these preparations are effective in treating pimples, blackheads, whiteheads, freckles, or superficial blemishes, or will cause large pores and fine lines to diminish, or that the respondents' preparations are sold by means of a special or limited offer when in fact the distribution method is the usual means employed by the respondents in the customary course of business and there is no limitation of the sale of such products.

The Commission dismissed its complaint in this proceeding as to the former respondents Ann Felix, who was vice-president of the two corporations, and Hattie Blankfeld, formerly secretary of Witol Beauty Laboratories, Inc. (3934)

STIPULATIONS

Following stipulations have been entered by the Commission:

Benson & Dall, Inc., an advertising agency, of 327 South LaSalle St., Chicago, has entered into a stipulation to cease certain representations in the dissemination of advertisements concerning "Stuart's Laxative Compound Tablets" on behalf of F. A. Stuart Co., Marshall, Mich.

The respondent agency agrees that it will cease disseminating advertisements of the Stuart preparation which represent, directly or by implication, that the product will in no case have deleterious effects or is safe to use in all cases, or which advertisements fail to reveal (1) that use of the preparation should be discontinued where a skin rash appears; (2) that it should not be used when abdominal pains or other appendicitis symptoms are present, and (3) that its frequent or continued use may result in dependence on laxatives.

The stipulation provides, however, that such advertisement need contain only a statement that the preparation should be used as directed on the label if and when the label contains the proper warnings. (02791)

Ruth Clark's Products—Ruth Clark, trading as Ruth Clark's Products, 430 South Broadway, Los Angeles, have entered into a stipulation to cease certain representations in the sale of food, drug and cosmetic products.

The respondent agrees to cease representing, directly or by implication, through use of the abbreviation "Vit" or the word "Vitamin," in connection with the letter "A" in the brand name of her products, "Vit-A-Pac," "Vitamin 'A' Beauty Cream," and "Vit-A-Hair and Scalp Oil," that the Vitamin A content has any beneficial influence or effect on the skin, hair or scalp, and to desist from representing, through use of the word "manufacturer" in connection with the advertising of her products, that she manufactures or compounds all of the products which she sells.

The respondent further stipulates she will cease advertising that her food product, "Re-Chemicalizing Bouillon," is of value or effect in the relief, treatment or correction of arthritis, neuritis, colds, nervousness or skin troubles, or as a reducing aid of itself or when combined with "Blendavita Tea"; or that "Re-Chemicalizing Bouillon" has value in treating or correcting anemia or an underweight condition in excess of such benefits as may accrue from its food elements.

Under her stipulation, the respondent also agrees to cease representing, by use of the word "Re-Chemicalizing" in the brand name or by any other means, that "Re-Chemicalizing Bouillon" will rechemicalize the system.

In the sale of "Blendavita Tea," the respondent agrees to cease advertising that it has any value in the treatment of kidney, bladder, and skin ailments; that it is an aid to digestion or in the relief of insomnia, or acts as an alkalizing agent; that it is of value of itself or when combined with the product "Re-Chemicalizing Bouillon" as a reducing aid; that, when combined with "Re-Chemicalizing Bouillon," it is of value in the treatment of arthritis or neuritis, or that when so combined it is of value in the relief of an underweight condition in excess of such benefits as may accrue from the food elements contained in the combined products.

The respondent also stipulates she will desist from representing that "Oils of Youth" will keep the body internally clean, and that "Vitamin 'A' Concentrate" would be valuable to persons suffering from frequent colds, sinus trouble or skin infections, unless the claims reveal that this product would be of value only in cases of Vitamin A deficiency. (02792)

Clyde Collins, Inc., Memphis, Tenn., stipulated that in disseminating advertisements of flavorings designated "Vanilla Extract," "Lemon Extract," "Strawberry Extract," "Pineapple Extract," and "Banana Extract," it will cease using the words "Lemon," "Strawberry," "Pineapple," or "Banana" in combination with the word "Extract" unless the products are composed of genuine ingredients, as distinguished from synthetic chemical substitutes, and such ingredients are suspended in ethyl alcohol. The respondent further agrees to desist from employing the term "Vanilla Extract" to describe a flavoring product, unless it is prepared with a vehicle of ethyl alcohol and contains a flavoring content at least 50 per cent of which consists of true vanilla made from the vanilla bean. (02796)

H. Fendrich, Incorporated, 101 Oakley St., Evansville, Ind., entered into a stipulation in which it agrees to cease certain representations in the sale of cigars. The respondent agrees to desist from representing that its "La Fendrich" cigars contain an "imported Havana-rich long filler," or from making any other representation referring to the origin of the filler tobacco of these cigars, unless the country of origin of each of the filler tobaccos used is set forth in the order of their respective predominance by weight and with equal emphasis. The respondent also agrees to cease advertising that the price of this cigar was formerly 10 cents and is now only 5 cents, or any other representation indicating a price reduction unless the price of the particular cigar referred to has recently been the price stated and the reduction has only recently become effective, or unless the date of the price reduction is stated conspicuously in conjunction with the former price. (02794)

Forster Neckwear Co., Inc., 12 West 27th St., New York, entered into a stipulation to cease certain representations in the sale of men's neckwear.

The respondent corporation agrees to cease using the words "Silk" or "Imported Silk" or any other word or coined words connoting silk in or on advertising trade literature, labels, invoices, or otherwise, to describe fabrics or merchandise not composed of silk.

The stipulation provides that (1) if the products are composed partly of silk and partly of some other fiber material, the word "Silk," or similar words, if used to refer to the silk content, shall be accompanied by other words in equally conspicuous type indicating clearly that the products are not made wholly of silk; and (2) if the fiber other than silk constitutes the major content of the product, the name of the predominating material shall precede the word "Silk," as for example, "Cotton and Silk."

The respondent also agrees to cease advertising, branding, labeling, invoicing or selling neckwear or other products as "Imported Fabrics" which are composed in whole or in part of rayon without clearly disclosing the rayon content by use of the word "Rayon"; and, when materials other than rayon are also present, without disclosing in type equally as conspicuous as the word "Rayon," each constituent fiber in the order of its predominance by weight. (3111)

General Beauty Products Company—Trading as General Beauty Products Co., and having their headquarters at 2110 West Madison St., Chicago, Hec Barth, Samuel Barth and Mrs. Hec Barth, co-partners, stipulated to cease certain representations in connection with the mail order sale of beauty supplies and equipment.

In their stipulation, the respondents agree to cease employing the words "Crystal-Sheen," alone or in connection with the particular label and design of the container of their hair-rinse product, or in any other way implying that the product is the widely and favorably known "Sparkle-Sheen" hair rinse, a competitive product, and to cease using any word as part of the trade name for, or any representation relating to, the product "Dandruff Eradicator," so as to imply that the product, when locally applied to the scalp, will eradicate, remove or destroy dandruff or promote hair growth or feed or nourish dry scalps.

The respondents also stipulate they will cease using as a brand name for their emulsion the word "Lanoleen," or any other phonetic spelling of the word "Lanolin," alone or in connection with other words so as to imply that their product is a Lanolin product or that its Lanolin content is substantial and contributes any value.

In their stipulation the respondents, in connection with the illustration of any product, agree to cease employing the legend "Weight 4 oz." or any other weight indication the effect of which tends to convey the impression that such indication refers to the weight of the contents of the product when in fact it actually refers to the mailing weight. (3112)

General Electric Co., Bridgeport, Conn., entered into a stipulation to cease certain representations in the sale of electrical heating pads.

According to the stipulation, the respondent advertised heating pads by means of the descriptions "Three Heats," "Three Heat Switch" or "Low, Medium or High Heat" so as to imply that operation of the switches results in maintaining three distinct temperatures, when in fact they merely regulate the time required to heat the pads to a single maximum temperature.

The stipulation further recites that the respondent described covers for its heating pads as "Eiderdown" when they were composed not of eiderdown but wholly or partly of rayon, a fact not disclosed in advertising matter.

Under its stipulation, the respondent agrees to cease representing its heating pads in a manner implying that they are capable of maintaining three different degrees of heat and to cease the representations made concerning the composition of the covers, unless properly qualified to show the rayon and other content. (3110)

General Vitamins Company—R. V. Annen, trading as General Vitamins Co., 565 West Washington, Blvd., Chicago, has entered into a stipulation to cease certain representations in the sale of "Vev," a medicinal preparation.

The respondent agrees to cease advertising that "Vev" is a vitamin laxative, or, by any other terminology, that it contains vitamins in an amount sufficient to accomplish any therapeutic or dietetic effect.

The respondent also agrees to cease representing, by use of the words "end" and "eliminate" or similar words that the preparation is a remedy for or will cure constipation or has any value in treating this condition in excess of affording temporary relief from its symptoms. The respondent further stipulates that he will cease advertising the product as having value for any symptom or condition in excess of affording temporary relief or benefit for such symptoms or conditions as are due to constipation.

The respondent stipulates that he will cease disseminating advertisements which fail to reveal (1) that his product should not be used when abdominal pain or other appendicitis symptoms are present, and (2) that its frequent or continued use may result in dependence on laxatives. The stipulation provides, however, that such advertisements need contain only a statement cautioning that the preparation should be used as directed on the label, if and when the label contains the proper warnings. (02795)

Jeri Yarn Mills—Herman Rosenberg, trading as Jeri Yarn Mills, 345 Grand St., New York, has entered into a stipulation to cease and desist from certain representations in the sale of yarn.

The respondent agrees to cease employing the word "Mills" as a part of his trade name and to desist from using this word or similar words to imply that he manufactures the products sold by him or owns and operates a factory or mill in which they are made.

Under his stipulation the respondent further agrees to cease advertising, branding, labeling or selling yarn or other products composed in whole or in part of rayon without clearly disclosing the rayon content and, when the products contain both rayon and other materials, each constituent fiber or material in the order of its predominance by weight.

The respondent also stipulates he will desist from employing the words "Worsted," "Tweed" or other words connoting wool to designate a product not composed of wool; or the word "Cashmere" to describe a product not composed of the hair or fleece of the Cashmere goat. The stipulation provides that in the case of a product composed in part of either wool or cashmere, the words "Worsted," "Tweed" or other wool connoting words or the word "Cashmere," if properly used to describe the wool or cashmere content, respectively, shall be accompanied by other words in equally conspicuous type accurately describing each constituent fiber or material of which the product is composed, in the order of its predominance by weight. (3109)

Petpak Products Co., 3264 North 33rd St., Milwaukee, has entered into a stipulation to cease certain representations in the sale of bird foods. The respondent agrees to desist from advertising that the use of its "Petpak Mating Food" or any of its products will insure fertile eggs or strong, healthy fledglings, or that its products reduce bird mortality or produce stronger or healthier birds. The respondent also stipulates that it will cease representing that "Petpak Special Baby Bird Food" contains no filler, or that the potency of the vitamins in its products is preserved. (02793)

Knapp-Monarch Co., St. Louis, and Dominion Electrical Manufacturing, Inc., Mansfield, Ohio, entered into stipulations to cease certain representations in the sale of electrical heating pads.

The respondents agree that in the sale of electrical heating pads not equipped with adequate thermostatic or other heat controls calibrated for three different degrees of heat, they will cease making representations which imply that the pads are capable of maintaining, or that operation of the switches used in connection with the pads results in maintaining, three distinct temperatures.

According to the stipulations, the operation of the switches merely regulates the time required to heat the pads to a single maximum temperature for which the heat control units are calibrated. (3114-3115)

Vogue Silks—Irving Roth and Arthur Bassin, co-partners trading as Vogue Silks, 724 Fifth Ave., New York, have entered into a stipulation to cease and desist from certain representations in the sale of textile fabrics.

The respondents agree to cease employing the words "Pure Dye" or any other words connoting silk to describe a product not composed of silk. The stipulation provides that if a product is composed partly of silk and partly of other fibers or materials, the words "Pure Dye" or other silk connoting words, if properly used to describe the silk content, shall be immediately accompanied by other words in equally conspicuous type to accurately designate each constituent fiber or material in the order of its predominance by weight.

Under their stipulation, the respondents further agree to cease advertising, branding, labeling, invoicing or selling products composed wholly or partly of rayon without clearly disclosing (1) the rayon content by use of the word "Rayon" and (2) each constituent fiber of products composed of both rayon and other materials in the order of each fiber's predominance by weight, and in immediate connection with the word "Rayon." (3113)

SPECIAL—

Senate Interstate Commerce Committee Hearings on White Resolution

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. JUNE 2, 1941

WHITE SHOCKED AT FCC'S ATTITUDE

Senator Wallace H. White today urged a study by Congress of all phases of American radio, including an investigation of the Federal Communications Commission and its recently promulgated regulations affecting network broadcasting. Senator White's statement was made at the opening of hearings by the Senate Interstate Commerce Committee on the resolution he introduced May 13 demanding such study.

"I have long been an advocate of a comprehensive study of this whole radio problem and of the administration of our present radio law," Senator White said.

Still Favors Study

"As far back as 1937 I offered in the Senate a resolution which was pretty general in its character, and I strenuously urged at that time that we should undertake a study of the whole radio situation, and that the Congress should particularly concern itself with matters of principles and policies as they should guide the industry, whereby we would guide our regulatory body in its efforts to administer the law.

"I still favor a comprehensive study of the whole radio situation.

"I still feel that the Congress perhaps ought to lay down more definitely than we have in the existing law, the policies and principles which should guide us and which should control the regulatory body, and which should keep the industry itself in what we believe to be the appropriate bounds."

Referring to the regulations recently promulgated by the FCC, Senator White continued, "I think those regulations suggest such an altered course and are of such importance, both to us as representatives here in the Congress, and to the industry—and I might include the regulatory body itself—that there ought to be a study of the questions raised by those regulations.

"Surprised and Shocked"

"I am very frank to say that it never occurred to me there would be any substantial opposition in any quarter to a study of the possible or probable or feared effects of those regulations. I have thought and I might as well say it here openly, that I have been rather surprised, even shocked, that the Commission itself feels it appropriate to oppose the study which this resolution suggests.

"I have been here in Congress quite a while; I think there is only one member about this table who has served longer than I, and this is the first time so far as my knowledge goes that a regulatory body of the Government, a creature of the Congress itself, has felt it appropriate to challenge either the wisdom or the right of a committee of Congress to review its acts and the policies which it is undertaking to put into effect."

Fly Opposes Review

Chairman Fly opposes a Congressional review although the broadcasting industry has gone on record as favoring one.

"I repeat," Senator White went on, "that that position came to me as something of a shock, because I cannot recall another instance in the years I have been in Congress when a regulatory body set up by the Congress, as I say, has challenged the wisdom of a congressional survey of what it was doing and of its claimed rights.

"Now, I confess that I rather resent that attitude. It seems to me it indicates the thought that the creature has become at least as important as, if not of greater importance than, its creator. So I just do not like that attitude.

Industry Stirred by Regulations

"The radio industry has been greatly stirred by these regulations. I do not know whether the criticisms of the industry are justified or are not justified.

"I have wanted to keep an open mind as to the objectives of the Commission. I have wanted to keep an open mind so far as I could as to the effects of those regulations upon the industry. But I confess I had thought the resolution would be reported out, and that then in the orderly course of events we would begin a detailed study of the questions raised. And, so far as I am concerned, I would have no objection to expanding this study to any appropriate length."

FCC Chairman Fly, the only witness heard during the first day, devoted much of his time to a resume of the procedure and the hearings upon which the majority of the Commission based the regulations. His testimony was not completed.

SPECIAL—

Senate Interstate Commerce Committee Hearings on White Resolution

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. JUNE 3, 1941

WHITE RESOLUTION HEARING: SECOND DAY

James Lawrence Fly, FCC chairman, was on the stand throughout the second day of the Senate Interstate Commerce Committee's hearing on the White resolution (Tuesday).

Senator White (R-Maine), author of the resolution, opened with a statement that he felt Congress, not the FCC, should lay down the policies governing radio. He pointed out that in March, 1937, he had urged a congressional survey of both the industry and the FCC, and that he had reiterated this position in May, 1938, with particular reference to network broadcasting.

The Senator said he was making this statement to clarify any misunderstanding that might have grown out of Mr. Fly's remarks the previous day. Mr. Fly had said the FCC had undertaken the "monopoly" investigation and had formulated the new network rules as a result of congressional pressure, and had quoted from one of Senator White's speeches in that connection.

The Senator concluded his statement by asking why the FCC had not submitted its "monopoly" findings, along with recommendations, to Congress, and adding: "I shrink from commission-made law."

Mr. Fly opened his day's testimony by defending the FCC's right to make the new network rules. He cited the history of anti-monopoly law among the English-speaking peoples and said the feeling of Congress was so strong against monopoly that it had written an anti-monopoly policy into the radio laws of '29 and '34; and had empowered the FCC to make special regulations for chain broadcasting. At one point, Senator White stopped Mr. Fly to state that the chairman was inferring that he (the Senator) was an advocate of monopoly. Mr. Fly said he had no such intention and was sorry.

Mr. Fly then turned to the charges made yesterday by Senator Tobey (R-NH) that the commission was subject to political pressure in awarding licenses, giving power increases, etc., and had given special attention to applications from Governor Cox and Jesse Jones. Yesterday, Mr. Fly had said that a transfer application from Governor Cox had gone through with unusual speed because there were no engineering problems to consider and because the governor's financial position and other qualifications were well known. As to any Jesse Jones case, Mr. Fly said today, there had been no extraordinary speed in putting through the only one that had aroused any comment.

Mr. Fly also said he had not meant to imply by his remarks yesterday that there was no political pressure brought to bear on the commission.

"We are subject to an unmerciful line of political pressure," he said, adding that this was true "never as much as now from a scandal-mongering section of the industry."

Senator Tobey then suggested that the FCC ask all stations and networks to submit lists of all their speakers on the issue of whether this country should get into the war, along with the texts of all the speeches. He indicated that he felt some stations had not given the "anti-war" side an equal amount of time. When he asked Mr. Fly whether he felt this should be done, Mr. Fly said he concurred. Both Senator Wheeler and Senator Tobey pointed out at that point that they felt the networks had been fair in this respect, but that some individual stations had not been.

Mr. Fly then turned to that section of the new rules dealing with "exclusivity" which he discussed at great length. He was interrupted frequently by questions from the committee. At one point, in reply to a question, he said he thought it would be "healthy" to have six national networks, and that each could be a "good, healthy, profitable operation." He was not certain that this was the proper number, however, nor was he at all certain that the establishment of any new networks (aside from the separated Blue) would result from the new rules.

Any talk that the new rules would result in a general shake-up of the industry, he said, was "just so much moonshine."

He indicated that the commission expected the new rules to be tested by litigation, and said that no punitive action would be taken against any station that entered into any *bonafide* litigation in this respect. Such a station, he said, could continue to operate as at present, pending the outcome of the litigation. He also said that the 90-day limit on sale of the Blue network by NBC could and probably should be extended to prevent a forced sale. Some observers thought that Mr. Fly did not answer definitely a question as to whether the operation of the new rules would be suspended in entirety pending the outcome of any litigation.

Senator Smith (D-SC) at one point asked Mr. Fly whether there wasn't in fact unlimited competition between the networks—"Are these two companies competing with each other or are they in cahoots?"

"I have thought in my observation that they were pretty footy-footy," Mr. Fly replied.

As the session neared a close, Mr. Fly repeated that the new rules constituted "a minor operation on a few small clauses in these (network affiliation) contracts" and "not a wrecking operation . . . except for the Red and Blue."

SPECIAL—

Senate Interstate Commerce Committee Hearings on White Resolution

NAB Reports
The National Association of Broadcasters
1626 K STREET, N. W. WASHINGTON, D. C. JUNE 4, 1941

WHITE RESOLUTION HEARING: THIRD DAY

Senator Wheeler announced at the opening of the hearing Wednesday that after today's session the hearing would be adjourned until next Monday. Some discussion of the order of appearances indicated that Chairman Fly would conclude his testimony next Monday; that he would be followed by Mutual witnesses; that Commissioner Craven would follow these; and that industry proponents of the White resolution would appear, starting next Thursday or possibly Friday.

Mr. Fly and Senator White continued their debate as to whether the FCC had the authority to make the new network rules. The Senator contended it was never the intention of Congress to delegate such authority to the Commission and pointed out that he had some intimate knowledge of Congressional intention since he drafted several of the sections of the law upon which the FCC based its authority. The Senator said it was not the intention of Congress to give the FCC power to determine whether stations violated the anti-trust laws. That was left to the courts. The commission, he said, had been given power only to revoke licenses of those stations which the courts had found guilty of anti-trust law violation. Mr. Fly answered that surely Congress did not want the FCC to sit by and watch monopoly develop, without doing anything about it. He also quoted from a speech by Senator Dill, made at the time the radio law was being considered in the Senate, which Mr. Fly said showed that Congress intended the commission to prevent the growth of radio monopoly.

Senator Wheeler said that Congress did have in mind, when the radio law was enacted, that monopoly should not be built up in the industry, and that the FCC in issuing licenses should consider whether they tended to build up a monopoly. Senator White reiterated, however, that he was "as certain as anything human that we didn't intend by that (Section 303(i)) to give the FCC power to write an anti-trust statute of its own. . . ." He suggested that this section should be rewritten to both grant and limit powers to the FCC in this respect. Senator Wheeler pointed out, at one point in the discussion, that radio stations had the right to go into court to determine the issue, while at another point Senator McFarland of Arizona said that there seemed to be confusion and asked why Congress shouldn't interpret what it meant and write it into law.

When Mr. Fly returned to his discussion of the "exclusivity" sections of the new rules, Senator Wheeler asked him whether it was not possible that advertising agencies in many instances would single out the most powerful stations in the best markets for their programs, thus depriving many smaller affiliates of network revenue they now enjoy. Mr. Fly said this would be possible but that he didn't think it would be feasible since the agencies then would have to go into the network business—getting wires, setting up studios, and all.

As to territorial exclusivity, Mr. Fly said he agreed that duplicate coverage in one market was not desirable, but that other stations should have the opportunity to take programs rejected by an affiliate, particularly speeches by senators and members of Congress.

As to program rejection and the terms of current network affiliation contracts dealing with this subject, Mr. Fly said the discretion for acceptance or rejection of programs was rightly lodged with the licensee and should not be transferred to "a couple of New York Corporations."

Senator Tobey remarked, "I think that is elementary."

When he turned to the sale of the Blue, Mr. Fly said he didn't think NBC would have any difficulty in making the sale. Under independent ownership, he said, "it ought to be a much healthier network" and "will make more money than it is making today."

In connection with the sale, discussion again turned to possible court action. Mr. Fly said he would welcome a court test, but indicated that the Commission might take steps against those involved "if they attempted to paralyze the rules through long delays," such as the introduction of bills in Congress and similar actions.

Senator Wheeler commented that he thought the industry should not be penalized for going to court, and that the NBC should be given reasonable time to dispose of the Blue. At that point Senator Smith asked Mr. Fly whether he had understood him to say that the industry should be given time to go to court but not to go to Congress for relief. That led to an exchange between Senator White and Mr. Fly in which Mr. Fly accused the industry of "marching behind" Senator White in an effort to stymie the operation of the new rules. When the senator objected to this, Mr. Fly hastily assured him that he did not mean to imply that the senator's motives were anything but the highest.

Senator Wheeler remarked during this discussion that there had been "too much heat" generated by both the broadcasters and the Commission in connection with the monopoly issue and that "it ought to stop." "Those who are doing it are making a mistake from their own standpoint," he said.

Senator Johnson asked Mr. Fly why so many affiliates didn't want all the liberty that the FCC was proposing to give them. Mr. Fly said they hadn't had the opportunity to express an independent opinion. Senator Wheeler added that there were two things the industry feared: the FCC and the industry. "I found out in St. Louis that they weren't afraid of me," Mr. Fly laughed. He agreed with Senator Wheeler about the "heat."

At the end of the day's hearing, Mr. Fly reiterated his frequently made assertion that "I don't think for a moment that we ought to have government ownership" of radio. The growth of monopoly, he said, was a step toward government ownership, and the industry was "moving step by step, hour by hour, toward monopoly."

NAB Reports

NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 22, June 6, 1941

White Hearing

Indications this week-end were that industry proponents of the White Resolution (S. 113) would start their testimony before the Senate Interstate Commerce Committee either Thursday of Friday. It is possible, however, that this testimony will not start until the third week of the hearing. The hearing, recessed Wednesday noon, will be resumed Monday at 10 a. m. Chairman Fly will appear for the fourth day. Mutual Broadcasting System witnesses are scheduled to follow Mr. Fly with about two days of testimony. Commissioner Craven who, with Commissioner Case dissented in the Monopoly Report, is to follow Mutual. Industry proponents are scheduled to follow Mr. Craven.

Following are some portions of the transcript of remarks at the hearing this week which may be of interest to members. Remarks of **THE CHAIRMAN** are those of Senator Wheeler, Chairman of the Interstate Commerce Committee.

Commission vs. Congress

SENATOR WHITE. About 15 or 20 minutes ago my attention was called to a newspaper account of some of the testimony of yesterday. It made particular reference to quotations by the witness from a speech which I made in the Senate in 1937. At the time the Chairman of the Commission was making reference to that speech I had not had occasion to read it for a substantial length of time. I know it was a good speech, and I recommended its reading to the chairman some time back, but I had not read it myself.

I recall that the Chairman of the Commission said that that speech of mine was a part of the motivating force for the investigation conducted by the Commission. I have no objection to that at all, because I do approve of the Commission's studying these problems, but I rather pull away from the suggestion that I think is involved in what the Chairman of the Commission said, that I necessarily approve of the findings of the Commission or of the specific recommendations by the Commission.

As a matter of fact, Mr. Chairman, I have very definite ideas as to the responsibility of the Congress itself for the determination of principles and for the laying down of policies which should guide a regulatory body in the performance of its duties; and I think, if one will read that 1937 speech I made, it will show beyond all peradventure that what I was urging was not any specific action by the Commission, and certainly they will agree that I was not approving any recommendations that the Commission might hereafter reach, but what I was undertaking to do in that speech was to stress the obligation of the Congress itself to give study to these problems and to reach its conclusions with respect to these problems, and lay down rules which should guide the regulatory body.

For the purposes of the record I want to read the very first paragraph of the speech from which the Chairman of the Commission quoted yesterday. I do not challenge the accuracy of the references or the quotations of the Chairman of the Commission, but I think a conclusion has been drawn as to what I had in mind which was not and is not justified.

This is a speech made on March 17, 1937—and I do not suppose there ever was a talk of mine so long remembered, before.

THE CHAIRMAN. We can all agree with you on that.

SENATOR WHITE. I said at the very start (reading):

"Mr. President, the pendency in the other body of the Congress of a resolution authorizing an investigation of various phases of the radio industry, and reports that the Senator from Montana (Mr. Wheeler), Chairman of the Interstate Commerce Committee of the Senate, contemplates the introduction of a resolution of similar purposes, prompts me to bring to the attention of the Senate some of the principles and policies embodied in existing law, summarizing the present facts which have relation to those declared policies and to voice my approval of a Congressional survey of law and facts, that we may more wisely consider what the public interest in this field of communications is, whether present law rightly declares this public interest and is calculated to serve it, and whether the Federal Communications Commission is respecting the law and, in its administration, is furthering its interest or is heedless of the Congressional purpose."

I have read that because I think it clearly states in the very opening of the talk I made my major purpose, which was an effort to induce the Congress to undertake these studies and to reach its own conclusions.

I did not mean to suggest at all that the study by the Congress was to be exclusive of study by the Communications Commission, but I mean to say that it was then my thought, and it is now my thought, that major questions of policy should be the responsibility of the Congress to determine, and that the obligation of the regulatory body is only to make its studies and its recommendations to the Congress and to administer the law as the Congress has laid it down in accordance with the purpose of the Congress so far as that purpose can be ascertained.

And then, if I may go on for a moment, I made another speech in 1938, and in that speech I spoke of various problems. I want to quote two or three extracts from that speech, because I think they reinforce and make still clearer what my purpose was in this whole matter.

THE CHAIRMAN. We have all made speeches at times that we wish we had not made.

SENATOR WHITE. I still stand by this. I said (reading):

"Most of the problems which are confronting us today involve questions of policy and questions of principle, and I conceive it to be the duty of the legislative body to determine matters of fundamental policy and to lay down the principles which shall guide an administrative body in the performance of its legitimate functions.

"Mr. President, the Federal Communications Commission should neither have the right nor should it have placed upon it the burden of determining questions of governmental policy."

And then there was an interruption from the Senator from Montana; but I shall not quote what he said. I will pass that over in such silence as I can. Then I went on and said this:

"One of the questions which has been under agitation for a long while is the question of chain broadcasting. As early as 1927 Con-

(Continued on page 498)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

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WHITE HEARING

(Continued from page 497)

gress recognized that there might be special and peculiar problems arising from the development of chains throughout the United States, and it wrote into the original Act of 1927 authority in the Communications Commission to make special rules and regulations for the government of stations engaging in such activities."

Then I went on and mentioned the fact that back in 1935 one of the Commissioners had moved in the Commission that the Commission undertake a study of this problem, and I mentioned the fact that although that motion had been made in 1935, up to this time—that is, May, 1938—nothing had been done, although it was understood that the Commission was about to undertake a study of the problem.

Then I went on and discussed chain broadcasting somewhat, the number of stations that were controlled by the chains, the power utilized by the chains, the hours upon which the chains had unlimited time, and so forth and so on. And then I said this:

> "That, in a very brief way, is the story of the chains and of the stations associated therewith. I submit to the Senate that those facts present a problem not only to the Commission but to this body which, together with the House of Representatives, has a responsibility in the determination of the policies which shall obtain and the principles which shall be followed in the regulation of the broadcasting industry. I do not see how we, as responsible public officials, can turn our backs upon the questions presented by these facts and leave to an administrative body, a quasi-judicial body, the determination of matters of grave public policy."

Then I referred to the Senator from Montana; but I will pass him by and keep him in the background for the moment.

SENATOR HILL. That is impossible.

THE CHAIRMAN. A lot of people have tried to keep me in the background.

SENATOR WHITE. I understand that; and that is why I know better than to attempt it.

Then there was the question of the wattage which should be assigned to chains, and in what I said I had reference particularly to a suggestion that we were to have a governmental station of 500,000 watts, or something of that sort, that would be disseminating the views of the United States throughout the world.

MR. FLY. That is socialism, Senator.

SENATOR WHITE. Yes. I did not say I approved of it. I said:

> "This is a question of public policy. It is not a judicial question; it is not an administrative problem to be dealt with solely by an administrative body, but is a question involving the public interest, on which the Congress of the United States ought to have opinions and ought to express them."

Then I went along and said a lot of interesting things, I hope, and then I turned again to the question of monopoly. I said that the question of monopoly was involved, monopoly of the transmission of information to the American people, and that I happened to be one of those who did not want to see such a monopoly dedeveloped in the United States. I said, further:

> "There are other questions. All of these are, in my opinion, of supreme importance to the American people. They are all problems involving principles and policies, and we in the Congress have no right to evade our responsibility. We ought to undertake a study of the problems. We ought to undertake to find an answer for them. We ought to lay down the general and the broad rules which shall guide and which shall control our creature, the administrative body."

I hope those quotations make clear my general thought about this whole subject matter, about the relative obligations of an administrative body or regulatory commission and of the Congress itself. I had felt, too, that in the very legislation proposed to guide us we had indicated clearly to the Communications Commission that in its annual reports to be made to Congress it should tell us of the results of its studies and should make its recommendations as to legislation.

Those things are all fundamental with me, and I just have the feeling—and it is one of the questions which trouble me most gravely about this whole problem—that there is a question whether you really should not have submitted to the Congress your findings of fact and your recommendations as to legislation, for I have the thought that what you are doing or attempting to do here is to lay down a principle or a basic public policy and as I said a while ago, I rather shrink from Commission-made law and from the determination of what I call basic policies by anybody other than the Congress of the United States.

I apologize for making this statement; but I did not interrupt you when you were making references to me yesterday morning, and I wanted to get this before both you and the other members of the Commission and anybody else who is interested.

THE CHAIRMAN. We all read your speech without your calling it to our attention.

SENATOR WHITE. But I do not think you profited sufficiently.

MR. FLY. May I have the liberty of amplifying Senator White's views slightly?

THE CHAIRMAN. Proceed.

MR. FLY. God forbid such immodesty on my part as to claim to be the originator of the ancient struggle against monopoly. I certainly did not originate it. I do claim the credit of having some small part in the enforcement of the Sherman Act. But going even beyond the Sherman Act, back into days immemorial, so far as we are concerned, anti-monopoly has been the policy of the English-speaking peoples. We go back beyond the days of Adam Smith; we go back to the laws against engrossment and forestalling, and come down in the American commonwealth to the common law outlawing contracts and combinations in restraint of trade, and we come to July 2, 1890, and find that with the aggressive development in America of new industries and with the tendency to monopoly in a number of those, involving interstate commerce on a great scale, the ancient policy against monopoly demands Federal implementation. At that time Congress passed the Sherman Act, and since that time the Congress, ever cognizant of that same basic philosophy and the problems arising in new American industries, under that philosophy has supplemented that Act with such measures as the Clayton law and the Federal Trade Commission Act; and at no time has the Congress of the United States receded from that policy. Now, without further ado, the anti-trust philosophy, the rules against monopoly, become applicable to the broadcasting industry engaged in interstate commerce, and the Congress, being especially mindful of the problem of monopoly in the radio industry, took the extraordinary pains to write the policy against monopoly into the Radio Act of 1927 and into the Federal Communications Act of 1934.

I do not think that under those circumstances there can be any suggestion that this Commission has undertaken to fix that policy or to establish any rule of law other than that laid down as a clear mandate by this body.

Now, as to the implementation in matters of detailed and specific enforcement—and I think that is a much smaller question than the question as to whether or not we fixed the policy; that is, basically it is smaller, although in this situation I think it is an important question—there the Congress took special pains again to move into this particular field and to provide for special regulations applicable to stations engaged in chain broadcasting; and to further elaborate Senator White's views, I again refer to the speech of March 17, 1937 (reading):

> "Study of the facts with respect to ownership and control of stations brings the conviction that Congress must either recede from its position of hostility to monopoly or it must take steps to insure that its wishes be respected by the regulatory body.
>
> "The provisions of the 1927 Act, which are also found in the 1934 Act, leave no possibility of doubt as to the will of Congress; they confer ample powers to make that will effective.
>
> "The Congress at the time the 1927 Act was passed, while perhaps not fully appreciating the growth of the chain system, did recognize the possibilities of the situation and wrote into this early Act the authority to make special regulations applicable to radio stations engaged in chain broadcasting."

The situation that the distinguished Senator was referring to there was the monopoly situation.

SENATOR WHITE. You say that with reference to 303 (i) I was referring especially to the monopoly situation?

MR. FLY. I was quoting from your speech, sir, and the reference, I take it, was to 303 (i), although I think that apart from 303 (i), with the general regulatory power and with the mandate against monopoly in the Act, then that the Commission would be obliged to use its licensing power in the public interest to forestall the establishment of monopoly.

I cannot conceive that we should continue to hold that the building up of a monopoly is in the public interest, when the Congress has taken the pains to say in this Act, "You must observe this basic law." To say that it is in accordance with public opinion to continue to build up these monopolies I think is a fallacious contention.

SENATOR WHITE. Does anybody contend that? I do not think anyone contends that, and I do not think you ought to impute that thought to anyone.

MR. FLY. I am sorry, sir, if we are not in agreement upon that. I certainly did not intend to misrepresent your position. I did not intend to embarrass you in any way.

SENATOR WHITE. You cannot embarrass me. I will take care of myself when it comes to the matter of embarrassment. But you have no right to suggest that in anything that I have ever said or that in any vote that I have ever cast with respect to monopoly in radio communications I have been an advocate of monopoly.

MR. FLY. I would not suggest that, sir.

SENATOR WHITE. You were getting pretty close to it.

MR. FLY. I think your advocacy has been all in the other direction.

THE CHAIRMAN. I did not understand Chairman Fly's statement in that way.

MR. FLY. I am sorry if there is any misunderstanding on that point.

POWERS OF THE FCC

SENATOR WHITE. Of course what troubles me about the situation is that I see in these present regulations the very definite suggestion of an assertion of authority in the Commission to do pretty nearly whatever it wants to do if it says it is in the public interest. It is pretty hard to see, if we accept these regulations as being within the authority of the Commission, why the Commission could not assert almost anything as being in the public interest and then going ahead to do it.

MR. FLY. I would say this: If anything were written into a statute in such clear terms and into the philosophy of the whole system of laws, and into the matter of public interest, as is the policy against monopoly, we ought to be able to do any and every thing within reasonable and proper bounds to prevent such a monopoly, and to that extent I do agree with you.

SENATOR WHITE. But of course you cannot turn to a line in the present law which authorizes the Federal Communications Commission to determine the acts which singly or in their totality are to be regarded as in restraint of competition or as monopolistic practices.

MR. FLY. Sir, I would say—

SENATOR WHITE (continuing). On the contrary the penalty for control of monopolistic practices is reposed in the courts, and under the Act as it now stands whatever authority you may have to declare a license forfeited because of monopoly, or to refuse to issue a license because of monopoly, must rest first upon the determination by a court that a licensee or an applicant has been guilty of monopolistic practices. Then you have same authority. But there was never in this Act, and there cannot be found language, nor was there the purpose to give to this Commission authority to say what constitutes a breach of the antitrust statutes. And that is pretty nearly what you have undertaken to do in these regulations. The question of whether a person or a corporation is guilty of violating the penal statutes of the United States was left to the determination of the courts, and after such determination then the Commission has authority to act.

MR. FLY. I, of course, would not urge that such a decision is not with the courts, but I would say that clearly under the statute it is not exclusively with the courts, and I do not think the Senator would urge that we should build up a monopoly if one would assume that we have the power to do it.

In order to avoid monopoly is it the Senator's suggestion, for example, that while litigation is in progress—or I will put it this way: Suppose the Department of Justice procures an indictment, or suppose it brings an equity action alleging that there is a monopoly here, and that there is a growing tendency toward monopoly and to restraint of interstate commerce, and suppose we thoroughly agree with that. Then in the two or three years that cases are pending must the Commission go right ahead and be guilty of building up the very thing that other agencies of the Government are tearing down? And, I ask: Is that in the public interest? I think the question answers itself I will say, because I know it is not my privilege to ask you, Senator White, questions.

SENATOR WHITE. I just said to the Chairman, and to my colleague on my left (Senator Tobey) that I had not up to this time gone into the phase of the question which most deeply interested me in connection with these regulations, and that is, the authority of the Commission to issue any such regulation. However, it does seem to me that basically you have undertaken in these regulations to describe acts which you believe are monopolistic, are monopolistic practices, and therefore against public policy.

Now, I do not believe it is within the authority of the Commission to declare what are acts violative of the antitrust statutes of the United States. It may be that the law should specify the things, should proscribe certain practices. But my complaint is that you did not make—and when I say "you" I do not refer to you personally but to the Commission—that the Commission did not report its findings as to these exclusive contracts, as to the effects of these exclusive contracts, to the Congress; that the Commission did not make recommendations to the Congress for such changes in the law as it thought would be right and proper; that the Commission did not put upon the Congress the burden to determine that matter.

MR. FLY. Since we disagree upon that, Senator White, is not that the job of the courts?

ADVERTISING AGENCIES

THE CHAIRMAN. While on that question let me ask you this: What is there to the idea that has been abroad to the effect that if these stations did not have exclusive contracts, or optional time, then some advertising agency could come in and pick out just the stations they wanted and operate in that way, without taking the matter up or going through the chain broadcasters? Have you looked into that matter?

MR. FLY. I do not think that would be wholly feasible for two or three reasons: In the first place there are a number of these big basic stations that are owned by the networks; and then the agency would have to go into the full network business except for the ownership of stations. The agency would have to do the programming and have its own studios, either directly or indirectly, and do that entire job. Then it would have to arrange for its own wire facilities. And then, due to failure to get access to various key points, it has to be scattered, with stations long distances apart, even assuming that they do complete contracts for certain stations. So I cannot think that anything short of a pretty thoroughgoing network system is going to be feasible. I do not believe that advertisers can run in spasmodically and make a system of that kind.

COURT REVIEW

SENATOR WHITE. I assume that if you have power to make these regulations you have the power to modify them and change them or to wipe them out in their entirety.

MR. FLY. I do not so assume, sir, unless the modifications that we would make would be in accordance with the law, as these regulations are.

SENATOR WHITE. Do you want to start another debate?

MR. FLY. We can modify them, of course.

SENATOR WHITE. If you can make them, you can modify them or un-make them.

MR. FLY. I think, from the tone of your voice you suggest absolute discretion. But we are bound by the law and its very clear principles and we do not have that discretion that the tone of your voice suggests, sir.

SENATOR WHITE. All right. We will let that answer stand. But if your regulations are now in effect, unless you do modify them you cannot reissue the license of any station in the Red network or any station in the Blue network, can you?

MR. FLY. We can modify them in any case.

SENATOR WHITE. Of course you can modify them; but, I say, unless you do modify them, and if you stand on that regulation as it is now written you cannot renew the license of one of the Red network stations or one of the Blue network stations until at least there is a divorcement.

MR. FLY. We must conform to these principles in the rules. I do not think it should be suggested that there would be any tendency not to give the ample time that is necessary. If there is an attempt in good faith to move this network out, with all of the success and the glory that it ought to have in going into this field and making an effective sale of it, if there is a good faith attempt to do that, you need not worry about the attitude of the Commission. And I want to make this point, because it is basic in this whole thing. If the attempt is to get these principles of the Commission held up and the processes of the administrative agency paralyzed while an effort then is made to tear down the basis of it, in effect, to wreck the decision through long delays, through extensive debates, the pendency of bills that never come out of the Senate or the House, and if in the meanwhile these gentlemen can enforce their will, their publicly announced will, by saying who shall sit and who shall not sit upon regulatory bodies, then I think you have something that challenges the very integrity of an orderly and democratic system of government.

SENATOR WHITE. If I get the real significance of what you have just said, if I or any other member of the Congress should introduce a bill which challenges the authority of these regulations, or if one of these chains or one of these affiliated stations appeals to the court, are you suggesting that there will be further penalties imposed upon them by the Commission?

MR. FLY. Oh, no, sir. Do not misunderstand me. I welcome their going to court. I think that is where these terribly legalistic questions ought to be decided; and no station is going to be injured by going to court. That is a course that I have advocated and will continue to advocate.

SENATOR WHITE. I thought there was rather a punitive suggestion in what you said, and I wanted to get that clear.

MR. FLY. No. I want to reiterate that, sir.

THE CHAIRMAN. I am afraid that you are both thinking of punitive action, and in this matter it seems to me we ought to look at it from a reasonable standpoint. Let us consider the Blue network. I do not feel that the Commission ought to say to them, "You have got to dispose of this in 90 days time."

MR. FLY. I do not, either.

THE CHAIRMAN. If in good faith they are making an effort and saying that they are going to dispose of it, I think they ought to be given six months time or such reasonable time as is necessary to dispose of it.

MR. FLY. I agree wholly, sir.

THE CHAIRMAN. And I do not think that they ought to be penalized if they go into court. I would be one of the first to criticise the Commission if I thought you or the Commission itself for one moment was going to penalize any of these people if they went into court I think that is the wrong spirit with which the Government should act.

MR. FLY. And I would expect that criticism if we did, sir.

THE CHAIRMAN. On the other hand I know, as we all know, that in certain matters there has been an attempt, not in the radio industry, to my knowledge, but in some other matters, to go into court with litigation and tie it up, through injunctions, for a long period of time. I assumed that was what you had reference to.

MR. FLY. Yes.

SENATOR WHITE. Perhaps that was not a fair comment of mine, but your statement rubbed me a little the wrong way.

MR. FLY. I was referring to what these gentlemen are proposing, and that is a reorganization of the Commission, to be composed of men of whom they approve—stating who may and who may not go upon the Commission. It is an unfortunate fact for you, sir, that the forces that are taking that position are flying your flag. They are marching behind this particular bill which is designed to obstruct the decision of the Commission and to play for time during which the other results can be brought about. If great pressures and great schemes of propaganda can be used to such an end by the very industry that has this great public trust in its hands—and it has a tremendous public trust in its hands in the form of licenses and in the effect upon public opinion and, indeed, in the effect upon political opinion—then if they are successful in accomplishing those results, which I know you and I disagree with, then to that tragic extent democratic government is impaired.

SENATOR WHITE. You say that I disagree, and yet in the same breath you say I am flying their flag. I am flying mine. That is a wholly gratuitous and unnecessary reflection on me.

MR. FLY. I did not say that, Senator. I certainly apologize if I approached that suggestion. I say they are marching behind you, and I do not think it is your intention to lead them in that sort of a fight.

SENATOR WHITE. Let me ask you another thing about this. Let us assume that the National Broadcasting Company wanted to dispose of the Blue network: is there anybody, outside of the other chains, to whom they could dispose of it in totality as a practical proposition?

MR. FLY. As a practical proposition, in choosing between purchasers? I know there is a ready market for the network, sir.

THE CHAIRMAN. Considering the amount of money that these networks have made, they ought not to have any trouble in selling.

THE SMALLER STATIONS

SENATOR JOHNSON of Colorado. How do you account for the fact that many of the stations do not want the liberty and freedom which you say they should have?

MR. FLY. Senator, I do not accept the premise that, in view of their close relations and the power which these networks exercise over the stations and over the means of assembling the stations and getting opinions, that we have ever had any independent expression of opinion from the stations themselves.

THE CHAIRMAN. The chains are in position to exert, if they want to—I do not know that they have, but they are certainly in position to—a tremendous economic pressure against any station against whom they want to exert it.

MR. FLY. I think that is utterly inescapable in this picture. I do not think there is any doubt that in any procedure those New York gentlemen dominate, you would get anything other than that sort of a general result; though I may say that the suggestions of unanimity, even amongst any particular groups, are just not true, because there are many dissents.

THE CHAIRMAN. There are two things that the stations are afraid of: they are afraid of the Commission and they are afraid of the industry.

MR. FLY. I found out in St. Louis that they were not afraid of me.

The following members of the committee attended the hearings:

Monday: Senators Wheeler (chairman), Smith, Bone, Truman, Andrews, Johnson of Colorado, Hill, Stewart, Clark of Idaho, Tunnell, McFarland, White, Shipstead, Tobey, Gurney and Brooks.

Tuesday: Senators Wheeler (chairman), Smith, Bone, Schwartz, Hill, Stewart, Clark of Idaho, Tunnell, McFarland, White, Shipstead, Tobey, Gurney and Brooks.

Wednesday: Senators Wheeler (chairman), McFarland, White, Tobey, Gurney and Brooks.

National Defense

Constructive Suggestions Welcome

During the past two weeks many stations have written NAB to register opinions on matters centering in requests for free time by various agencies. The St. Louis convention authorized the appointment of a Radio National Defense Committee and these letters will be referred to that committee.

Prior to its first meeting, it is suggested that other broadcasters may care to make constructive suggestions. Address your letters to Arthur Stringer, at headquarters, and he will bring the file to the attention of the committee at first session.

Two Changes for the Better

Two constructive changes in handling Army and Navy recruiting announcements have already been made. In both branches local recruiting personnel has been directed to discontinue the solicitation of time. Henceforth it is planned to channel the distribution of live recruiting announcements through NAB to all stations.

Both services take the attitude that is shared by broadcasters that every effort should be made to produce maximum results with a minimum of time. This minimum time becomes extremely productive for the Army and Navy because there is almost 100 per cent cooperation by stations.

The Navy's Recruiting Campaign

The Navy's present recruiting campaign is limited to three suggested announcements per week. At the end of the current test period it will become evident whether the frequency should be reduced, maintained or increased. This can be done because broadcasters, themselves, have been good enough to specify whether they have been able to find time on their schedules for such announcements.

The Army's Recruiting Campaign

The Army's recruiting radio campaign also embraces three suggested announcements per week. These likewise are sent to all stations through NAB. There is also a weekly 15-minute program which has been on the air for many months. The availability of this program has been unknown by some broadcasters and this week, WTEL, Philadelphia, and WHLN, Harlan, Ky., requested it.

Radio Men in Service

WDZ—Tuscola, Ill.
  Larry Sanford, Battery D-123rd F. A.,
  Camp Forrest, Tullahoma, Tenn.
  J. Kent Saunders, 47th Infantry,
  Camp Bragg, N. C.
  Robert B. Harrington,
  Scott Field,
  Belleville, Ill.—next July.

WMBD—Peoria, Ill.
  Lt. Frank C. Schroeder,
  Fort Knox, Ky.

WQXR—New York
  William D. Strauss,
  Fort Jackson, S. C.
  Herman Kuch,
  Fort Riley, Kans.

WIBX—Utica, N. Y.
  John Frederick Sullivan, V-6 RM3C, General Detail Receiving Ship,
  Brooklyn, N. Y.

635 Stations Take Army Recruiting

Up to the middle of the week 631 stations had reported that they had found time for Army recruiting announcements. Since the list was compiled such news has come in from:

WORL—Boston
WLW—Cincinnati
WSAI—Cincinnati
WTOC—Savannah

Joseph Ries will coordinate defense programs for WLW, WSAI and the Crosley international station, WLWO.

BMI

Supreme Court Decision

Copy of letter to BMI Affiliated Publishing Companies:

Statements have been made that the recent decisions against ASCAP, rendered by the Supreme Court of the United States, may affect BMI's ability to serve its associated affiliated publishing firms. This is not the case. The decisions will in no substantial way affect either the structure or activities of BMI, which has already taken steps to comply with the provisions of all State statutes applicable to it. The very premise upon which BMI was founded was that there should be an avoidance of all of the monopolistic features of ASCAP which have now been held to be illegal.

You may, therefore, be assured that BMI will continue to be able to make all of the music licensed by it available to all music users in all of the States of the United States.

Very truly yours,

Broadcast Music, Inc.

Hymn of Freedom

Ode To America, new BMI patriotic song by Jules Bledsoe, negro baritone, owes its inspiration to a trip to the nation's Capital. While looking down from the Washington Monument across to Lincoln Memorial, Mr. Bledsoe was stirred by the thought of what Washington and Lincoln had contributed to the freedom-loving spirit of the United States and the vitality of this spirit when it came in open conflict with the dominating philosophies of the totalitarian states.

"Conditions have not been ideal in the United States for the negro race," said Mr. Bledsoe, "but we have sound reasons to be thankful that we are Americans, as have the people of every other minority living in our country."

A line of the song, "Oh, thou land by God inspired," grew to a complete lyric by the time Mr. Bledsoe reached his home in California following his trip to Washington. He sang *Ode To America* on his recent concert tour where the audience was asked to join with him in this paen of triumphant praise to a freedom-loving country. He believes that as the war sentiment grows, the people of the United States will seek closer communion with religion and that much of the strength of our country will lie in genuine religious conviction.

BMI FEATURE TUNES

June 9 - June 16

1. I WENT OUT OF MY WAY
2. ALL ALONE AND LONELY
3. MY SISTER AND I
4. WALKIN' BY THE RIVER
5. WISE OLD OWL
6. FRIENDLY TAVERN POLKA
7. G'BYE NOW
8. WHAT D'YA HEAR FROM YOUR HEART
9. HERE'S MY HEART
10. WITH A TWIST OF THE WRIST
11. THE RELUCTANT DRAGON

In preparation: *Wasn't It You?*, by the writers of *You Walk By*.

With *My Sister and I* leading the Hit Parade as well as the list of best selling retail records, BMI entered the month of June well represented in the tunes that are "coming up," those that are "going strong," and in the surprises that await. *Amapola* continues its sensational run for the tenth week; the "now" songs, *Oh, Look At Me Now* and *G'Bye Now*, rank second and fifth respectively in the leading music machine records on Billboard's music popularity chart. Among those fighting for the first division are *Maria Elena, Daddy, The Hut Sut Song, Do I Worry, Friendly Tavern Polka* and *Walkin' By the River*. Just around the corner are *I Went Out of My Way* and *All Alone and Lonely*. Awaiting introduction is *Wasn't It You*, a new torch tune by the writers of *You Walk By*, which has two of the best lyric lines that have been heard at BMI since Hy Zaret and Irving Weiser led with their hearts in *There I Go*. George Marlo, BMI's Professional Manager, has a theory that two good lines coupled with a good tune spell H-I-T in the popular song field. He believes that *Wasn't It You* says more in two lines than most popular songs say in an entire chorus.

BMI Decree Conformed to ASCAP's

Judge F. Ryan Duffy, of the Federal Court in Milwaukee, has signed an order eliminating the technical differences between the consent decrees signed by ASCAP and BMI. ASCAP's decree permitted freedom in contractual relations with licensees which was not permitted in the BMI decree. In the opinion of BMI counsel, this gave ASCAP a competitive advantage not contemplated by the Government in making the decrees. The modifications, which put BMI and ASCAP on a parity, have the approval of Thurman Arnold, Chief of the Anti-Trust Division of the Department of Justice, and Victor O. Waters, Special Government Counsel.

Exhibit

"The Evolution of My Sister And I," which was displayed at the NAB Convention in St. Louis, is now on exhibition at the High School of Music and Arts, Convent Avenue and 135th Street in New York City, and has been requested by other schools and colleges for its educational value. During the past week, the leading Kresge store in Detroit, devoted a window to *My Sister And I*. The center of interest was a rotating model of a little Dutch refugee boy and his sister.

Comic Strip Meets Love Song

For the first time a popular song has been written specifically for a comic continuity. The title of the song is *How Long Has This Been Going On*. The two hit song writers, Bobby Worth and Stanley Cowan (*Do I Worry* and *Til Reveille*), wrote the music and the lyrics are by Fred Fox. The title page of the song, published by Melody Lane and controlled by BMI, carries the subtitle, *From a celebrated NEA comic strip, "Freckles and His Friends," by Merrill Glosser.*

According to the story in the comic strip, the song, which Dick Jurgens will play on June 14th, has been "written" by Freckles and one of his friends. Its acceptance for performance by Jurgens and its introduction over the air from Catalina Island will be part of the story related in the continuity running in some 720 newspapers throughout the country.

Daddy

Sammy Kaye has the biggest hit of his career on his hands, and it's all the "fault" of a young University of Pennsylvania student.

Bob Troup is a senior at the University, and only 21. When he isn't studying he spends his time writing tunes. Recently he concocted a ditty he called *Daddy*. It had a certain bounce and some clever lyrics but Troup figured it was no better or worse than any of a half dozen others he had turned out.

Sammy Kaye was eating dinner at the Embassy Club in Philadelphia one night and heard a small four-piece band play the Troup tune. He inquired as to who wrote it, and three days later met Troup in person. Kaye, who operates Republic Music Corp., bought *Daddy* on the spot and published it. Soon the Kaye band was playing it. And in twenty-four hours the public was clamoring for it. Sammy's recording of *Daddy* sold 15,000 copies eight days after it was released.

Sales

Please direct this section to the attention of your sales manager.

NAB Sales Calls

Acting on the request of NAB Members, the Director of the Department of Broadcasting Advertising last week began a campaign to sell the J. C. Penny Co. and the W. T. Grant Co. on the use of local radio advertising. Facts learned are as follows:

J. C. Penny Co.—The Pedlar & Ryan agency has discontinued the transcribed serial story "Adopted Daughter," *but local Penny store managers can buy radio advertising if they want it.* As a general policy the home office does not encourage radio because they claim it is more difficult to control than newspaper; that local managers can easily spend an excessive amount on radio advertising without an adequate day-to-day check; that home office approval depends to some extent on the particular market involved: the number of Penny stores in that area, the comparative rates of radio and newspaper advertising, etc. The agency is understood to be seeking an effective way of returning to radio on a wide scale. Meanwhile, local store managers can buy spot radio if they are sufficiently sold to insist upon it, and stations are urged to exercise special care in developing and selling a wisely planned, economical and effective campaign, for the sake of long-range objectives. In time, by the accumulation of local successes, this company and many like it can be developed into important radio buyers.

W. T. Grant Co.—This company reports that each local store has its own advertising budget, charged entirely against that store, and that these budgets are so small as almost to preclude the possibility of consistent use of radio. Spot campaigns, chiefly announcements, have been tried by various stores but without general success. The company frequently buys programs to advertise the opening of new stores. Some local Grant managers are using spot radio, and others can do so if they are sufficiently sold to insist upon it, despite a general policy of discouragement by the home office, based on past experience. Here again the long-range objective can be attained only by careful selling and servicing on the part of local stations, so that an accumulation of successful experiences can be built up to counteract past carelessness and lack of success.

Per-Inquiry and Free Time

Harry M. Miller, Inc., of Columbus, O., is seeking cost-per-inquiry deals on behalf of a representative of the **American Schools.**

Metro-Goldwin-Mayer Pictures, of Culver City, Cal., is seeking free time for a series of "Hollywood Radio Reporter" programs. Writes James L. Howe, manager of WBTM, Danville, Va., to NAB: "I believe if all of the radio stations in the country would stick together on this proposition, for once, we might convince the movie industry they can't play us for suckers any longer."

Mr. Howe's letter to Harry Loud of M-G-M states:

> "We are very sorry to be unable to schedule your 'Hollywood Radio Reporter.' We have no bone to pick with the motion picture industry but we have a rate card and a policy which says that such programs come under the classification of commercial advertising and as such must be paid for at card rate.
>
> "We cannot agree with your premise that you are offering us the biggest names in the entertainment world and that because of that fact we should schedule the programs on sustaining time. In that event, few of the fine commercial programs on the air at the present time would be paid for as they are composed of the biggest names in the entertainment world also.
>
> "We would like to call to your attention the fact that anything that is worth asking for free is usually worth paying for. It has been our practice to cooperate with our local motion picture theatres and we have no objections in cooperating with you as a motion picture firm, but we feel that advertising must be paid for if we are to successfully operate a good radio station."

"Radio Income Builders", of Des Moines, Ia., previously listed in these columns, are seeking per-inquiry deals on behalf of **Speed King Hot Water Heaters.**

The **Max Goldberg Advertising Agency**, Denver, Colo., previously reported in these columns as attempting to purchase radio time for the state of Colorado at local rates, in response to correspondence from NAB states: "Because this is the first national order we have ever placed, our over-anxiety to get as much as possible for the money allotted resulted in a letter which wasn't worded exactly as it should have been. It certainly never occurred to us that the national radio rate was so much higher than the local rate, and it is our last thought in the world to do anything that would undermine established radio rates. Please accept this letter as a sincere apology, and completely disregard our last letter. From now on all our letters will be clear and with highest respect to established rates as well as the hours governing those rates. A letter to the member stations of NAB clearing up any uncomplimentary impression our letter brought about, would be most appreciated." Mr. Goldman has been advised that NAB members are now being assured that they can work with him in the future in all confidence.

Effective Retail Selling

Because Bruff W. Olin, Jr., manager of WKIP, Poughkeepsie, N. Y., has had unusual success in selling radio advertising to retailers, he was asked by NAB to outline his sales technique, and his contribution is printed fully here for the benefit of all NAB sales executives:

I have held strictly to two basic beliefs in the selling of radio time: (1) Selling on the *facts* is much more permanently effective, and (2) Radio's story of greater circulation per advertising dollar spent is really a potent sales weapon.

It has been my experience that many stations (in this whole discussion I refer to small local stations with which I am most familiar) sell the Jones Store because the Smith Store is on the air and getting good results. In the process of getting over such a sales story, the salesman inadvertently overstresses Smith's results and instills in the prospect the belief that radio's power is so potent that his business is bound to grow beyond all reasonable expectations as soon as he goes on the air. Thus is many a 13-week schedule doomed to a three-month death because the prospect is led to expect far more than any radio station can produce—far more than *any* medium can produce.

How much better to let your hair down and admit that only 25% of the total number of home radios are being listened to at the "peak" day-time period! But, when you do that, be armed with sufficient information about newspaper ad readership to use this information as a yard-stick by which your prospect can judge for himself whether a fair estimate of your station's portion of the "available audience" is worth his investment.

Here is the procedure that I have found to be the most effective in selling radio. Here is the sales story, step by step:

1. Most advertisers will admit that no medium can do more than "deliver a message"; they'll admit that advertising, therefore, is circulation—the greater the circulation, the greater the results therefrom. This is your premise.

2. Don't even intimate that newspaper advertising is "no good"; to do so insults the intelligence of every prospect who has ever spent good money in newspapers, and most radio prospects have. Admit that it "pays out". Then, show him, by using newspapers as a yard-stick, why radio should be *even more effective.*

3. Make full use of NAB's "Radio Listening" studies. Request from NAB the break-down of their listening studies into half-hour periods from 6:00 A. M. to Midnight. If possible, obtain a copy of ANPA's studies showing newspaper ad readership. I believe the basic idea is conveyed in the fact that a Gallup study of newspaper readership published in the February 8, 1940, issue of "Editor and Publisher" estimated the actual readership of a "better-than-average" half-page advertisement to be only 10% of the newspaper's total circulation. Know your competing newspaper's rates. You know, of course, your own.

4. Tear out one of the newspaper ads your prospect has run recently. Point out the probable "effective circulation" of that ad. (Note: I have found that many *local* newspaper advertisers have never consciously analyzed the *effective* circulation of their newspaper advertising; rather, they have hazily

thought of their ad's circulation as approximating the total circulation of the newspaper.) Estimate the cost of the ad.

5. Analyze the proposal for the radio time you are offering the prospect in the light of *known radio audience factors.* Show him the NAB report of total actual audience at the time of day you propose he advertise on your station. Admit you haven't all the audience. Point out factors that would indicate a good audience for your station at that time. Then, agree with him upon a fair estimate of your probable audience percentage. The chances are that the resulting "agreed fair estimate" will seem extremely small. But then, apply that percentage to the total number of radio homes in your station's primary area. (Here is the first factor that will boost your estimated circulation far above the newspaper's; because, the chances are that your station's primary includes far more radio homes than the total homes represented in the newspaper's circulation figure.)

6. Point out the cost of the proposal you suggest. Here is the factor that will lower your cost-per-listener-per-broadcast far below the newspaper's cost-per-reader-per-insertion; because, the chances are that the cost of a *single* half-page newspaper ad would be more than enough to buy a heavy series of announcements or a good program on your station. Compare the cost-per-listener-per-broadcast of your proposal with the cost-per-reader-per-insertion of the newspaper advertisement. My experience has been that these comparative costs will show the newspaper's figure to be several times greater than the figure for a well-thought-out radio advertising proposal. The difference is *so great* that your prospect can make all further allowances for possible errors in estimates, *plus* all reasonable allowances for the oft-repeated claim that "impressions through the ear are less effective than through the eye" (don't argue about this point; it's endless), and he'll still have to admit the bare possibility that "you've got something there."

This may seem like a complicated procedure. Actually, it is as simple as A-B-C if you have the information necessary, and I'm certain NAB can supply it. And, it's worth its weight in increased time sales. (I was going to say "in gold".)

During the entire sales story, you haven't *promised* a single result—you haven't led your prospect to expect the world with a fence around it; you have merely given him all facts necessary to form a logical conclusion. He is impressed with your evident honesty in revealing facts that, unexplained, might seem to reflect upon radio's ability to produce. He has confidence in your knowledge of your product. Frankly, I have found him to be more impressed with radio as a medium than if I had gone in with a briefcase full of testimonials that would lead him to believe in radio's ability to cure all business ills. But, more than that, I have found the prospect thus sold to have a more *solid belief* in radio and a more *permanent belief* in its effectiveness—even though it is not immediately justified by consumers pounding down the aisles to get at radio-advertised merchandise.

Double-Billing Condemned

The practice of doubling-billing by some media (whereby service is rendered an advertiser at a local rate but he is billed at the national rate for collection on a cost-sharing basis from the manufacturer) is clearly unethical and dishonest. Any collusion on the part of media with local dealers or retailers is purely and simply a matter of defrauding the manufacturer or national advertiser.

A recent case was reported by an NAB member where his local newspaper competitor was engaging in this practice. NAB took the matter up with the American Newspaper Publishers Association, and received this reply:

> "The ANPA does not have any control over its individual members as to what rates they should charge and how they shall make out bills.
>
> "It goes without saying that the ANPA does not countenance a statement or bill of any kind except that it represents the real facts of the true situation . . ."

NAB also took this up with the Association of National Manufacturers, and received this reply:

> "We have never had occasion to take any action with regard to the practice of double billing by advertising media. To the best of my knowledge such cases are relatively few and we have usually found that as soon as they are discovered by the advertiser he refuses to pay a higher rate. Certainly such practice is to be deplored and discouraged.
>
> "Therefore, anything which the media can do along this line would be of very constructive service in their own interests as well as that of their customers."

It is the opinion of NAB that radio stations encountering such unfair competition are entitled, in self-defense, to notify national advertisers using the competitive medium that a double-billing practice is being carried on.

Excessive Merchandising

Few radio stations will object to doing a reasonable merchandising job for a good client. It is the abuse of this service that causes most of the trouble, and NAB notes an alarming tendency on the part of some advertisers and agencies to over-reach themselves with excessive and exorbitant demands. So all NAB members may be fully informed, and may keep these tendencies in check, we reprint parts of a letter written by "Red" Cross, Commercial Manager of WMAZ, Macon, Ga., to George Duram of the Kastor Agency, Chicago:

> "I am being deluged by your B. F. Green with requests that seem to me to be slightly beyond the pale of good business. . . . We are requested now to prepare banners and do a bill posting job on all personal appearances and we are told that many stations are providing their talent with sweaters emblazoned with some reference to Groves. To cap the climax, we are now asked to post Chill Tonic road signs and to do so without compensation to property owners or space owners. Please let me assure you we want to do everything possible *within reason* for any national client, but we cannot be expected to follow every mental aberration of some merchandising expert whose main job seems to be the procuring of as much free advertising as possible.
>
> "Please note that the client in this instance is now receiving free advertising weekly on the spots which are used to trail the Groves program, thereby eliminating one spot in our schedule that has a salable value. If you will check the entire setup of correspondence and our telephone conversations, the subject of Porter's Oil was never brought up until after the orders were issued covering the Chill Tonic show. No one knew that the show was carrying a tail end parasite.
>
> "I would sincerely suggest that if the client wants the wholehearted cooperation of his talent, including boosting on all personal appearances, that you immediately make available an extra $30 weekly in talent money, retroactive. . . . While we have facilities for the creation of drugstore displays and dealer calls, we are not in the bill posting business. This may sound like a hard letter, but the requests made by your promotion department exceed anything we have ever seen before. . . ."

It is not meant to single out this advertiser or agency, but merely to cite this as the latest example to come to our attention of the growing tendency towards exorbitant merchandising demands. Unless NAB members stand squarely together in enlightened discouragement of such excesses, they will surely grow worse, because no agency can be blamed for attempting to get as much service as possible for its client, and for attempting to outdo its competitors in this regard.

What the end result would be, of course, is obvious, and the *only* people who can put an effective brake on this snowball rolling down hill *are the station operators themselves.*

Deupree Talks Available

Through the cooperation of the ANPA, 100 copies are available of the talk given by Richard R. Deupree, president of the Procter & Gamble Co., on "Advertising Is Essential to the Proper Growth of the Nation and Its People," before the ANPA convention in New York, April 23.

As long as this supply lasts, they are available free upon request by NAB members.

FTC Radio Script Review

Figures released May 27 by the Federal Trade Commission show that during the year ending December 31, 1940, a total of 701,197 radio commercial continuities were examined from 718 stations in 500 cities, and only 1.87% set aside as "questionable" and marked for further investigation. This percentage relates only to an initiation of inquiry, and does not represent any final adverse action taken by the Commission.

Labor

AFRA, IBEW Oppose Tax

Both AFRA and the IBEW went to bat for the industry this week against the Connery (D.-Mass.) special income tax on radio—instigated by the printing trades unions.

Said AFRA in a telegram to the House Ways and Means Committee:

"We see no justification whatever for imposing a discriminatory tax that affects radio employees only and which is class legislation not directed against any industry other than that in which we are working."

The IBEW, in a letter, called the proposed tax "unreasonable, discriminatory, arbitrary" and "partaking of the character of class legislation," with its sole purpose to shift advertising from radio to the printed media.

Wage and Hour Act

The NAB frequently is asked whether a talent fee, when greater than required overtime payment, can be used to cover the overtime an announcer spends on the sponsored show for which he receives the talent fee.

For example:

An announcer works 40 hours for $40. He spends his 41st hour each week doing a sponsored show, for which he receives a $5 fee. Does the $5 cover the overtime?

The answer: No.

He is entitled to his $40, plus his $5 fee, plus overtime. His regular hourly rate is determined by dividing his gross earnings ($45) by his total hours (41), or $1.10. He works one hour overtime, and so he is entitled to half his regular hourly rate extra, or a total of $45.55.

The only alternative is not to give the announcer the $5 fee, but to pay him a total of $41.50 (40 hours at his regular rate plus $1.50 for an hour's overtime).

The NAB is of the opinion that neither announcers (save, possibly, chief announcers) nor technicians (save, possibly, chief engineers or supervisors) can be classified as "administrative employees" under the definitions issued by the Wage and Hour Administration. Announcers who meet the salary qualification ($200 or more a month) can usually be classified as professional employees. Ordinary technicians, usually, are subject to the hours provisions of the act, even though they make $200 or more a month. The facts must be known in each case to obtain a definite opinion.

Rennaker Heads ABTU

Russell Rennaker became business manager of the Associated Broadcast Technicians Unit of the I.B.E.W., effective June 1, succeeding D. J. Dunlop. Rennaker has been an organizer for the ABTU and has been an engineer at Stations WBBM, WJSV and WFBM.

Miscellaneous

Broadcast Business Up 19%; Industry Income Up 39%

The broadcast business in the United States reached a new high of $154,823,787 last year, which was an increase of $24,855,761, or 19 per cent, over the figures for 1939, according to annual financial data released May 31 by the FCC. This amount was for sale of time only, as reported by three major networks, five regional networks, and 765 stations.

In addition to time sales, the industry derived $13,181,948 from the sale of talent and other services during 1940, which was $1,871,696 better than the year previous.

In consequence, the broadcast service income (operating profit) of the entire industry increased in 1940 by more than $9,000,000 over 1939, or about 39 per cent. This despite the fact that the industry's expenses increased by $13,806,089, of which $994,573 was for 62 new stations.

The three major networks (National, Columbia, and Mutual) had combined time sales of $71,919,428 for the year, which is up about 15 per cent over 1939. They paid out $22,123,760 to stations and regional networks compared with $18,023,195 the year previous. Thus, the three major networks recorded a broadcast service income (operating profit) of $13,705,043. This came from operation of their own stations as well as their networks and constituted 41 per cent of the broadcast income of the entire industry compared with 46 per cent in 1939.

National, Columbia and Mutual had net income down to about half a million dollars after taxes and other payments accounted for $8,885,694. The three major networks had net income of $9,313,856 in 1939. These three network organizations paid two and one-half million dollars more in Federal income tax for 1940 than 1939.

Of the business of the major network group, National Broadcasting Company, through its dual network, accounted for $37,137,823 of the total major network time sales of $71,919,428, and had a net profit of $3,918,772, including operation of its own stations. Columbia Broadcasting System's amount was $31,137,823, with a net profit of $5,006,634, including its own stations. Mutual Broadcasting System's share of the business was $3,600,161. It had a loss of $39,712.

The purely non-network business of the industry—i.e., time sold to local and national advertisers by the 765 stations—was $81,897,236, bettering the previous year by $14,109,409, or 20 per cent.

The broadcast income of 734 stations not operated by or for the networks amounted to $19,123,609, being up $6,345,807, or half again as much as for 1939. This non-network business showed an increase in the station sales to local advertisers of 20 per cent, and station sales to national advertisers of 22 per cent, as well as a 21 per cent increase in amounts received from networks.

The total time business of $154,823,787 for the entire industry includes $956,925 with respect to the 62 stations which operated less than the full year 1940. So the networks and stations which were on the air in 1939 obtained $23,898,836 of new business during the year 1940. The 62 new stations as a class had expenses in excess of their sales for 1940 and showed loss from operation in the aggregate amount of $37,648.

All told, there were 187 stations losing money in 1940. These stations had total time sales of $8,402,886, total expenses of $9,778,019, and lost in the aggregate $1,551,812, after considering their talent and incidental sales.

These figures include losses for 27 of the 62 new stations, the remaining 35 having operated at a profit. However, the number of stations losing money was under the figure for 1939, when 227 stations lost $2,220,471. The number 187 includes 61 stations which have lost money every year since 1937.

There were 457 network stations and 308 non-network stations operating last year compared with 397 and 308 respectively for 1939.

EXCESS PROFITS TAX

Following an appearance by the NAB, the House Ways and Means Committee on Wednesday, June 4, in a preliminary vote rejected a Treasury Department request for a change in method for computing the excess profits tax that would have been adverse to the broadcasting industry. The Treasury Department request seeks a net revenue from defense profits of $585,000,000. In order to obtain this amount it was proposed that the optional method of average income during the base period, or normal income, be set aside in favor of the percentage of invested capital method for computing excess profits.

The House Committee is still committed to the request for $585,000,000 revenue from excess profits tax but has rejected the method proposed.

NAB testified at the committee's hearings on the subject. J. Robert Myers, Assistant Director of Research, appeared before the committee Wednesday, May 28th to oppose the proposed method change. Mr. Myers stated that NAB's appearance was in no way to be construed as opposition to the raising of revenue required for national defense since "when more revenue is needed, the radio industry along with every other branch of American business will gladly pay the necessary taxes." NAB did oppose the method change which in effect redefined the term—excess profits—to include far more than profits in excess of normal return during the base period, particularly as it applies to the broadcasting industry. The business of broadcasting embodies to a great extent personal service as well as invested capital, but fails to qualify as a personal service business under the excess profits tax law definition, and would be severely penalized if the average earnings method were withdrawn.

The House Ways and Means Committee is still considering the excess profits tax question and is reported to be studying various bracket changes in the present structure of the law which can increase the tax yield to the desired amount. There is every indication that the committee will evolve a revision which will materially increase the tax by raising the rates or lowering the exemptions.

NATIONAL DAYLIGHT TIME

The Office of Production Management is reported to be ready to recommend nation-wide observance of daylight saving time to conserve electric power needed for national defense production.

The OPM has been asked to report to Congress on a pending bill advocating adoption of daylight time throughout the country as a defense measure. It is reported that many of the OPM officials feel this move desirable.

NEBRASKA ASSOCIATION

Nebraska Broadcasters Association held their annual session in Norfolk on May 24 and elected the following officers and directors:

Vernon H. Smith, KOWH, Omaha, President
L. L. Hilliard, KGKY, Scottsbluff, Vice President
Art Thomas, WJAG, Norfolk, Secretary-Treasurer
W. I. LeBarron, KGNF, North Platte, Director
Don Searle, KOIL, Omaha

The annual meeting also authorized a request to NAB that something constructive be done regarding the competition of various government agencies for free time.

FATHER BURK ILL

Father W. A. Burk, S.J., director of Station WEW, St. Louis, has returned to St. Mary's Hospital following a heart attack May 24. Father Burk was scheduled to return June 15 to Station WWL, New Orleans, but his return has now been postponed indefinitely.

FEDERAL COMMUNICATIONS COMMISSION

Newspaper Stations

The FCC announced June 2 that it would formally open its investigation with respect to the joint control of newspapers and radio stations, with public hearings beginning on June 25. It is felt that a substantial portion of the testimony can be taken at that time, but the Commission may schedule subsequent hearings to permit the development of more extensive studies.

This is pursuant to Commission Order No. 79 of March 20th which seeks to determine what policy or rules, if any, should be promulgated with respect to applications for high frequency (FM) broadcast stations and for the future acquisition of standard broadcast stations by newspapers without impairing existing investment.

At the time it promulgated its order, the Commission stated that its investigation does not imply that it is opposed to newspaper ownership of radio stations in general or in any particular situation. The purpose of the inquiry is to obtain for the Commission sufficient information to decide whether or not a general policy should be adopted, and if a general policy seems advisable, to shape such a policy for application in the future to particular cases involving newspaper interests.

This action was prompted by the large number of applications for FM facilities. The Commission deemed the inquiry advisable at this time, in the early development of FM broadcasting when FM is just starting and there is opportunity for evaluating the situation before there has been any considerable investment in the new service.

EDUCATIONAL FM

Applications by the Board of Education of the City of Chicago, the San Diego (Calif.) Unified School District and the University of Illinois to engage in non-commercial educational broadcast service is indicative of the value of FM in developing the five high frequency channels reserved by the Federal Communications Commission for non-profit educational use.

Common interest in making the most of the new opportunity to use these facilities is evinced in the following letter to Dr. John W. Studebaker, Commissioner of Education, from Edwin H. Armstrong, prominent in the practical utilization of FM, which was read at the recent Twelfth Institute for Education by Radio:

"I have been much gratified with the reports that are reaching me about the experiments with FM transmission conducted by the Cleveland Board of Education and I have been considering for some time what might be done to further encourage other, similar, projects.

"From time to time letters have come in from educational institutions requesting information about royalty rates under my Frequency Modulation patents in the event that these institutions should decide to erect stations and construct transmitters themselves. It has seemed to me that it might help the development of this new branch of radio if I should arrange to issue licenses, to those educational institutions which are interested in going ahead, at a nominal royalty of One Dollar. This is to advise you that I am willing to do that.

"I am writing this letter, therefore, in order that you may, if you see fit, make whatever announcement would be most effective in reaching those of your institutions that you feel could successfully carry on an educational program. This offer would, of course, apply only to stations whose purpose is educational and which do not obtain income from their broadcasting activities.

"Should there be any way in which I could assist the cause of educational broadcasting by the furnishing of technical advice or information, I hope that you will always feel free to call upon me for it."

Commissioner Studebaker hailed the offer as a spur to school systems and colleges interested in setting up an ultra-high frequency educational radio station because it provides a sizable reduction in the cost of such a station.

"FM's value as a unit of the school system has been demonstrated by these pioneers", Commissioner Studebaker comments. "An FM station, useful to the classroom, also makes possible adult education. Educational FM channels adjoin the new commercial bands just being developed and, as FM receivers are introduced into homes, adults may tune in programs of educational radio stations."

An average school station can now be installed at the price of one classroom, according to officials of the Federal Radio Education Committee, of which the Commissioner is chairman, and requires in personnel only a radio engineer and a program director, both of whom may be drafted from the regular school staff.

"In a city", Commissioner Studebaker points out, "the potential educational value of this radio classroom is probably greater than that of any other room or shop in the school system—and the home radio class may be from ten to a hundred times as large.

"In rural areas, its comparative value is even greater. Radio can bring scattered one-room schools as close together as the classrooms of a city school building. The radio classroom in a rural area may be reasonably expected to serve all who live in the county."

When the Federal Communications Commission authorized regular FM broadcast service last year, five channels adjacent to the high frequency broadcast band were set aside for non-commercial educational use. These channels are 42,100; 42,300; 42,500; 42,700 and 42,900 kilocycles.

This rearrangement of the high frequencies to make commercial FM broadcast service possible has a distinct advantage in that the close proximity of the non-commercial educational bands and the new FM commercial bands makes it possible to adapt standard FM receivers to receive both types of broadcast. In other words, the FM receivers now being marketed are capable of receiving non-profit educational as well as the regularly sponsored programs.

Until that time only two educational bodies were making actual use of the high frequency bands long open to non-profit educational service employing amplitude modulation. They were WNYE, the Board of Education of the City of New York, and WBOE, the Cleveland City Board of Education.

However, the University of Kentucky had received a construction permit for a system to bring educational program service to some 50 mountain schools, available to adults as well as students. The University of Kentucky, Station WBKY, now plans to substitute FM for the standard transmission.

Subsequently, the Board of Education of the San Francisco Unified School District was authorized to use radio for instructional, administrative, supervisory and other functions through the medium of 13 studios in schools in that area, all connected with the central broadcast station KALW, by leased wires.

More recently the Cleveland Board of Education, which serves more than 150 receivers in its municipal school system, received permission to change to FM.

Detailed regulations regarding non-commercial educational stations are contained in Sections 4.131 to 4.137, inclusive, of Part 4 of the Commission's Rules and Regulations. This pamphlet, which is obtainable from the Superintendent of Documents, Government Printing Office, Washington, at a cost of 10 cents, also includes standards of good engineering practice applicable to non-commercial educational broadcast stations.

The Commission in Section 4.131 defines a non-commercial educational broadcast station as a station licensed to an organized nonprofit educational agency for the advancement of its educational work and for the transmission of educational and entertainment programs to the general public. In Section 4.132 the Commission provides that a non-commercial educational broadcast station will be licensed only upon a showing that the station will be used for the advancement of the agency's educational program, particularly with regard to use of the educational system consisting of several units.

The Commission recognizes two phases of the service of educational broadcast stations: First, the transmissions to specific schools for classroom work and, second, the transmission of adult educational and entertainment programs to the general public.

The Commission requires each applicant for a new non-commercial educational broadcast station to make a complete showing as to the plans for programs of the station. For example, a municipal or common school system may use an educational station for classes transmitted simultaneously to the several units comprising the educational system. Where a prospective applicant is not itself engaged in the operation of several units of an educational system, a complete showing should be made of the cooperation with the several schools in the proposed service area which should include agreements or statements from the heads of such schools, for example, a university or college.

Development of education through radio is also being furnished by the Federal Radio Education Committee. Organized in 1935 under the Federal Communications Commission, this committee is a cooperative effort on the part of broadcasters and educators to advance the cause of education on the air. The committee has operated under private grants, chiefly from the National Advisory Council on Radio in Education, National Association of Broadcasters, Rockefeller Foundation, and General Education Board.

ILLEGAL BROADCASTER APPREHENDED

Incident to its national defense monitoring operations, the FCC uncovered, at Salida, Colorado, an unlicensed radio station which, using the unauthorized call letters "KIDA", was rendering transcription entertainment with the evident idea of soliciting commercial sponsors.

The operator, a mature man who described himself as O. W. Trueblood, was held in $1,000 bail in consequence. He was broadcasting on 890 kilocycles with 15 watts power.

The FCC announces that the work, business and functions of the Commission for the month of June have been assigned as follows:

Commissioner Walker:	Designated to determine, order, report or otherwise act upon all applications of requests for special temporary standard broadcast authorizations.
Commissioner Thompson:	Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearings, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; provided, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

STATE LEGISLATION

California:

A. 2645 (Hawkins) COPYRIGHTS—Provides that any person may file with the Secretary of State a copy of any lecture, sermon, address, dramatic composition, story, radio script, radio program, or motion picture scenario, together with an affidavit of authorship, and thereby be entitled to all rights and benefits accruing therefrom. Referred to Committee on Judiciary General.

Fdorida:

H. 1396 (Same as S. 641) (Overstreet) TRANSMISSION OF NEWS—Relating to the regulation, transmission of news and information from within the premises of horse race tracks. Referred to Committee on Finance and Taxation.

H. 1792 (Crary, et al.) MUSICAL COMPOSITIONS—Amend Chap. 17,807, Acts of 1937, repealing certain sections and relating to an unlawful monopoly for the privilege of rendering musical compositions. Passed by the House.

S. 815 (Whitaker) MUSIC COPYRIGHTS—Amends Chap. 17,807, Acts of 1937, an "Act declaring to be an unlawful monopoly and combination of persons or firms which determine the amount of money to be paid to it for the privilege of rendering privately or publicly for profit copyrighted vocal or instrumental musical compositions." Referred to Committee on Judiciary "C".

Illinois:

H. 914 (J. G. Ryan) LICENSES EMPLOYMENT AGENCIES—Authorizes Department of Labor to license and regulate employment agencies or agents. Referred to Committee on Judiciary.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings or oral arguments are scheduled to be heard before the Commission during the week beginning Monday, June 9.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

July 21

KGO and Auxil.—National Broadcasting Company, Inc., San Francisco, Calif.—Renewal of license, main: **810 kc.**, 7½ KW, unlimited time; auxiliary: **810 kc.**, 2½ KW, unlimited time.

KOA—National Broadcasting Company, Inc., Denver, Colo.—Renewal of license, **850 kc.**, 50KW, unlimited time.

WMAL—National Broadcasting Company, Inc., Washington, D. C.—Renewal of license, **630 kc.**, 5 KW, unlimited time.

August 1

NEW—Symons Broadcasting Company, Ellensburg, Wash.—C. P., **1110 kc.** (**1140 kc.**, NARBA), 1 KW, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Granted modification of construction permit to make changes in directional antenna system; station operates on **570 kc.**, 5 KW night and day; directional antenna night, unlimited time (B4-MP-1182).

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted special service authorization to operate with 25 KW night time and 50 KW day for a period of 180 days, using transmitter authorized under construction permit (B5-P-2783), and frequency **1030 kc.**; this authoriy is granted subject to the condition that in the event the proposed operation causse interference which in the judgment and discretion of the Commission is objectionable, the authority for such operation may be modified or cancelled without prior notice or hearing (B5-SSA-1).

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Granted construction permit to install new transmitter, change frequency from **1250** to **1220 kc.** and increase power from 250 watts to 1 KW, daytime only (B1-P-2948).

KRLH—Clarence Scharbauer, Midland, Texas.—Granted modification of construction permit to change frequency from **1450** to **1230 kc.** and extend commencement and completion dates to 20 days after grant and 30 days thereafter, respectively (B3-MP-1260).

KWBG—W. B. Greenwald (transferor), Stanley Marsh, William Wyse and Wesley E. Brown (transferees), Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Granted consent to transfer control of The Nation's Center Broadcasting Co., Inc. (KWBG), from W. B. Greenwald (owner of all licensee's outstanding stock), to Stanley Marsh (50%), William Wyse (49.9%) and Wesley E. Brown (.1%), for a cash consideration of $40,000, or on terms, at the option of the seller; station operates on **1450 kc.**, 100 watts night and day (construction permit for 250 watts), unlimited time (B4-TC-251).

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Granted modification of construction permit to make changes in equipment, install directional antenna for day and night use, increase power from 5 KW night and day to 10 KW night and day, **1560 kc.** Dismissed request for classification as a I-B station (B1-MP-1086).

WSAZ—WSAZ, Inc., Huntington, W. Va.—Reconsidered action taken in morning session in designating for hearing application for construction permit and granted same, authorizing approval of changes in directional antenna and approval of transmitter site at 3 miles southwest of center of Huntington, W. Va. (B2-MP-1290).

MISCELLANEOUS

KFDY—South Dakota State College, Brookings, S. D.—Granted special temporary authority to operate from 10 to 11:30 a. m. CST on June 9, 1941, in order to broadcast the inauguration of the President of South Dakota State College only (B4-S-645).

KFDY—South Dakota State College, Brookings, S. D.—Granted special temporary authority to remain silent on May 30, 1941, in order to observe Memorial Day.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted special temporary authority to operate on May 27, 1941, in order to broadcast the President's speech only.

WALB—Herald Publishing Co., Albany, Ga—.Granted special temporary authority to operate unlimited time on **1590 kc.** with power of 1 KW, employing a directional antenna at night for a period of 10 days.

WFNC—W. C. Ewing & Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Granted special temporary authority to operate additional time to broadcast President Roosevelt's address on May 27, 1941, only.

WSAZ, WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate additional time to broadcast the President's speech on May 27, 1941, only.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Denied request for special temporary authority to operate from 7:30 p. m. to the conclusion of broadcast in honor of the 20th Anniversary of the Founding of the Modesto Junior College, on May 28, 1941, only.

W2XOY—General Electric Co., New Scotland, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 2500 watts, for period May 31 to June 29, 1941, conditionally.

KGBS—Harbanito Broadcasting Co., Harlingen, Texas.—Granted modification of construction permit (B3-P-2747 covering a new station) for installation of new transmitter, changes in antenna system and extension of commencement date to 60 days after grant and completion date to 180 days thereafter (B3-MP-1305).

WBEN—WBEN, Inc., Buffalo, N. Y.—Granted modification of construction permit (B1-P-2757) for increase in power to 5 KW, installation of directional antenna for night use; move transmitter, installation of new transmitter, change frequency to **930 kc.** under NARBA, to extend completion date to September 1, 1941 (B1-MP-1302).

WRLC—R. G. LeTourneau, Toccoa, Ga.—Granted license to cover construction permit (B3-P-2767) for new station to operate on **1450 kc.**, 250 watts, unlimited time (B3-L-1408). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-897).

WAIM—Wilton E. Hall, Anderson, S. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-914).

WJAX—City of Jacksonville, Jacksonville, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-631).

KFAB—KFAB Broadcasting Co., Lincoln, Neb.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-904).

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-923).

KRSC—Radio Sales Corp., Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-921).

KVGB—Helen Townsley, Great Bend, Kans.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-822).

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-907).

KOVC—KOVC, Inc., Valley City, N. D.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-895).

KATE—Albert Lea-Austin Broadcasting Co., Inc., Albert Lea, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-885).

WBOC—The Peninsula Broadcasting Co., Salisbury, Md.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-894).

WJHO—Opelika-Auburn Broadcasting Co., Opelika, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-863).

WBKR—Louis P. Thornton, Baker, Ore.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-911).

WHEC—WHEC, Inc., Rochester, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-880).

WICA—WICA, Inc., Ashtabula, Ohio.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-879).

KDTH—Telegraph-Herald, Dubuque, Iowa.—Granted license to cover construction permit (B4-P-960) for new station to operate on **1370 kc.**, 1 KW power, unlimited time, using directional antenna at night (B4-L-1410). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-902).

KIJG—Eagle Broadcasting Co., Inc., area of Brownsville, Tex.—Granted further extension of relay broadcast station license upon a temporary basis for the period ending July 1, 1941, pending determination upon application for renewal of license (B3-ZRY-10).

WAOB—National Broadcasting Co., Inc., Port Washington, N. Y.—Granted construction permit to change type of transmitting equipment and move relay transmitter to Port Washington, N. Y. (B1-PRY-246).

May Broadcasting Co., Portable-Mobile (Shenandoah, Ia.).—Granted construction permit for new relay broadcast station to be used with standard broadcast station KMA; frequencies **1646, 2090, 2190, 2830 kc.**, 25 watts (B4-PRY-243).

The Tribune Co., Portable-Mobile (area of Tampa, Fla.).—Granted construction permit for new relay broadcast station to be used with applicant's standard station WFLA; frequencies **1622, 2058, 2150, 2790 kc.**, 40 watts power (B3-PRY-240).

The Tribune Co., Portable-Mobile (area of Tampa, Fla.).—Granted construction permit for new relay broadcast station to be used with applicant's standard station WFLA; frequencies **1622, 2058, 2150, 2790 kc.**, 40 watts power (B3-PRY-241).

Merced Broadcasting Co., Portable-Mobile (area of Merced, Cal.).—Granted construction permit for new relay broadcast station to be used with applicant's standard station KYOS; frequencies **1646, 2090, 2190, 2830 kc.**, power 15 watts (B5-PRY-245).

WALH—Piedmont Publishing Co., Portable-Mobile (area of Winston-Salem, N. C.).—Granted license to cover construction permit (B3-PRY-233) for new relay station to be used with applicant's standard broadcast station WSJS; frequencies **1622, 2058, 2150, 2790 kc.**, 100 watts power (B3-LRY-225).

W47NV—The National Life & Accident Ins. Co., Nashville, Tenn.—Granted license to cover construction permit (B3-PH-44) which authorized a new FM station (B3-LH-1).

WKST—WKST, Inc., New Castle, Pa.—Granted modification of construction permit (B2-P-2809, covering installation of directional antenna for night use; change hours of operation from daytime to unlimited, using 1 KW night and day, and for **1280 kc.** under NARBA) for extension of completion date to July 1, 1941 (B2-MP-1303).

WTAL—Fla. Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted construction permit to make changes in transmitting equipment (B3-P-9175).

WTAW—Agricultural and Mechanical College of Texas, College Station, Texas.—Granted license to cover construction permit (B3-MP-1006, for new transmitter, increase in power to 1 KW, and change in frequency under NARBA (B3-L-1414).

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m. to conclusion of broadcast of Annual Commencement Exercises of the Modesto Junior College on June 12, 1941, only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to operate from 9:45 p. m., EST, to conclusion of President Roosevelt's address only, approximately 10 p. m. EST on May 27, 1941.

KWJJ—KWJJ Broadcasting Co., Inc., Portland, Ore.—Granted extension of special temporary authority to operate on **1080 kc.**, 500 watts, limited time, and resume operation from 9 p. m. or until WTIC and KRLD sign-off, to 3 a. m. PST, for the period March 29, 1941, and ending at completion of construction, proof of performance and grant of an application for license to cover construction permit (B5-S-87).

WCNW—Arthur Faske, Brooklyn, N. Y.—Denied request for special temporary authority to operate daily from 12:01 a. m. to 1 a. m. on a non-commercial basis in order to broadcast Associated Press and Standard News Association news reports, Americanization programs; also musical selections by means of records and transcriptions only, for period June 2, 1941 to not later than July 1, 1941.

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted special temporary authority to rebroadcast program of W71NY on May 27, in order to carry speech of President Roosevelt, only.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted extension of special temporary authority to operate from local sunrise, Glenside, Pa., to local sunset Knoxville, Tenn. (radio station WNOX), instead of daytime as stipulated in reallocation for the period May 28, 1941, and ending not later than June 26, 1941, pending action on formal application for such authority.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 9 to 10 p. m. EST on June 14, 1941, in order to broadcast the Convention Dinner held in Boston on Flag Day only (B1-S-205).

KIUP—San Juan Broadcasting Co., Durango, Colo.—Granted special temporary authority to remain silent from 7 to 10 p. m. LST for a period of 10 days beginning June 1, to not later than June 10, 1941.

KSUB—Southern Utah Broadcasting Co., Cedar City, Utah.—Granted special temporary authority to remain silent after 7 p. m. MST for a period not to exceed 30 days.

WNYE—Board of Education, New York City, N. Y.—Granted extension of special temporary authority to continue to operate non-commercial educational broadcast station WNYE on **41100 kc.**, for the period May 31, 1951, to not later than June 29, 1941, pending completion of construction under construction permit (B1-PED-18).

KEHR—Donald C. Treloar, Kalispell, Mont.—Granted special temporary authority to operate on **2058 kc.** for test and broadcast of farmers convention to be held 15 miles northeast of Kalispell to KGEZ during the week beginning June 8 and ending not later than June 14, 1941.

WGN—WGN, Inc., Chicago, Ill.—Granted special temporary authority to rebroadcast a program originating in U. S. Army plane 1B-18M 36-274 flying over Soldiers Field, Chicago, on May 29, 1941, from 9 to 9:30 p. m. EST only.

WDLP—Panama City Broadcasting Co., Panama City, Fla.; WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla.—Continued hearings in re revocation of licenses of Stations

WDLP and WTMC, now scheduled for June 2, 1941, until June 16, 1941. (Dockets Nos. 6001 and 6000.)

W71SB—South Bend Tribune, South Bend, Ind.—Granted issuance of construction permit for FM station without prejudice to determination of hearing on Order No. 79 (B4-PH-54).

Gibralter Service Corp., Philadelphia, Pa.—Placed in pending file pursuant to Order No. 79, application for construction permit for new FM station (B2-PH-92).

Texas Star Broadcasting Co., Houston, Tex.—Adopted order denying petition for reconsideration and grant without hearing application for construction permit for new standard broadcast station to operate on **1250 kc.**, 250 watts, unlimited time (B3-P-6089).

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Adopted decision and order denying petition for rehearing filed by Drovers Journal Publishing Co. (WAAF), directed against the action of the Commission January 28, 1941, granting the application for modification of construction permit of The Evening News Association (WWJ), Detroit, Mich., for approval of directional antenna for nighttime use.

Ralph L. Lewis, Greensboro, N. C.—Adopted order denying petition of Ralph L. Lewis, Greensboro, N. C., to sever and disassociate the hearing on his application for construction permit for new station from the application of R. B. Terry, D. A. Rawley, C. M. Waynick, and Y. A. Cecil, d/b as High Point Broadcasting Co., High Point, N. C., for construction permit for new station, which were designated for consolidated hearing.

APPLICATIONS FILED AT FCC

550 Kilocycles

WKRC—The Cincinnati Times-Star Co., Cincinnati, Ohio.—Authority to determine operating power by direct method.

570 Kilocycles

KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant R. Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—Authority to determine operating power by direct method.

580 Kilocycles

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Authority to determine operating power by direct method (auxiliary transmitter).

610 Kilocycles

WAYS—Inter-City Advertising Co., Charlotte, N. C.—Modification of construction permit (B3-P-2878) for a new station, requesting approval of directional antenna for day and night use.

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Modification of construction permit (B1-P-2897) as modified for a new broadcast station, requesting extension of completion date to July 1, 1941.

650 Kilocycles

WSM—The National Life and Accident Insurance Co., Nashville, Tenn.—Authority to determine operating power by direct method for auxiliary transmitter.

WSM—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—Authority to determine operating power by direct method.

670 Kilocycles

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Authority to determine operating power by direct method.

680 Kilocycles

WISR—David Rosenblum, tr. as Butler Broadcasting Co., Butler, Pa.—Modification of construction permit (B2-P-3046) for a new station, for approval of antenna and approval of studio and transmitter sites.

KPO—National Broadcasting Co., Inc., San Francisco, Calif.—Authority to determine operating power by direct method.

710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., New York, N. Y.—Authority to determine operating power by direct method.

770 Kilocycles

WJZ—National Broadcasting Co., Inc., New York, N. Y.—Authority to determine operating power by direct method.

WJZ—National Broadcasting Co., Inc., New York, N. Y.—Authority to determine operating power by direct method. (Auxiliary trnasmitter.)

790 Kilocycles

WMC—Memphis Publishing Co., Memphis, Tenn.—Construction permit to make changes in directional antenna for night use and increase power from 1 KW night, 5 KW day to 5 KW day and night. Amended: to request **790 kc.** under NARBA and make changes in directional antenna.

810 Kilocycles

KGO—National Broadcasting Co., Inc., San Francisco, Calif.—Authority to determine operating power by direct method.

860 Kilocycles

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Authority to determine operating power by direct method.

910 Kilocycles

KPOF—Pillar of Fire (a corporation), Denver, Colo.—Authority to determine operating power by direct method.

920 Kilocycles

NEW—Trent Broadcast Corp., Trenton, N. J.—Construction permit for a new broadcast station to be operated on **1230 kc.**, 1 KW, unlimited hours, Class III-B, directional antenna day and night. Amended: to request **920 kc.**, changes in equipment and directional antenna.

950 Kilocycles

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Modification of construction permit (B5-P-2848) as modified, for installation of directional antenna for night use, and increase power, requesting extension of completion date from 6-22-41 to 8-1-41.

1020 Kilocycles

KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Authority to determine operating power by direct method.

KDKA—Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—Authority to determine operating power by direct method.

1030 Kilocycles

WBZA—Westinghouse Radio Stations, Inc., Boston, Mass.—Authority to determine operating power by direct method.

1100 Kilocycles

WTAM—National Broadcasting Co., Inc., Cleveland, Ohio.—Authority to determine operating power by direct method.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Authority to determine operating power by direct method.

1110 Kilocycles

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Authority to determine operating power by direct method.

1170 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Authority to determine operating power by direct method.

1190 Kilocycles

WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Authority to determine operating power by direct method.

1230 Kilocycles

KWNO—Maxwell H. White and Herman R. Wiecking, d/b as Winona Radio Service, Winona, Minn.—Authority to determine operating power by direct method.

WMIN—WMIN Broadcasting Co., St. Paul, Minn.—Authority to determine operating power by direct method.

WJBC—Arthur Malcolm McGregor, Dorothy Charlotte McGregor and Hugh L. Gately, d/b as Radio Station WJBC, Bloomington, Ill.—Authority to determine operating power by direct method.

KYSM—F. B. Clements and Co. ,a co-partnership, composed of F. Braden Clements, Clara D. Clements and C. C. Clements, d/b as Southern Minnesota Supply Co., Mankato, Minn.—Authority to determine operating power by direct method.

WCOL—WCOL, Inc., Columbus, Ohio.—Authority to determine operating power by direct method.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Authority to determine operating power by direct method.

NEW—R. M. Wallace and G. E. Schnibben, d/b as Norfolk County Broadcasting Co., Norfolk, Va.—Construction permit for a new broadcast station to be operated on **1490 kc.,** 250 watts, unlimited hours (contingent on WBOC going to **1230 kc.**).

KGFJ—Ben S. McGlashan, Los Angeles, Calif.—Authority to determine operating power bv direct method.

WBBZ—Adelaide Lillian Carrell, Exe. of Estate of Charles Lewis Carrell, Deceased, Ponca City, Okla.—Authority to determine operating power by direct method.

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—License to cover construction permit (B2-P-3109) for changes in equipment and increase in power on **1230 kc.** (Section 10c).

WHVC—The Ohio Broadcasting Co., Canton, Ohio.—Authority to determine operating power by direct method.

KVOS—KVOS, Inc., Bellingham, Wash.—Authority to determine operating power by direct method.

1240 Kilocycles

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Authority to determine operating power bv direct method.

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—License to cover construction permit (B3-P-2802) to make changes in equipment and increase in power.

WIBU—Wm. C. Forrest, Poynette, Wis.—Authority to determine operating power by direct method.

1270 Kilocycles

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—License to cover construction permit (B4-P-2568) as modified to change type of transmitter, make changes in directional antenna.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Authority to determine operating power by direct method.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Authority to determine operating power by direct method.

1280 Kilocycles

WMRO—Martin R. O'Brien, Aurora, Ill.—Authority to determine operating power by direct method.

1290 Kilocycles

KUOA—KUOA, Inc., Siloam Springs, Ark.—Authority to determine operating power by direct method.

1310 Kilocycles

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Modification of construction permit (B5-P-2920) as modified, for increase in power and installation of directional antenna for night use, requesting extension of completion date from 6-30-41 to 7-31-41.

1330 Kilocycles

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Authority to determine operating power by direct method.

1340 Kilocycles

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Construction permit to change frequency from **1340** to **1320 kc.** under NARBA, power from 250 watts to 1 KW night, 5 KW day, using directional antenna night, make equipment changes and move transmitter. Amended: to request change in frequency to **1560 kc.,** power to 10 KW day and night, change type of transmitter, make changes in directional antenna for night use, and change requested location of transmitter.

1360 Kilocycles

KGB—Don Lee Broadcasting System, San Diego, Calif.—Construction permit to increase power from 1 to 5 KW, install new transmitter and new antenna and move transmitter and studio.

1400 Kilocycles

WSVS—Board of Education, City of Buffalo, Buffalo, N. Y.—Authority to determine operating power by direct method.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Authority to determine operating power by direct method.

1440 Kilocycles

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Authority to determine operating power by direct method.

1450 Kilocycles

WGL—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Authority to determine operating power by direct method.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Authority to determine operating power by direct method.

KEUB—Eastern Utah Broadcasting Co., Price, Utah.—Authority to determine operating power by direct method.

WNAB—Harold Thomas, Bridgeport, Conn.—Modification of construction permit (B1-P-2410) as modified, for a new broadcast station, requesting extension of completion date from 6-30-41 to 9-30-41.

1460 Kilocycles

KGNF—Great Plains Broadcasting Co. (a Corporation), North Platte, Nebr.—Authority to determine operating power by direct method.

1490 Kilocycles

WBTA—Batavia Broadcasting Corp., Batavia, N. Y.—Authority to determine operating power by direct method.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Authority to determine operating power by direct method.

1590 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio.—Authority to determine operating power by direct method.

WALB—Herald Publishing Co., Albany, Ga.—Authority to determine operating power by direct method.

1600 Kilocycles

KPMC—Pioneer Mercantile Co., Bakersfield, Calif.—Authority to determine operating power by direct method.

FM APPLICATIONS

NEW—Tribune Building Co., Oakland, Calif.—Construction permit for a new high frequency broadcast station to be operated on **46500 kc.;** coverage, 1,216 square miles; population, 1,350,000.

NEW—Columbia Broadcasting System, Inc., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.;** coverage, 10,950 square miles; population, 1,708,332. Amended: To change coverage to 12,900 square miles, population to 1,847,060 and make changes in antenna system.

W53H—The Travelers Broadcasting Service Corp., Hartford, Conn.—Modification of construction permit (B1-PH-12) for a new high frequency broadcast station, requesting approval of transmitter and antenna system and change population from 4,893,439 to 1,036,400. Amended: To make changes in transmitter and antenna system and population to 936,448.

TELEVISION APPLICATION

W2XCB—Columbia Broadcasting System, Inc., Portable-Mobile.—Modification of construction permit (B1-PVB-46) as modified for new television broadcast station, requesting change in frequency from **336000-348000** to **346000-358000 kc.**

MISCELLANEOUS APPLICATIONS

NEW—Hagerstown Broadcasting Co., Hagerstown, Md.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 50 watts, emission A3. Amended: re location.

NEW—Morgan County Board of Education, West Liberty, Ky.—Construction permit for a new non-commercial educational broadcast station to be operated on **42100 kc.**, 500 watts, A3 emission.

W8XO—The Crosley Corp., near Mason, Ohio.—Modification of license to change maximum power of transmitter from 500000 watts to 750000 watts, increase power from 100000 and 500000 watts to 100000 and 750000 watts, and make minor changes in equipment.

WHAE—Courier-Journal and Louisville Times Co., Louisville, Ky.—License to cover construction permit (B2-PRE-361) for a new relay broadcast station. (C. P. EXPIRED, SHOULD FILE FOR REINSTATEMENT.)

NEW—Board of Education of the Memphis City Schools, Memphis, Tenn.—Construction permit for a new non-commercial educational broadcast station to be operated on **42100 kc.**, 250 watts, A3 emission, unlimited time. (SECTION 6 of Form 313, SECTIONS 17, 21b, 23, 24, 28d of Form 309.)

WAUR—University of Illinois, S. of Champaign, Ill.—License to cover construction permit (B4-PRY-226) for a new relay broadcast station. (SECTIONS 5g and 7b and SHOULD FILE FOR REINSTATEMENT.)

NEW—WSAZ, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 40 watts, emission A3.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Concord Distributing Company, Inc.—A complaint has been issued charging Concord Distributing Co., Inc., 603 6th Ave., New York, with the use of lottery methods in the sale of cameras, souvenirs, thermometers, clocks and other merchandise.

According to the complaint, the respondents, in selling such articles, furnish various devices and plans of merchandising which involve the operation of a lottery scheme or game of chance by which the merchandise is sold to the consuming public. (4508)

Kay's Cut Rate—A complaint has been issued against David L. Silver and O .C. Colwes, trading as Kay's Cut Rate and as Kay's Cut Rate Drugs, Beckley, W. Va., alleging misrepresentation in the sale of a medicinal preparation.

The complaint charges the respondents with disseminating advertisements in which they represent, directly and by implication, that their preparation designated as "Madame Bea's Capsules" constitutes a competent and effective treatment for delayed menstruation, and is safe and harmless.

According to the complaint, the product sold by the respondents is not a competent or effective treatment for delayed menstruation, and is not safe or harmless in that it contains certain drugs in quantities sufficient to cause serious and irreparable injury to health, if the preparation is used under the conditions prescribed in the advertisements or under customary or usual conditions.

The complaint further charges that the advertisements disseminated by the respondents constitute false advertisements in that they fail to reveal that use of the preparation under such conditions may result in gastro-intestinal disturbances or other serious injury. (4510)

Seamless Rubber Co., New Haven, Conn., in a complaint is charged with misrepresentation in the sale of electrical heating pads intended for use in treating diseases.

The complaint alleges that advertisements disseminated by the respondent in various States represented, directly or through inference, that its heating pads are capable of generating and maintaining three different sustained levels of temperature, and that the temperature may be controlled and the desired uniform heat obtained by simply setting the switches at points marked "L", "M" or "H".

According to the complaint, the respondent's heating pads do not maintain three levels of temperature and the temperature cannot be controlled, except by alternately attaching and detaching the connecting electric current cords. The complaint alleges that the pads, if connected to the current and turned on, eventually attain their maximum level of temperature and are thermostatically controlled at that level regardless of the positions at which the switches may be set. The sole function of the switches, according to the complaint, is to regulate the input or wattage of electric current used by the pads and thus to some extent control the speed with which the maximum temperature will be attained. (4509)

CEASE AND DESIST ORDERS

Following cease and desist orders have been issued by the Commission:

Edwin Cigar Co., Inc., 100 East 16th St., and House of Westminster, Ltd., 191 Fourth Ave., New York, and four individuals have been ordered to cease and desist from misrepresentations in the sale of cigars, smoking tobacco, pipes, tobacco pouches, razor blades, shaving cream, and novelties.

The respondent individuals are Leonard R. Edwin and Jules M. Cole, officers and directors of the two corporations; Max Rosenblum, formerly both an officer of Edwin Cigar Co., Inc., and a director of House of Westminster, Ltd., and Sadie Rosenblum (Mrs. Max Rosenblum), formerly an officer and director of Edwin Cigar Co., Inc., and a stockholder in the Westminster corporation.

The Commission order directs the respondents to cease using the name "House of Westminster, Ltd.," as a corporate, trade or other name, or employing any other distinctively British name to describe a business which is not a British concern or branch, or agent of or affiliated with a British concern. In connection with any such business, the order further prohibits the use on letterheads or otherwise of pictorial representations simulating the British Royal Arms, or a Gothic cathedral or abbey, or similar representations.

The respondents further are ordered to cease employing the names "Park Royal", "The Duke of Windsor", or other distinctively British names to refer to pipes not imported from England, and the name "Belvedere London Plug Cut British Pipe Mixture" and other distinctively British names, separately or in conjunction with pictorial representations implying British origin, to refer to smoking tobaccos not imported from England.

The Commission order also bars the respondents from using the fictitious name "Westminster Steel Co." or otherwise representing that they manufacture the razor blades they sell.

The respondents also are ordered to discontinue representing that small-sized or defective cigars are full-sized, full-bodied and fine-flavored, and to cease using the term "Havana" or other terms indicative of tobacco grown in Cuba, alone or in combination with other terms, to designate cigars not made entirely of tobacco grown there. The order makes the exception that cigars containing a substantial amount of tobacco grown in Cuba may be referred to as "blended with Havana", or by any similar term, provided that the words "blended with" or other qualifying words are set out in immediate conjunction with the word "Havana" or other term indicative of tobacco grown in Cuba, and in equally conspicuous type.

Certain misrepresentations of price and the nature, size or extent of the respondents' business also are prohibited under the order.

The Commission dismissed its complaint in this proceeding as to Fredi Mannara and John Schwab, former employees of Edwin

Cigar Co., Inc., and associates in the Cigar Makers' Federation, and Ruth Hess, Charles Grothe, and Park G. Shaw, former associates in that federation. (4085)

Fong Wan—Fong Poy, also known as Fong Wan, a distributor of Chinese herbs, 576 10th St., Oakland, Calif., and his co-partners, Fong Kwongii, Yee Nun Yet, Chan Woon Sheung, and Lee Bing Lim, individually and trading as Fong Wan, has been ordered to cease and desist from misrepresentation in the sale of their herbs.

Commission findings are that the respondents have advertised Fong Poy as being qualified to diagnose diseases, and their herbs, when administered in the form of tea, as constituting cures or remedies for, or as possessing therapeutic value in the treatment of cancer, tuberculosis, ulcers and numerous other diseases and disorders.

Fong Poy, according to Commission findings, is not a physician and has had no formal medical or scientific training. The contention that he is qualified to diagnose human ailments and prescribe for them is based entirely on his claim that he has made a study of ancient Chinese writings upon the subject of herbs.

According to further findings, Fong Poy's methods of diagnosis are based upon doctrines which are of historical interest only, and which have had no acceptability in the scientific sense for several centuries. One such doctrine involves analogy between color of plant preparations and color of organs of the body or color of symptoms that may occur in the body.

In his purported diagnosis, the findings continue, Fong Poy places particular emphasis on the nature and sound of the patient's voice. His theory, as stated in the respondents' publication "Herb Lore," is that: "Many sufferers make a low moaning sound. This is the tone of the Yii and signifies kidney trouble. A loud, cranky, quick-tempered voice indicates an ailment of the heart. A crying, choking voice signifies trouble in the lungs, while a sighing sound directs one to the spleen, intestines, etc. * * *" For persons writing to the respondents Fong Poy has selected herbs on the basis of information contained in the letters.

The evidence shows and the Commission finds that it is impossible correctly to diagnose human ailments or disorders through the method employed by the respondents.

The Commission order directs the respondents to cease disseminating advertisements which represent, directly or through inference, that their herbs constitute cures or remedies for, or possess therapeutic value in the treatment of, cancer, tuberculosis, diabetes, Bright's disease, influenza, prostate gland disorders, paralysis, varicose veins, hardening of the arteries, cross-eyes, obesity, gallstones, stomach ulcers, or pyorrhea; that the herbs are cures or remedies for heart, kidney, bladder, liver and stomach troubles, blood disorders, high or low blood pressure, or bronchial disorders; that the respondent's herbs will build up the body, purify the blood, renew strength, and wash away diseases from the body, or that Fong Poy or any of the respondents have the ability to diagnose diseases or prescribe remedies.

The respondents further are ordered to cease representing that their herbs have therapeutic value in the treatment of (1) arthritis or rheumatism, beyond affording temporary relief from symptoms of pain; (2) asthma, in excess of temporary relief from paroxysms of asthma; (3) colds, in excess of temporary relief from symptoms of congestion of the mucous membrane; and (4) goiter, in excess of supplying iodine in cases where there is iodine deficiency, and that the herbs are cures or remedies for any of these ailments. (3964)

STIPULATIONS

The Commission has entered into the following stipulations:

Quaker Stretcher Co., 2500 60th St., Kenosha, Wis, has entered into a stipulation that in the sale of curtain stretchers it will cease using any representation, either by printed statement, pictorial illustration or otherwise, the effect of which may cause the impression that curtain stretchers are equipped with ball point pins when in fact they are not so equipped; or that the pins used in stretchers cannot loosen or come out when in fact they can loosen and come out. (3118)

Sheer Mold Company—LaVel Co., trading as Sheer Mold Co., 1019 North Las Palmas Ave., Hollywood, Calif., distributor of a garment designated "Sheer Mold Reducing Girdle", and the General Advertising Agency, Inc., 1265 North Vermont Ave., Los Angeles, have entered into stipulations to cease disseminating certain advertising matter in connection with the sale of this garment.

Under their respective stipulations, the respondents agree to cease employing in advertising matter the word "Reducing" as part of the trade name of the product, and to cease using the word "Reducing" or similar words as descriptive of the product or of the accomplishments which purportedly result from its use, so as to imply that the wearing of this garment will cause a reduction of local or bodily tissue or will effectively remove fat and thus overcome or lessen a condition of fatness or weight.

The stipulation of the LaVel Co. recites that while the wearing of this garment may change physical appearance by compressing that portion of the body about which it is placed, it will not effectively remove fat. (3116-3117)

Victor Silk Hosiery Corporation of Maryland, Hagerstown, Md., entered into a stipulation to cease certain representations in the sale of women's hosiery.

The respondent corporation agrees to cease using the word "Silk" as part of its corporate or trade name, and such word or any other word or coined words connoting silk in or on advertising, trade literature, labels, invoices, or otherwise, in describing stockings or merchandise not composed wholly of silk.

The stipulation provides that (1) if the products are composed partly of silk and partly of some other fiber material, the word "Silk", or similar words, if used to refer to the silk content, shall be accompanied by other words in equally conspicuous type to indicate clearly that the products are not made wholly of silk; and (2) if the fiber other than silk constitutes the major portion of the product, the name of the predominating material shall precede the word "Silk", as for example, "Rayon and Silk".

The respondent further agrees to cease advertising, branding, labeling, invoicing or selling hosiery or other products composed wholly or partly of rayon without clearly disclosing (1) the rayon content by use of the word "Rayon" and (2) each constituent fiber of products composed of both rayon and other materials in the order of each fiber's predominance by weight, and in immediate connection with the word "Rayon".

Under its stipulation, the respondent corporation further agrees to cease advertising, branding by transfer or otherwise labeling, invoicing or selling hosiery marked "42 gauge" when in fact it is not "42 gauge". (3120)

Westinghouse Electric & Manufacturing Co., Pittsburgh, has entered into a stipulation to cease certain representations in the sale of electrical heating pads. The respondent stipulated that in the sale of such pads not equipped with adequate thermostatic or other heat controls calibrated for three different degrees of heat, it will cease making representations which imply that the pads are capable of maintaining, or that operation of the switches used in connection with the pads results in maintaining, three different temperatures. According to the stipulation, the operation of the switches merely regulates the time required to heat the pads to a single maximum temperature for which the heat control units are calibrated. (3119)

Wohl Shoe Co., St. Louis, and Stern Brothers, a New York department store, entered into stipulations to cease certain representations in the sale of shoes.

Under their respective stipulations, Wohl Shoe Co. agrees to cease using the word "Alligator", alone or in connection with the word "Calf", or other similar words, and Stern Brothers agrees to cease employing the word "Alligator" or other similar words, to describe such of their products as are not made from alligator hide, provided that the word "Alligator" may be used to describe the finish of shoes which are made from materials other than alligator leather and are finished or embossed to resemble it, when this word is immeditely accompanied by other words clearly indicating that the designation refers only to the pattern embossed on such materials. (3121-3122)

FTC CASES DISMISSED

The Federal Trade Commission dismissed complaints which charged 11 tile concerns with price discrimination in the sale of their products in violation of the Robinson-Patman Act.

Nine of the 11 concerns are: United States Quarry Tile Co., Canton, Ohio (2951); Superior Ceramic Corporation, Anderson, Ind. (3546); Mosaic Tile Co., Zanesville, Ohio (3548); C. Pardee Works, Perth Amboy, N. J., Matawan Tile Co., Matawan, N. J., and their jointly owned distributing agency, Pardee Matawan Tile Co., Perth Amboy, N. J. (3549); Wenczel Tile Co., Trenton, N. J. (3550); Wheeling Tile Co., Wheeling, W. Va. (3551), and National Tile Co., Inc., Anderson, Ind. (3553).

The Commission orders note the record does not establish that the 9 concerns named had discriminated in price between purchasers competitively engaged, as had been alleged.

Complaints also were dismissed in the cases of Trent Tile Co., Inc., Trenton, N. J. (3547), and Architectural Tiling Co., Inc., Keyport, N. J. (3552), the Commission order in the Trent case noting that that concern had been adjudicated a bankrupt and dissolved.

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SPECIAL—

Senate Interstate Commerce Committee Hearings on White Resolution

Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. JUNE 9, 1941

FCC HITS INDIVIDUAL STATIONS TO REACH NETWORKS

Chairman Fly, of the Federal Communications Commission, indicated today under questioning before the Senate Interstate Commerce Committee, that the Commission does not have the power directly to regulate network broadcasting but attempts to do so indirectly by "placing a duty upon the stations."

One of the contentions of the broadcasting industry regarding the Commission's new rules is that the Commission is using these new rules to reach the networks by threatening the licenses of individual stations.

Chairman Fly was asked by Senator Johnson, of Colorado: "You do not deal with the chains directly?"

"Not directly, no sir," responded Mr. Fly. "I think there are strong arguments why the networks ought to be brought within the scope of the Communications Act."

"I do not mean to say that I think it is correct to have them excluded from regulations, in view of their great importance to the public and the great impact of network broadcasting upon the entire public of the United States. I do not believe there can be any doubt that there ought to be very explicit means of regulating these networks in the public interest. That is quite apart from the construction of the Act at the moment."

Deals With Networks Through Stations

Senator Johnson asked: "How do you control the chains—by licenses or permits?"

"By these regulations here, sir," replied Mr. Fly, "we govern all licenses of all stations, and there are particular provisions relating to stations engaged in chain broadcasting. You will note that these regulations control the station's relations to the network by means of placing a duty upon the station."

In another interchange of questions and answers, Chairman Fly first declared that under the new regulations the Commission already has the power to force the networks to carry certain programs, and then amended his answer to say the Commission cannot force any station to carry "a particular program," a contradiction which left his listeners confused as to just how the Commission interprets the new rules and how it intends to apply them.

Senator Smith, of South Carolina, had asked Chairman Fly why the Commission has not the power to force all networks to carry "important things."

"I think we have the power," declared Mr. Fly, "by applying these regulations," but he added that the Commission cannot require a station to "carry a particular program."

Effect on Small Stations

Senator Wheeler again indicated that he feared the new rules might transfer a great deal of business from the smaller to the larger stations.

Senator Wheeler: "I was going to say that some of these small stations have been worried for fear all the good programs would just go to the big stations, and that under your rules they would simply say: Well, we will not put it on the little station. For instance, we will say that NBC has a small station in a certain town, and Mutual has a big station, or vice versa, and the advertiser or advertising agency will say: We do not want to take Mutual, or National, as the case may be, on the small station, but wish to transfer it to the big station. If that were permitted it would seem to me you would be eliminating the small station. . . .

"Take for instance a location in the western country, and say I want to advertise in Denver, or in Salt Lake City. If I am going to advertise in that area I will want to get the largest number of listeners possible. Consequently it is probable that as an advertiser I would not want to put my program on the smaller station in Spokane or in Salt Lake City or in Denver.

"As to the use of stations, if one can just switch them over I think an advertiser would want to go on the big stations because the big stations get the listeners; and unless the small station can get good programs you will be giving the big stations a monopoly.

"I think that is one thing you have to guard against because certainly when you are trying to tear down one monopoly you do not want to be building up another—putting the small stations out of business. That is one thing you have to guard against."

Chairman Fly gave several reasons indicating why he does not believe this will happen, ending with this statement, "Of course it is not the intention of the Commission that the big stations shall take advantage of the small ones. If that starts to happen we will have to reexamine that phase of the subject."

In completing his testimony today, Chairman Fly said that the Commission approves of this hearing and stands ready to produce any further information called for by the Senate committee.

SPECIAL—

Senate Interstate Commerce Committee Hearings on White Resolution

NAB Reports
The National Association of Broadcasters

1626 K STREET, N. W. WASHINGTON, D. C. JUNE 10, 1941

FURTHER NEED OF CONGRESSIONAL REVIEW REVEALED AT SENATE RADIO HEARING

Necessity for revision by Congress of the law governing radio broadcasting was indicated by Senator Clark, of Idaho, at today's hearing before the Senate Interstate Commerce Committee on the White resolution calling for a Senate investigation of the broadcasting industry. Senator White introduced his resolution following promulgation by the FCC on May 2nd of new rules imposing drastic restrictions upon network broadcasting operations.

"The only question that is troubling me," Senator Clark asserted, "is whether this law is in proper shape. You see these networks have grown up largely since the law was enacted. Probably Congress at the time did not contemplate the exact situation in which we are today. It is 14 years since the law was enacted."

Doubt as to just what will be the effect of the new rules was expressed a number of times during the first few days of the hearing, when FCC Chairman Fly appeared.

Further evidence of such confusion resulting from application of the rules was brought out at today's hearing during questioning of Louis G. Caldwell, counsel for the Mutual Broadcasting System, and Fred Weber, Mutual's general manager, who took the stand together.

Referring to previous discussions of difficulties which would confront radio broadcasting if exclusive contracts and option time are eliminated under the new rules, Senator Clark said, "You would have a lot of chaos there unless there is some right to option time."

Senator Clark said he can see where network broadcasters would not have a whole lot to sell an advertiser if they did not have some right to option time adding that "you would end up by having your time all messed up, particularly if other networks could come in and contract with that station for time, too."

With stations shifting from network to network under the new rules, Senator Clark asked if the result would not be that the Mutual Broadcasting System, which is supporting the new rules, would get the benefit of placing programs on stations where facilities and listening audience have been built up over a period of years in the course of affiliation with competing networks.

Senator Clark cited as an example a situation in which under the new rules Mutual would be able to offer its program to a station which had become the leading broadcasting outlet in its city through a ten-year period of affiliation with Columbia. When such a program is announced as being broadcast for the Mutual Broadcasting System, he said, "you are getting time on a station that has really been made valuable by your competitor."

During his testimony, Mr. Caldwell said that "Mutual had nothing whatsoever to do with the Commission's action initiating the investigation of chain broadcasting. Neither it nor its stockholders nor its lawyers had made any complaint to the Commission. We simply responded when asked to appear and set forth our situation as accurately and fully as we could."

Later, he said, Mutual did suggest that the Commission adopt a regulation, temporary in character, to serve somewhat the purpose of a temporary injunction "designed to preserve the status quo until the court has made its decision."

In regard to the World Series baseball games broadcast exclusively by Mutual, and mentioned several times previously during the hearings as being denied to some stations having exclusive contracts with other networks, Senator Gurney asked Mr. Weber if Mutual did not have "an exclusive contract with the baseball people." Mr. Weber said that was true.

"You cannot," declared Senator Gurney, "stand on one leg and say the other stations could not get the program, and then on the other leg have an exclusive contract with the baseball people."

At yesterday's hearing, FCC Chairman Fly said he understood Station WCAU in Philadelphia had refused broadcasting time to Charles A. Lindbergh. Today Senator Wheeler read the following telegram from Leon Levy, president of WCAU:

"I wish to call your committee's attention and to have also entered into the record the fact that no request was made of this station to broadcast the speech. A request was made, however, to buy announcements for this meeting, but a member of the sales division interpreting the broadcasting code as applying also to such announcements refused to sell them. When my attention was directed to this fact, I issued instructions to the WCAU staff that announcements calling attention to a meeting do not come under controversial subjects and are therefore acceptable. A statement was issued to the press about these announcements and also the fact that no request was made to broadcast Lindbergh's speech and if such request was made it would receive due and careful consideration and if broadcast would be done without charge. . . . May I respectfully call your committee's attention to the fact that during the same month WCAU broadcast Lindbergh's speech on May tenth and also Senator Wheeler's speeches on May twenty-third and May twenty-eighth."

Senator Wheeler said, "I am very glad indeed to have the statement from Mr. Levy and to correct the impression which I myself and many others had with reference to the matter."

SPECIAL—

Senate Interstate Commerce Committee Hearings on White Resolution

NAB Reports

The National Association of Broadcasters

1626 K STREET, N. W. WASHINGTON, D. C. JUNE 11, 1941

RADIO LAW REVISION AGAIN SUGGESTED AT HEARING

Need for amendment of the law under which the radio broadcasting industry operates was again expressed at today's hearing before the Senate Interstate Commerce Committee on the White resolution asking a study of the industry by Congress.

Yesterday Senator Clark, of Idaho, expressed doubt as to whether "this law is in proper shape," pointing out that "it is 14 years since this law was enacted," and that the radio networks have grown up since then.

Today, Senator White, of Maine, who introduced his resolution after the FCC issued new rules which would drastically affect network broadcasting, said, "I think there may be a vast difference between what the law is and what the law ought to be. I am not sure but what that is the difficulty which is confronting all of us at this time.

"I have thought the appropriate time for me to discuss that matter was when we meet in executive session. I want to discuss that matter and give the committee my views on what the law now is; but I have not felt that I wanted to make my observations a part of the testimony in the case because I do not like to be in the dual position of acting as a member of the committee and also as a witness in behalf of my own resolution."

FCC Jurisdiction Not Settled Question

At today's hearing Louis G. Caldwell, attorney for the Mutual Broadcasting System, and Fred Weber, general manager of Mutual, continued their testimony.

Asked by Senator Wheeler for his opinion on the disputed question of the jurisdiction of the FCC in promulgating the new rules, Mr. Caldwell, who was the first general counsel of the old Federal Radio Commission, summed up his opinion by saying, "I think there is fair legal authority, although not as precise as you might want right now, to the effect that the Commission does have this jurisdiction. I can't say that it is a settled question."

In a discussion of whether under the present legislation the principle of free competition in radio is accepted, Senator White said he does not think that is the fact at all.

"Everyone recognizes, I think," said Senator White, "that we cannot have free competition under this Act because of definite technical and physical limitations upon it. At the most, all we do is approach that, but we approach it within the limits of the legislation and within the limits of physical facts."

In the matter of control over programs, Mr. Caldwell said, "There are others who do not agree with me, but the Commission, in my estimation, has, with the help of Congress, gone a little further than it should have into that field of control."

Wants Stations To Be Free

Speaking of the freedom of stations, which he said was an object the Committee members should keep in mind, Senator Wheeler declared that he wants the stations to be free from all "domination" including that by the Commission.

"In other words," Senator Wheeler continued, "I do not like the idea of the Commission simply saying to a radio station, 'You should not put on this program, because it does not represent the views of the Administration—' whichever administration it might be.

"I do not like the idea of the Commission's holding a club over some station if the station happens to be owned by one who is unfavorable to the administration that might be in power at that particular time. I think there has been entirely too much of that in the past.

"As a matter of fact, the Commission for a long time was dominated as a political commission. That was true in the Republican administration, and it has been true, to some extent, in the Democratic administration."

In a discussion of a suggestion previously made as to whether the Commission has the right to alter the power of stations in any city when granting licenses, Mr. Caldwell referred to Louisville, Kentucky, where he said there is a 50-kilowatt clear channel station, a 5-kilowatt regional station and two 250-watt local stations.

In a jocular aside, Senator Wheeler suggested that perhaps the 50-kilowatt clear channel station might be taken away from the *Louisville Courier Journal* and given to Mutual, whose present affiliate is one of the 250-watt stations.

In the same spirit, Mr. Caldwell responded, "I was going to say take the 5-kilowatt station first."

SPECIAL—

Senate Interstate Commerce Committee Hearings on White Resolution

Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. JUNE 12, 1941

COMMISSIONERS HIT FCC RULES AT SENATE HEARING

Two members of the Federal Communications Commission told the Senate Committee on Interstate Commerce today they believe that the Commission has usurped power not vested in it by Congress in issuing its new rules affecting radio broadcasting.

The FCC proposals, they said, are more likely in their effects to be "destructive rather than constructively remedial."

These views were expressed in a joint statement by Commissioners Norman S. Case and T. A. M. Craven, which the latter presented at hearings on the resolution introduced by Senator White, of Maine, proposing that the Senate conduct a study of the Commission's action and a general investigation of radio broadcasting.

Among other developments at today's hearing were:

Refusal by Fred Weber, general manager of the Mutual Broadcasting System, which is supporting the FCC's position, to answer yes or no when asked by Senator White if it is not true that "the great majority of broadcasting stations in the United States are today fearful of these regulations and are substantially opposed to them."

Senator White's statement that the "Commission has put the cart before the horse in this matter by first determining whether a fellow is guilty of monopoly or not and then going on to determine whether what he is doing is in the public interest or not."

Craven States Issues

In opening his testimony today, Commissioner Craven said that the real issues between the Commission majority and minority are first, whether the majority has usurped power, and second, whether the majority would not in fact create a monopoly in broadcasting "more devastating in its effect upon the public than that which is alleged to exist today."

Mr. Craven said the Commission minority believes, that by its action in promulgating the new rules the Commission "asserted power not vested in this agency by Congress."

Senator Tobey, of New Hampshire, asked Commissioner Craven, "As among the three large concerns now, is there comity or unity or a gentlemen's agreement that sets up a monopoly between any two of them?"

"Not in my opinion," Mr. Craven replied.

"Then," continued Senator Tobey, "there are three free individual networks, all operating separately?"

"That is my understanding, sir," responded Commissioner Craven.

Unfortunate Consequences Feared

He and Commissioner Case believe, Mr. Craven stated, that "the solution of the problem now confronting the Commission requires a balanced and dispassionate consideration of the many factors which contribute to broadcast service in the public interest.

"We feel that a limited approach or conclusions based on overemphasis of one phase of the problem will result in unsound administration and unfortunate consequences to the radio service to which the public is entitled. It is with extreme regret that we conclude the majority has taken this limited approach."

Speaking of the licensing power which the FCC already has over broadcasting, Commissioner Craven said, "In itself, the power to punish licensees by refusing to renew licenses constitutes a vast control," adding that "if this licensing power is augmented with jurisdiction to determine guilt of violation of any law of the land under the guise that such violations constitute acts against public interest, there is concentrated in the Commission undue power."

Commissioner Craven said he believes that the FCC should have made its recommendations to Congress instead of putting the new rules into effect.

Pointing out that by its new regulations the Commission proposes to interfere with the "business practices" of the broadcasting stations, Commissioner Craven said that the Supreme Court recently held in the Sanders case that the Commission is prohibited from doing that.

As at yesterday's hearing, Senator White again today came out strongly for enactment of new legislation governing radio broadcasting.

"I should like to see," Senator White asserted, "legislation declaring in specific terms the powers of the Commission with respect to what they may do in the regulation of chain broadcasting."

SPECIAL—

Senate Interstate Commerce Committee Hearings on White Resolution

NAB Reports

The National Association of Broadcasters

1626 K STREET, N. W. WASHINGTON, D. C. JUNE 13, 1941

FCC RULES WOULD HARM SMALL STATION, SENATORS TOLD

Small stations would be hard hit by the new FCC rules, Commissioner T. A. M. Craven and Mark Ethridge, vice-president and general manager of the Louisville Courier-Journal and Times, told the Senate Committee on Interstate Commerce at today's hearing on the White resolution asking a Senate investigation of the radio broadcasting industry. Both witnesses and several Senators urged a revision of the Federal Communications Act.

Commissioner Craven and Mr. Ethridge were the only witnesses at today's hearing. Both asked for new legislation to clear up the confusion resulting from the Commission's action which, the industry contends, hits at stations in an attempt to reach chain broadcasting.

Senators White, of Maine, author of the resolution, and Clark, of Idaho, likewise declared new legislation is needed. They said they favor holding the rules in abeyance until the legislation is enacted. Senator Wheeler, of Montana, Chairman of the Committee, agreed that the Act should be revised but said that Congressional action might take two or three sessions, and opposed holding up the rules, adding that there is a great divergence of opinion in Congress as to what the new law should be.

Says Rules Change Radio Pattern

"What is involved here," Commissioner Craven stated, "is a fundamental change in the pattern of American broadcasting. In effect it amounts to new legislation." He added that he believed the Communications Act of 1934 "should be reappraised by the Congress, rather than have the Commission institute a radical change in the pattern."

Mr. Ethridge said: "Here is an industry saying we want a new law and are willing to take our chances with Congress. We believe that the public interest demands such study be made."

Referring to the assertion of FCC Chairman Fly, during his testimony at the start of the hearings, that the Commission's action in issuing the new rules started in Congress, Mr. Ethridge asserted, "That's why we're here, with the industry as the aggressor and the FCC as defendant. To say we have no right to come to Congress is to say we have no right of petition."

Law Written 14 Years Ago

The radio law, Mr. Ethridge added, was written 14 years ago, "when neither you nor we nor anybody else knew very much about broadcasting."

Senator Clark observed, "It occurs to me that since we shall have a lot of time free this summer, we might have a subcommittee go to work on a bill, rather than a resolution, looking toward a revision of the law, and yet not unduly hold up the regulations of the Commission as issued. In that way something might be accomplished."

Commenting on Senator Clark's suggestion, Senator White said, "I have been working on a tentative draft of legislation which I think will cure some of the serious defects in the law as it now stands. I have definitely in mind some things that ought to be dealt with that are in addition to anything I now have in the drafts to which I have referred.

"The situation which now exists has been growing up over the years, and it took the Commission all of three years to make up its mind—the majority of the Commission, I should say—which course to pursue in dealing with the thing.

"I felt it was proper and highly desirable that we ask the Commission just to hold up on the execution of its regulations until the Committee had a chance to study and possibly until the Committee had a chance to formulate legislation.

"I still believe that if the effective date of these regulations could be postponed a reasonable time, only a part of the time which it took the Commission to bring them forth, legislation could be presented which would form, at least, a basis for Committee consideration."

He suggested that Senator Clark ask Senator Wheeler to say to the Commission, "We want to study this thing. We want to undertake some changes in the radio law. It took you three years to evolve these regulations. No public calamity will follow if you just hold up for a little while."

Later in the hearing, when Mr. Ethridge was testifying, Senator Wheeler stated, "I am not going to disagree with you as to the need for new legislation." But, he added, such legislation might require a long time and he thought the rules ought not to be held up.

Effect on Small Stations

Both Commissioner Craven and Mr. Ethridge pointed out that the new rules will harm the smaller stations.

One effect of the new rules, Commissioner Craven said, "is that the small stations will not be benefited and that the bulk of the business will gravitate toward the larger stations in each community.

"This will result in monopoly and will help the rich to get richer and the poor to get poorer."

Mr. Ethridge elaborated on this point by referring to the situation in Louisville, where his newspaper owns the largest of four stations in the city. With stations shifting from network to network under the new rules, he pointed out, it would be possible for this station to carry the most popular programs on all networks.

In spite of this, he said, he opposed the rules, which "were no answer to the plight of the small station."

Referring to the Mutual Broadcasting System, which is supporting the rules, he said they would benefit the owners of Mutual but would "gut" the small stations.

Says Commission Confused

During previous hearings, the point has often been made that there is much confusion over just what the rules mean and what their effect will be. The Commission itself, according to Commissioner Craven's testimony today, is as confused as is the industry. "I will wager that the majority itself does not know what the rules mean," he said.

He went on to say that "it is no exaggeration to predict that the decision of the majority, instead of resulting in free competition, would more likely create anarchy, or a kind of business chaos in which the service to the public would suffer.

"Not only will the application of the rules increase the inequalities between the small and large broadcasting stations, but the revolutionary change proposed by the majority will result in the destruction of the present excellent national program distribution system and the substitution of some new kind of system, the effects of which the majority does not adequately visualize."

This was admitted in the original draft of what is now the majority report of the Commission, Commissioner Craven testified. This draft, he said, in reference to contract provisions, contained this statement:

> "We cannot now determine the competitive effect of such contractual provision; or how they will work out in actual practice. They will have to be examined later in the light of all developments in the field of network broadcasting."

This statement, Commissioner Craven brought out, was eliminated in the final draft of the report.

While, under the new rules, stations may still make affiliation contracts, and networks and advertisers may contract for outlets, Mr. Craven said he and Mr. Case believe "this can be done only for individual programs and for blocks of time."

He pointed out that "this is a 'piecemeal' basis, and affords no continuity of stability to the industry."

"Fraught With Peril"

It is axiomatic, he said, that "unlimited availability of the few existing radio facilities and efficient national program distribution cannot both be attained at the same time.

"There is no open market condition in the business of broadcasting as in other businesses. Nature has determined that. To attempt to circumvent these basic economic laws is fraught with peril to an industry which has hitherto achieved a marked degree of success.

"Regulation in disregard of economic laws may foster a situation in which competition among competently managed networks would be replaced by an unwholesome conglomeration of local monopolies in the various towns and cities of the nation."

With regard to the question of the power of the Commission, Mr. Craven stated: "A Commissioner is constantly confronted with the charge of either failing to do his duty under the term 'public interest, convenience and necessity,' or of exceeding his authority. So my plea to you is to clarify this law, to the end that the powers of the Commission may be clearly defined, and that the responsibilities of the industry may be clearly defined. I think when and if you do that you will end a great many things which I think are wrong. You will end a great deal of trouble on the Commission."

Mr. Ethridge said that FCC Chairman Fly had built up a "big, bad wattage" theory during his testimony. He pointed out that wattage does not determine a station's audience; that in Louisville a survey he had made showed that the other three stations, with only a little more than a fourth of his station's wattage, had almost half the total number of listeners in the city. The "wattage" theory, he said, was a "straw man built up in boogie-woogie style," referring to claims made by Mr. Fly that NBC and CBS had most of the night-time power.

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 23, June 13, 1941

White Hearing

Following are some sections from the transcript of the Senate Interstate Commerce Committee's hearing on the White Resolution (NAB Reports, p. 437) which may prove interesting to broadcasters who have been unable to attend. *The Chairman* is Senator Wheeler, committee chairman.

STRONG ARGUMENTS FOR AMENDMENT

Senator Johnson of Colorado. How do you control the chains—by licenses or permits?

Mr. Fly. By these regulations here, sir, we govern all licenses of all stations, and there are particular provisions relating to stations engaged in chain broadcasting. You will note that these regulations control the station's relations to the network by means of placing a duty upon the station.

Senator Johnson of Colorado. That is an indirect control; it is not a direct control, is it?

Mr. Fly. I would say it is the sort of impact that frequently occurs where clearly on one end of the contract it is wholly illegal. Then, of course, the contract may fall.

Senator Johnson of Colorado. But you do not deal with the chain directly?

Mr. Fly. Not directly; no, sir. I think there are strong arguments why the networks ought to be brought within the scope of the Communications Act. I do not mean to say that I think it is correct to have them excluded from regulation, in view of their great importance to the public and the great impact of network broadcasting upon the entire public of the United States. I do not believe there can be any doubt that there ought to be very explicit means of regulating these networks in the public interest. That is quite apart from the construction of the Act at the moment.

The Chairman. Why should not the Commission have the right to regulate chain broadcasting?

Mr. Fly. I think it should. I do not think there can be any logical argument against it.

The Chairman. I do not think there is any question about it at all. I think it has reached the point where we have got to have regulation of chain broadcasting.

Senator Johnson of Colorado. In your opinion, how many chains should there be in order to serve the United States? The channels are very limited now in any given city. Perhaps four or five stations would describe the average city. How many chains should there be?

Mr. Fly. Of course that is not a job that I have undertaken or a right that I have of saying who shall go into the network business or how many there must be. It is my guess, sir, that in the course of a year or so you will have a fifth network. That is wholly a conjecture. I think that the broadcasting structure at this time can support, and support in a healthy and profitable condition, five networks.

Senator Johnson of Colorado. That is counting separately the Blue network and the Red network, counting them as two networks?

Mr. Fly. Yes, sir. But you have already the limitation here which limits the number that can come in, so long as there must be a search for a good station in a city. We are up against that now, very much as the railroads were up against the problem of getting into St. Louis where there were limited terminal facilities that were available or possible. I do not think there can be a great number of networks. I think that ultimately there might be six networks.

Of course, Senator, I think we ought to bear in mind, in viewing this whole problem, that frequency modulation, which is an improved form of radio broadcasting, has already come into commercial operation. That is going to move out and will give us to a substantial degree a more diversified and improved radio service.

Senator Johnson of Colorado. That will be a chain in itself, will it not?

Mr. Fly. I think the chains will develop there. There is one now that is in the making. I think considerable progress is being made. That is something that is cooperative in nature. I think that is the present plan. And television, of course, will sweep across a broad field in the course of a few years.

EFFECT ON REMOTE STATIONS

Senator Gurney. How would you handle a situation like this? Take a program in North Dakota—Fargo or Bismarck—that came on the wire from the Twin Cities. Both of them are on the N. B. C., as I understand it, speaking of Fargo and Bismarck. Suppose they did not have exclusive contracts and that the Fargo and Bismarck stations were left free to take a program from any network they wanted to. Suppose the Bismarck and Fargo stations did not decide to take the same program. One wanted to take Columbia, and another Mutual. Then, Fargo would have to pay—I am assuming it had the same hour—would have to pay the line charge from the Twin Cities to Fargo, and Bismarck would also have to pay the line charge from Bismarck to the Twin Cities. On a financial basis it would not be economical for the Bismarck station to get that program. Now it is possible, because they are on the same chain but split the wire charge and, therefore, can have the same program. How would you handle that situation?

Mr. Caldwell. Of course it does present considerable difficulty, but it seems to me in a situation like that, where you have great distances involved and heavy wire-line expense, we are going to get an improved situation eventually through the networks, either directly or indirectly, in the matter of dividing the expense for those wire lines. You understand that all advertisers

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NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

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WHITE HEARING

(Continued from page 517)

may not want to take, for instance, Fargo, and yet there will be some advertisers on each network that do wish to take Fargo.

The Chairman. May want to take one program and not take another.

Mr. Caldwell. Yes.

Senator Gurney. And one advertiser may not want to take Bismarck.

Mr. Caldwell. Oh, yes. You can now always find a difference between stations.

Senator Gurney. And the windup of the situation will be that Bismarck will not get some program.

Mr. Caldwell. I would think not. I think the two stations together would get selections from all of the networks. Some arrangement will have to be made to share the expense of the wire lines. All the stations are anxious to get network commercial programs.

Senator Gurney. I take it some suitable arrangement will have to be worked out. These stations represent a long wire line and someone must pay the charge. Bismarck cannot pay that long line charge now.

Mr. Caldwell. I cannot imagine any serious difficulty about working that matter out satisfactorily. I think you have to consider that situation in the matter of both the attractiveness of programs and the compensation to be derived therefrom. There is not likely to be any great trouble, I think, in that matter.

Senator Gurney. And if the network has to pay for it, even though an affiliate might want to carry the program, the network will not bear that long line charge?

Mr. Caldwell. In the long run it has to come out of the advertiser. This opens the road for more commercial programs to go into Bismarck and into Fargo, by reason of three networks.

Senator Gurney. I take it your answer would mean that you would raise the ante on the advertiser so that programs would get around the country?

Mr. Caldwell. Well, I do not know how that could happen. Still, you have only one wire to those two cities when you get through.

WORLD SERIES

Senator McFarland. What is your explanation of why the people of Arizona were denied the privilege of hearing the World Series baseball game broadcast?

Mr. Webber. We could produce a tremendous sheaf of correspondence and requests and pleas from stations in that territory, and they just would not carry the program.

Senator McFarland. Why?

Mr. Webber. Because of contract restrictions, from all the information we have available; because of other network contracts.

Senator Gurney. Those stations could not take the program because the National Broadcasting Company and Columbia had exclusive contracts. Was not that it?

Mr. Webber. I know of no other reason.

Senator Gurney. I know of one other reason. Mutual had an exclusive contract with the baseball people and they could not get it.

Mr. Webber. Who could not get it?

Senator Gurney. The National Broadcasting Company and Columbia.

Mr. Webber. You mean, the rights to the World Series broadcast?

Senator Gurney. That is right.

Mr. Webber. It has been customary practice to buy rights for sporting events on the part of the networks. The National Broadcasting Company has had exclusive rights for prize fights——

Senator Gurney (interposing). You cannot stand on one leg and say the other stations could not get the program, and then on the other leg have an exclusive contract with the baseball people.

MUTUAL LAWYER WANTS AMENDMENT

Senator Clark of Idaho. May I ask whether or not you think the law itself ought to be gone into, in view of later developments and the coming in of television shortly? Is the industry generally fairly well satisfied with the existing statutes?

Mr. Caldwell. I do not want to try to answer for the industry. There are some other people here who are going to purportedly speak for them I can only give you my personal views and those of others that I know of

With specific reference to television, I see no necessity for revision of the law. The Commission has had very extensive hearings on that subject, in which I have participated personally. The result arrived at may have been arrived at slowly; I do not know. But the result, so far as I know, is not the subject of very great complaint. I think the rules in general are sound, and I know there is no basis for investigation. I suppose your question was more general than that, however.

Senator Clark of Idaho. I was not referring specifically to the White resolution which is pending, which is a sort of hybrid thing, anyway. It may be a very good thing, but it is a little "betwixt and between." I was thinking of a general investigation if there is some dissatisfaction with the law itself, in view of the developments that have taken place in the industry since the law was enacted. Is the law, in your judgment, adequate—that is, the existing statute—to cover the smooth and efficient operation of the whole industry?

Mr. Caldwell. Yes, subject to the qualification that there are particular defects that I think you may want to cover by amendment. There is no substantial defect in this Act. It is susceptible of application and enforcement, I think, in a thoroughly just and satisfactory way.

Senator Clark of Idaho. You mentioned, though, uncertainty in the Commission's regulations. Some of the literature that I have read and also some conversations I have had would indicate that the law was so broad that it has caused confusion; that perhaps the law itself could be amended in such a way as to write salutary regulations into the statute itself, so that the

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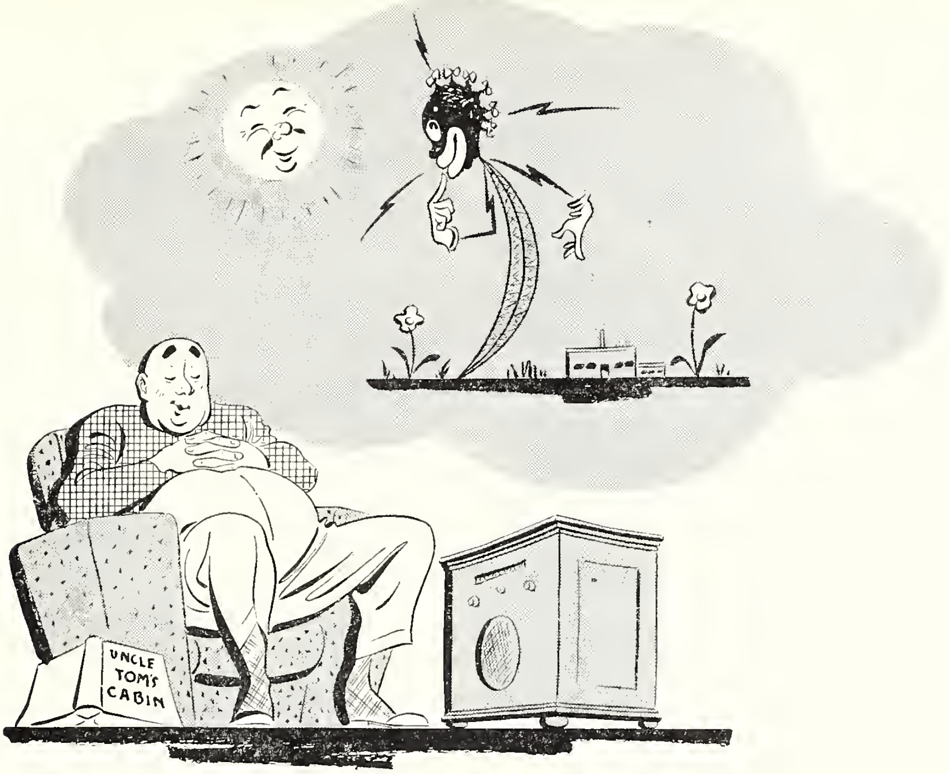

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WHITE HEARING

(Continued from page 518)

industry, if I may use that term, and include you therein, would have a stable basis of not only present operation but future operation. I do not know whether I make myself clear or not.

Mr. Caldwell. I think so. I cannot answer it in a word. I can give you the type of defect that I see in the present law and you can see what I am talking about.

There are two avenues of appeal under the Act: one, certain types or classes of cases that go to the Court of Appeals of the District of Columbia; every other order of the Commission follows the same route that the Interstate Commerce Commission happens to follow, going to the courts around the country. Due partly to court construction, I think, just as much that as through any fault of the law, there are two types of orders that I think ought to go to the Court of Appeals, and yet they go to the courts in the rest of the country. I am referring particularly to orders on assignments and attempts to sell licenses. There is one; and then there is another type of order under Section 325 (b) and (c) that has to do with exporting programs. The defect is quite serious.

Senator Clark of Idaho. There might be some procedural defects, but no substantial defects; it that it?

Mr. Caldwell. There is a defect that I think is rather important. There is a case which is still pending in the Court of Appeals, and under decisions so far rendered you cannot get a stay order in that case to protect you during the pendency of the appeal. We thought the law was otherwise until last year, and that question is still pending before the full court.

Senator Clark of Idaho. That is pretty important, is it not?

Mr. Caldwell. It is very important, and until last year we had had that right granted by that court, and it was regularly exercised. To my mind, that ought to be remedied.

NEWS COMMENTATORS

The Chairman. Of course I do think this, in fairness to radio, that it must be said that it has very materially assisted in bringing about more freedom of discussion and freedom of speech in the country than we had before the radio came into being. For instance, we had the newspapers of the country to quite an extent dominated in many places by the same concerns, and when radio came in, with the provision that both sides should be heard, it made the newspapers of the country, in many instances, give more prominence to views that they perhaps did not agree with, because they knew they could be heard and were being heard over the radio.

Mr. Caldwell. I think that is true, and I think the industry should be given credit, although it may have made a few slips here and there, for its developing the principle of being fair to both sides of a case. That did not come from the Government; it sprang up from the industry itself.

The Chairman. I think that is true, and I think that the radio industry as a whole has done a good job. I think we can undoubtedly criticize it for some things and we can undoubtedly try to better it, but I should hate to be one to condemn it and say that it had not done a good job, because certainly the newspapers of the country have not always published both sides of a question, and many of the newspapers at the present time do not publish both sides of a controversy. They only give their own viewpoint or the viewpoint of their editors, and they do many times color their news stories much more than has been done by the radio industry.

Senator Clark of Idaho. Do you think that the Federal Communications Commission has the power to compel either the networks or the individual stations or somebody to see to it that when a speaker is advertised as a news commentator he restrict himself to the news and not to editorial opinion? To amplify that a little, 75 per cent of the news reports advertised as news reports in the prepared programs published in the papers are nothing more than editorial opinions. There is possibly a perfectly legitimate field for editorial opinion on the radio, exactly as there is in the press. But is there any way that you know of by which the Commission could compel a station or a network, when it advertises that a news reporter will come on at a certain time, to confine that program to news and not to editorial opinion?—because people think they are getting news and actually they are getting colored news in regard to issues that confront the country today.

Mr. Caldwell. Senator, I agree with your feeling about the individuals you are talking about, and I do think that in many things they are doing they are reprehensible. I do not think that the Commission has that power, although it has come close to exercising an analogous power in the past. But I do not think the Commission ought to have that power. Once you get over that line, you have censorship. The sort of power that the Commission has exercised in the past has been backwards. When a station comes up for renewal of license the Commission says, "We are entitled to take into consideration the programs during this preceding license period." It has no standards, of course, to judge by. It just throws a whole hodge-podge into evidence and then comes to its conclusion that the programs are or are not in the public interest.

I do not say it is doing that now, because there has been a vast improvement; but that has happened in the past, and some men, a few years ago, were thrown off the air, and I am not sure that those men were wholly wrong. I happen to be fairly familiar with the records. I think that once you give a government agency the power, either backwards or forwards, to control what is said, you have a dangerous experiment in government tyranny. I think that you should rely instead on competition, so that if NBC's commentaries get too one-sided, Columbia's will be the other way or Mutual's will be the other way, and vice versa. That is your answer.

Senator Clark of Idaho. I do not object at all if the announcement is made that this man is expressing his views, or something of that kind, but I do object to putting on editorial commentators as news reporters. There is a place for both; and I think everyone will agree with me that the proper practice is not being followed today by the stations and by the networks. They advertise, "Edwin C. Hill—News." And I am not criticising him; he may be all right. In addition to that, you get editorial talks, and I do not think it is fair to the public. Unless the Commission does something about those things you are going to find that you will have some kind of legislation at some time to compel it to be done.

Mr. Caldwell. I hope not. I think it gets pretty close to censorship. The suggestion was made the other day that maybe we should have licensing of networks. I should be very much opposed to that. I hope the Commission has ample power to take care of the situation under the present laws. But if you look at the essence of our networks, they are agencies of program production and sales. But if you are going to have direct government licensing of networks you tre going to have licensing of program production; and I am afraid of the power that will be given to the Government if you do that.

The Chairman. The Commission could at the present time, it seems to me, correct this evil that Senator Clark speaks of by asking the station, when the case comes up for renewal of license, to bring in the script that John Smith had and see whether or not that was propagandizing for one side, and say to the manager of the station, "If you are going to have propaganda for one side you ought to put on an equal amount on the other side. In other words, if you are going to have a commentator on the air who expresses one view, then you have got to have a commentator on the air to give the other side of the picture."

Mr. Caldwell. That principle, I think, is the answer, if they are fair to both sides and do not penalize anyone for being on one side or the other, as long as that balance is preserved. But I do not like to see the Commission get into that field any more than is necessary. It seems to me now to be refraining from too much interference with programs.

Senator Clark of Idaho. I want to clear my position a little bit there. There are several commentators on each of the systems today who purport to give news and do give it in a colorful fashion. They are, in my judgment, a minority, but there are several on all of the chains. It is these other fellows that I complain about.

WILL AGENCIES "GO NETWORK"?

The Chairman. The idea has been expressed to me that if, for instance, some large advertising agency in the city of New York had advertising contracts for General Foods, General Motors, or some others of the larger companies, such as the Ford Motor Company, five or six of those companies, would it not be in a position to have the say?

Mr. Weber. It would not, unless each combination of advertisers was prepared to follow a network broadcasting system, because just the supplying of commercial programs will not supply a full service. Under these rules and regulations each station is left free to take the programs that it wants to take. There is no requirement on them. If any system is developed which destroys network broadcasting to its affiliated stations they are not going to participate in developing anything that would destroy the continuous flow of sustaining and commercial programs to them.

The Chairman. Supposing the advertising agency went to various stations in the country and said, "Here is the Ford hour; here is the General Motors hour and here are the better programs that come from these big concerns. We will furnish you six or eight or ten programs." Every station would like to get those programs from the standpoint of making money, and in addition to that they would like to have them probably because of the fact that they are good programs.

Mr. Weber. That would not be adequate. They would have to have engineering facilities; they would have to have studio facilities, promotion organizers, publicity departments. They themselves would have to go into the function of network broadcasting. They could not just simply buy a few programs. The station would have to perform the function of network broadcasting and, in addition, they would have to assure the costs of wire lines at $8 a mile to reach across the country on a permanent basis; and once you install permanent lines it is an additional service that has to be supplied in addition to good commercial programs. You have got to give sustaining service; you have got to give the whole set-up, promotion, merchandising, studios, engineering, announcers, and everything else. You could not just buy some time.

Senator Clark of Idaho. How are these wire line charges arrived at? By agreement between the networks and the telephone company?

Mr. Weber. No; there is a tariff established and filed with the Commission, established by the A. T. & T.

Senator Clark of Idaho. That tariff is established by the Federal Communications Commission?

Mr. Weber. Yes, sir.

Senator Clark of Idaho. When were the line charges established?

Mr. Weber. There have been, to my knowledge, in 15 years of broadcasting, modifications of the charges. Initially they used to charge for lines on the basis of railroad routing, and then later they changed to a system of air mile charges, and now you pay so much per mile per month, $8 per mile per month, on an air line basis, and in addition you pay for connections and loops in each community.

Senator Clark of Idaho. Was the broadcasting industry represented when those line charges were fixed?

Senator White. I suppose, under the general provisions of the law, they would make up their schedules themselves in the first instance, and they would be the legal charges unless altered by the Commission.

Senator Clark of Idaho. I have no knowledge of the fairness of them at all, but I do know that it appears to be difficult to get adequate service, by virtue of these high line charges, into the more sparsely settled areas, and I was wondering if that situation would bear looking into. Are the companies satisfied with the line charges?

Mr. Weber. We certainly would like lower line charges if it were possible to obtain them.

Senator Clark of Idaho. Of course you would, but have you conducted any independent study of them which would lead you to the belief that they might be out of line?

Mr. Weber. There has been discussion of a study. It is quite a difficult thing to determine, because the Telephone Company is in the position of stating that facilities are not available, or they have to take circuits out of telephone service to supply broadcasting. Generally with regard to the costs of lines there has been some reduction. One of the principal problems in costs of our lines was the so-called connections and loops at the stations. You have to buy them on a monthly basis, even if you use them for an hour, to connect to a permanent line. That is the thing that would act to really restrict any development of one company or one agency buying a certain number of hours, because you have to pay a monthly service to connect the station. Once you pay for a monthly service it is a pretty excessive cost.

The Chairman. Like Senator Clark, I have had complaints made to me. I have not given them any study, but why do they charge $8 per mile?

Mr. Weber. The mileage charge is $8 per mile per month, and they charge $175 a month for a connection to the station.

The Chairman. That might be perfectly all right with the bigger stations in congested areas, but certainly when you get out into the rural areas where they do not get as much advertising, where they do not get as much of a charge for their advertising, it does work a hardship on many of the rural communities.

Mr. Weber. We have argued that. I have argued that myself, personally, and the explanation is that the cost is so great to get out into the sparse locations, that that is why the charge can be lower in the larger cities, and they divide it up over the country. That is the position they have taken in regard to the charges, that it would be higher in the smaller communities if they did not average it up.

The Chairman. I think it is something that the Commission ought to go into with reference to the rural areas particularly, to see what can be done so that programs can get in there and so that the smaller stations can operate more efficiently.

Sales

Please direct this section to the attention of your sales manager.

Selling Points for Saturday

Jack Laemmar, radio time buyer for Lord & Thomas advertising agency in Chicago, recommends Saturday time for radio advertising in a letter to the NAB Department of Broadcast Advertising. He writes:

"In trying to get the advertising message to the consumer as close to the time of purchase as possible, it would seem that Saturday would be the most logical day. In every type of retail outlet, from department stores to drug stores, Saturday ranks the highest. For example, Saturday accounts *for 40% of the grocery and meat store sales of the week.*

"Figures for other types of radio stories are given in a study compiled by the National Retail Grocers' Association. Based on a study of fifty-one Cincinnati grocers, 69% of Saturday sales are made after 12 Noon. This, in conjunction with the fact that 40% of the week's sales come on Saturday, should surely make Saturday morning an attractive time for an advertiser to broadcast his message.

"With regard to payroll, the Federal Reserve Bank of New York in reporting wages and salaries paid in cash, shows that *60% of the total week's payroll* comes on Friday and Saturday; 40% comes on Friday, but the payment of this is generally made at the close of the day, which is too late to shop; therefore, there is a carry-over until Saturday.

"With regard to the radio set availability, some interesting figures are available in a joint NBC-CBS study of the use of radio sets, which was compiled by Crosley, Inc. The sample is somewhat small, but it gives a good idea as to the sets available by times of the day. While no definition of the word 'available' is given in this study, I am sure that it is the generally accepted standard of 'someone at home and awake in a radio home.' One of the most interesting findings is that the availability of radio sets on Saturday morning is greater than on Sunday evening at the time when Jack Benny and Charlie McCarthy are on the air, and runs very close to the radio set availability on a Monday through Friday average.

"In 1938, C. E. Hooper conducted a survey in 16 cities on a Saturday to determine the availability of radio sets by half-hour periods, and there was actually a greater availability on Saturday morning than at the same time on week days. This does not agree exactly with the material found in the NBC-CBS joint study on the use of radio sets, but I believe the important factor is that in *all cases* Saturday ranks as high as it does. Whether or not it is equal to, or slightly above Monday through Friday, is really of minor consequence at the moment.

"In October 1938, 'Advertising & Selling' magazine carried an article by C. E. Herring, Director of the Market Research Division of the Hooper Homes Bureau, Inc., dealing with the use of radio sets. Saturday was found to be tied with Wednesday as the top listening days on an overall basis. In Mr. Herring's article he mentioned:

" 'Incidentally, advertisers and agencies seem to be overlooking a good bet on Saturday. In spite of the fact that Saturday's programs are, as a whole, the weakest of the seven days, the listening audience on Saturday ranks with the largest of the week.' However, based on C.A.B. figures, the Monday through Friday average is still ahead of Saturday.

"I have been trying to get late figures on the number of people who now work on a five-day-a-week basis, but to date, these figures are not available. Except for the present emergency, I believe that there will be *an ever increasing number* of companies turning to a five-day week, which will mean *greater family availability for radio programs and greater listening.*

"Another factor in favor of Saturday morning, at least for the present, is that program competition is relatively weaker, making it easier for the Saturday advertiser to win and hold a large audience.

"There are few success stories regarding Saturday morning broadcasting because the idea is comparatively new. 'The Breakfast Club,' which is on six days a week, had the highest rating on Saturday than any other day. The average for the first five days of the week based on a coincidental survey in 1937 was 5.6, and the rating for Saturday 6.9.

"A good commercial success story is one on the Benjamin Moore program. The advertiser has used an NBC network program consistently since 1931. The program was a single 15-minute daytime period, once a week, which consisted of organ music and a talk by Betty Moore on 'How to Brighten Up the Home With Paint.' In 1939 the program was shifted to Saturday, with the result that *the effectiveness was increased greatly.* Actually, the success of the program must be, to a large extent, dependent upon mail, and the mail of the 1939 Saturday morning program was *37% greater* than the mail received during 1938, when the program was on a week day."

Success Story Form

The new standard form for radio success stories adopted by the Department of Broadcast Advertising has also been adopted by several NAB member stations. Although it was not intended that this form should be universally used, since many stations already have their own very effective forms, any station wishing to adopt it is perfectly free to do so.

A sample copy was sent each station over a month ago, but any members desiring additional samples may have them free upon request.

Making Radio Effective

Three problems worthy of sales managers' consideration, particularly at small stations, are presented by KVEC, NAB member at San Luis Obispo, Cal., in the industry's effort to increase the effectiveness of radio advertising.

The first outlines the *necessity* of giving close attention to the proper scheduling of programs and announcements. Writes Christiana M. Jacobson:

"The sponsor on the average small station buys so many spots either locally or through an agency. The time suggested may not be right for his product in a rural area (people rise earlier, retire earlier, live at a slower pace), but our personal observation is that often no one seems interested enough to rectify the error or even make the suggestion. There are always at least two parties involved in the transaction and one or the other feels that the trouble involved is not warranted because of the size of the account. So the matter rests and at the expiration of the contract, there isn't a renewal.

"For example, a program running on this station, produced in a metropolitan center and having metropolitan appeal, requires mail, and the extremely low response to date proves the program has no appeal in this area. The agency was contacted in an attempt to persuade the sponsor to use a local show with a proven mail record, but the agency answered with a definite no. Its reason was that the sponsor favors the show from a personal angle, and any effort to change would result in a two-week cancellation rather than permitting the program to run the length of the contract. I can't understand why a sincere desire by a station to do a good job should be detrimental to that station. After all, six satisfied sponsors across the board for 52 weeks is better business than 24 accounts on short contracts in that same period with no renewals, and all 24 with the opinion 'I tried radio and it doesn't get results.' "

The second recommendation offered is that advertising agencies and advertising departments should furnish copy to station and sponsor, carefully prepared and attractively presented. Stating that most copy now received is poorly mimeographed, or on second sheets, often with no heading or reference to the account or product, it is stated that this cannot impress the station which is advertising this "outstanding product", and has a very bad effect upon the sponsor who is spending good money for radio time.

"In newspaper advertising, on the other hand, advertising campaigns generally come attractively prepared, with folders containing all available mats and with proofs run on fine paper, usually bound with colorful, attention-getting covers. Why cannot radio continuity be presented the same way, to impress the station, the sponsor, *and his dealers or sales force?* If radio stations will comment to those responsible for continuity poorly presented, and make these suggestions, many advertisers and agencies will adopt them."

The final suggestion, along similar lines, is that stations do likewise by furnishing each sponsor a clear and attractively-presented copy of his radio advertising, if produced by the station. "Copy is now often poorly presented, or is merely read to him over the telephone." Standard forms could be used, it is suggested, with space for sponsor's name, the names of continuity writer and announcer, and even a selling message from the station. It is pointed out that sponsors are given checking copies and proofs of advertising run in printed media, as evidence and a record of their campaigns, but money spent in radio advertising, unless the sponsor hears each program or announcement, often seems to leave no trace. At little extra trouble or expense, it is claimed, radio stations could thus constantly make good impressions on advertisers to the ultimate benefit of the industry.

Recording Standards

As broadcasting has developed the problem of reproducing transcriptions with uniform results, it has become of much concern to broadcasting stations. Quite a number of different characteristics have been used by the various manufacturers of transcriptions, recording equipment and reproducing equipment. Most of these characteristics produce good results by themselves when the proper playback equalization is used. Some companies have coordinated the three elements, however, in many instances this has not been so. This has made it exceedingly difficult for broadcast stations to obtain uniform results from transcriptions manufactured by various companies and reproduced on equipment manufactured by various companies.

This problem has been discussed with a number of transcription and equipment manufacturers and they have all indicated that they will cooperate in the formulation of standards.

A subcommittee of the NAB Engineering Committee was appointed by Edward L. Gove, WHK, chairman, comprised of Paul Loyet of WHO, chairman, Morris Pierce of WGAR and Robert Morris of NBC. The subcommittee formulated a questionnaire on recording and reproducing. The questionnaire was sent to all broadcasting stations. The answers to the questionnaire show that broadcast stations use as high as ten different equalizer settings for reproducing various transcriptions. Even with such an elaborate set of equalizers it has not been possible to entirely obtain uniform results from various transcriptions.

The Engineering Committee recommended that NAB coordinate the formulation of "Recording and Reproducing Standards". Neville Miller has informed the Engineering Committee that the Executive Committee has authorized this project. In accordance with this the first meeting of the "Recording and Reproducing Standards Committee" will be held at the Statler Hotel in Detroit on Thursday, June 26, the day after the Institute of Radio Engineers Convention. All parties interested in this project are invited to appoint an engineering member to the Committee. Correspondence regarding this project should be addressed to Lynne C. Smeby, director of engineering.

BMI

New Log Service

A daily logging service to get underway within the next two weeks, has been set up under the supervision and control of John G. Peatman, Director of the Office of Research of the Department of Psychology of the College of the City of New York. BMI will pay the costs of operations.

Service of the listening post thus established, will consist of the following:

a. A full daily report of all programs on stations WEAF, WJZ and WABC between the hours of 8 a. m. and 5 p. m.
b. A full daily report of all programs on stations WABC, WEAF, WJZ, WOR, WMCA, WHN, WOV and WNEW between the hours of 5 p. m. and 1 a. m.

Report sheets of the new Service will contain a complete record of the number of performances received by each composition heard during the above listening periods as well as a detailed log showing program listings of all musical compositions heard on each of the stations. The Service's full program report will include:

1. Time of the program.
2. Contents of the program, including each individual composition broadcast.
3. Sponsor or place of origin of the broadcast.
4. Name of the performing artist.

In addition, it will indicate whether the individual composition was performed in whole or in part. It is understood that the Department of Psychology of C. C. N. Y. will have full control of the operations of the project, including the hiring of all employees and that BMI shall in no way be responsible. The Department expressly agrees that it shall act independently and not as an agent or representative of BMI.

New Compositions

Broadcast Music, Inc., announces the addition of nine new compositions to its catalogue of original material and twenty-five copyrighted arrangements of familiar music in the public domain. Prominent among the popular songs made available to the radio station members of BMI, was *Dixie Girl*, a ballad by Kent Cooper, head of the Associated Press. Other numbers released at the same time included *All Alone and Lonely*, by Milton Schwartz, David Sanders and Al Pearson, and *I Went Out of My Way*, by Helen Bliss, for both of which BMI officials predict a great success. Olsen and Johnson, stars of Hellzapoppin', were represented with *My Heart's in America*, an original composition from their production, *New Hellzapoppin'*.

Among the twenty-five "cross-cued" arrangements of public domain material, now bringing this portion of the BMI library to approximately 600 selections, were such familiar compositions as Tschaikowsky's *Dance Chinoise* from the *Nutcracker Suite;* John Phillip Sousa's *On Wings of Lightning;* Schubert's *Serenade;* Sibelius' *Romance in D Flat*, and Grieg's *Repose of the Forest*.

License Forms Approved

The Board of Directors of BMI, at a meeting on Tuesday (June 10), approved the forms of blanket and per program contracts for broadcasting stations, as well as a contract permitting optional clearance at the source for electrical transcriptions. Forms of contracts are understood to be undergoing minor technical revision and will be sent out to broadcasting stations shortly. As announced at the Convention, holders of BMI blanket contracts may ratify the same and thus obtain a one-third reduction in present license charges bringing the present scale of payment down from a maximum of 2½% to a maximum of 1⅔%, and the minimum from 1½% to 1%. Per program rates run from 3⅓% to approximately 5½% for commercial programs using BMI music, and from ½% to 1% for sustaining programs using BMI music, the latter charge being figured on card rates applicable at the time of broadcast. Directors also approved numerous plans for the development and expansion of BMI's activities, subject to the discretion of the management. The directors announced with regret the resignation of Ted Streibert as a director of the company. Mr. Streibert is an officer of Bamberger Broadcasting Service, Inc., which has resigned from the National Association of Broadcasters, and he stated that he felt that as a representative of that company he should also resign from BMI which represents a type of industry activity. It was confirmed that Mr. Streibert's resignation would have no effect on the continued support of BMI by WOR.

BMI FEATURE TUNES

June 16 - June 23

1. I WENT OUT OF MY WAY
2. ALL ALONE AND LONELY
3. MY SISTER AND I
4. WALKIN' BY THE RIVER
5. WISE OLD OWL
6. FRIENDLY TAVERN POLKA
7. G'BYE NOW
8. WHAT D'YA HEAR FROM YOUR HEART
9. HERE'S MY HEART
10. WITH A TWIST OF THE WRIST
11. THE RELUCTANT DRAGON

In preparation: *"Wasn't It You"?* by the writers of *You Walk By*.

Extra Copies

There are extra copies available of the first volume of the BMI Index. These volumes will be sent to any BMI subscribers who desire them until the supply on hand is exhausted. There will be no charge to subscribers except the necessary postage which will be collected on delivery.

Requests

The following quotation is from the head of the music division of two stations having ASCAP licenses:

"My particular purpose in writing you at this time is to inform you that of the request programs currently running on both stations it is interesting to note that over 75 per cent of the requests are for BMI or for BMI controlled tunes. Also, as you know, we are now in a position to use ASCAP material, but our BMI users have not fallen appreciably when considered on the basis of monthly use."

And speaking of preferences, Bill Brennan, WORC, Worcester, Mass., stopped in this week to tell us that a request program on that station, "Five O'Clock Varieties", received no letters asking for ASCAP music from January 20th to May 1st. All requests were for either BMI published or BMI controlled tunes. There were no calls for the "Old favorites" which ASCAP claimed so loudly around the first of the year were indispensible. Among the tunes that led in number of requests were: *I Hear a Rhapsody, High on a Windy Hill, There I Go, Wise Old Owl,* and *G'Bye Now.*

BMI Opens the Door

In its first year, BMI brought the public the music of more than 500 writers who had little if any opportunity to reach the public under the conditions which prevailed prior to April 1940. This music came from all parts of the country and from all walks of life. It did not reflect the ideas of any one group; it included the work of those who devote their entire time to the creation of music and those to whom this creation has been a happy interval in an otherwise busy life. Broadcasters can take pride not only in the effectiveness of their work in the formation of BMI, but in the development of the conditions which made BMI essential. The growth of a lively interest in music in all parts of the country and in all sections of the people was fostered by the progress of commercial broadcasting. During the past twenty years, American symphonic orchestras have grown from about twenty to about three hundred and the interest in their maintenance has broadened from that of a few rich families to thousands of music lovers throughout the country. During the same period, an awakening of interest of music in the public schools has built some 50,000 bands, nearly as many orchestras and almost twice as many choral groups.

That radio has been the principal factor in this musical growth goes without saying. A common feeling for melody, rhythm and harmony resulted from radio carrying the best music to all of the people at the same time. Never before the period of commercial broadcasting would such a unified musical movement have been possible.

Native Latin American Music to Be Popularized

Maurice Russel Goudey (outstanding authority on the interpretation of South American folk music), who has spent the last six years teaching and directing radio orchestras in Buenos Aires, has been selected by Peer International Corporation to set up a catalogue of the native Latin American music available for broadcasting in the United States.

Mr. Goudey plans to start with what he calls the A-B-C of South American music—Argentine, Brazil, and Chile. As the field develops, he plans to introduce the tunes of the smaller countries, such as Columbia, which he states is particularly rich in beautiful and unusual music.

"My job," says Mr. Goudey, "will be to select the repertory, aid the American orchestras in their arrangements and rehearsals with an eye to combining authenticity of interpretation with popular performance."

Available

Announcement is made of the availability of the publications of Cundy-Bettoney Co., Inc., in Boston, Mass., for broadcasting. This company has lists of the band and orchestra music and solos for wind instruments available for this purpose.

Lists of suggested music material for Independence Day programs has been issued. Included is a list of marches for military bands from the catalogue of Jean Missud.

The Mud and the Stars

Under the headline, "And Some of Them Saw Stars", the Everybody's Weekly section of the *Philadelphia Enquirer* makes the following comment on the new BMI song *Stars Went to Sleep,* which was written by three prisoners within the walls of the Oklahoma State Penitentiary:

"Thus the chance meeting of two prisoners was made into a song; then into a partnership of many songs . . . the idea of a poet proved true:

'Two men looked through prison bars,
One saw mud, the other stars. . . .'

"At the same time scores of other prisoners were heartened to new efforts by the experiences of these two. Hearing or reading the story, they resolved to make the best use of their enforced separation from the world and to prepare themselves for an eventual return to that world as more useful citizens."

Soaring

Sales of *My Sister and I* passed the 150,000 mark early this week and are going strong. It looks as if the song will set up a new high record for BMI.

The Career Open to Merit

Additional evidence that if a song has a germ of a good idea, BMI editors will spare no effort to place it before the public is illustrated by the history of the new tune *Have You Changed*. This song was first submitted in August of 1940. It came in the mail one morning in August 1940 from Jay Gordon of Wilmington, Delaware, without benefit of even so much as an accompanying letter. A reviewer referred it to the Editorial Committee. The title, the tune and the first line of the lyric inspired enthusiasm. The rest was silence. In other words, the various questions asked under the *Have You Changed* inquiry were not appealing, as they completely lacked the nostalgic quality necessary to awaken pleasing memories. A lengthy correspondence ensued asking for additional lyrics and one after another were submitted, all equally bad, until Mr. Gordon's permission was obtained to call in Sylvia Dee, an experienced lyric writer, and see what she could do. Miss Dee "sparked" immediately on the idea. She liked it and turned out three good lyrics over night. That was about three weeks ago. Since that time, the best lines have been merged from these three lyrics, one or two new ones added, and it looks as if BMI has another potential hit.

IRNA Committee Meets ASCAP

From Samuel R. Rosenbaum, Chairman of IRNA:

A committee of officers and directors of IRNA supplemented by several other representative affiliates met Wednesday afternoon at NAB with Messrs. Paine, Mills and O'Connor of ASCAP. ASCAP explained fully the present status of the ASCAP deal as consummated with Mutual and as modified in the offer to the other networks, and the present status of the ASCAP deal to be submitted to affiliates in the form submitted to Mutual affiliates and as supplementally modified. The IRNA representatives made it clear that they were not a negotiating committee and were meeting with ASCAP in order to learn fully the status of the present ASCAP offers which would be reported back to the IRNA Board for consideration and further discussion. Those present for IRNA were: Rosenbaum, Morency, Craig, L. B. Wilson, Kennedy, Myers, Shouse, O'Fallon and Moseby.

MIRNA Disbands

Mutual Broadcasting System announced Thursday that it had been notified by S. A. Cisler, WGRC, that the Mutual Independent Radio Network Affiliates, a committee set up at the St. Louis convention, had been disbanded. Difficulties between Mutual and some of its affiliates which led to the organization have been straightened out, MBS announced.

FEDERAL COMMUNICATIONS COMMISSION

WFMC

The FCC, on June 10, approved the application of W. C. Ewing and Harry Layman (Cumberland Broadcasting Company) to transfer the license of Station WFMC, Fayetteville, North Carolina, to W. C. Ewing and T. K. Weyher (Cumberland Broadcasting Company) and renewed the station's license.

KEVR

The FCC, on June 10, approved the application of Evergreen Broadcasting Corporation (KEVR) of Seattle, Washington, for a construction permit upon assurance to the Commission that within one year it will file an application for a new construction permit requesting authority to operate with power of 5 kilowatts to effect a more efficient use of the frequency (1090 kilocycles).

FCC Propaganda Study

The FCC announced the appointment of Lloyd A. Free as Director of its Foreign Broadcast Monitoring Service and the retention of Harold N. Graves, Jr., as Administrative Assistant of that unit. They will supervise the recording, translating and analysis of foreign short-wave broadcasts, a duty undertaken last March by the Commission in cooperation with the Defense Communications Board.

From the FCC Mail Bag

A broadcast station seems perplexed about whether to pick up a bellow-by-bellow description of a bullfight. The question of programming is a matter for the station itself to decide in the first instance. The FCC has no specific regulation on this subject but points out:

"However, there is language in some of the decisions (see e.g., in re Station WMCA, 2 F. C. C. 76, 77; United States Broadcasting Corporation, et al., 2 F. C. C. 208, 219) to the effect that 'broadcast programs which are offensive to the sensibilities of the people generally are not in the public interest.' As bearing on the determination of this matter, your attention is invited to the fact that bullfighting has never been legalized in this country, and it is believed the history of efforts to legalize it in some of the States will disclose considerable public opposition on the ground that it involves cruelty to animals. The extent of this feeling undoubtedly varies as between different sections of the country."

To a New Yorker who complains about rates for broadcast time, the Commission cites the Communications Act in declaring that broadcast stations shall not be deemed "common carriers," hence the Commission cannot prescribe the rates charged by them. Nor can the Commission entertain the notarized complaint of a Long Islander about advertising broadcast on Sunday. Also, it is equally without authority to pass upon advertisements in a telephone directory. Or to require a magazine to readjust its radio schedule to the satisfaction of a California reader.

Since the Commission functions primarily as a licensing authority, it has no say in the selection of radio station personnel. Consequently, it has no rules or regulations governing the hours that an employee may work. To a Massachusetts inquirer on the latter subject, it advises that the radio-broadcast industry is subject to the Fair Labor Standards Act and that any complaint on that score should be made to the Wage and Hour Division of the Department of Labor.

The Commission receives many complaints about radio interference of local electric origin. To such persons, it explains that it is without power to intervene, but points out that some municipalities have ordinances on the subject, adding: Many public service companies maintain investigation departments and upon request are generally willing to assist in locating the source of the trouble and in correcting it, if possible.

The Commission is unable to help a New Yorker who claims his invention "for the development of music" has been suppressed by certain business interests. And the only thing the Commission can do with a sample of corn remover sent to it is to turn it over to the Federal Trade Commission, to which it should have been addressed.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, June 16. They are subject to change.

Monday, June 16

Broadcast

WHB—WHB Broadcasting Company, Kansas City, Mo.—C. P., **710 kc.,** 5 KW, DA-night and day, unlimited time. Present assignment: **880 kc.,** 1 KW daytime.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—C. P., **710 kc.,** 10 KW, unlimited time, DA-night. Present assignment: **1280 kc.,** 1 KW, 5 KW LS, unlimited time.

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, **890 kc.,** 500 watts night, 1 KW day, SH-KUSD.

Television Broadcast

W2XD—General Electric Company, Schenectady, N. Y.—For license to cover C. P., **162000-168000 kc.,** 40 watts, emission A-5, Sec. 4.4(a).

W2XI—General Electric Company, New Scotland, N. Y.—For renewal of license, **162000-168000 kc.,** 10 watts, emission A-5, Sec. 4.4(a).

W2XB—General Electric Company, New Scotland, N. Y.—For renewal of license, **60000-86000 kc.,** A.-3 KW, V.-10 KW, Sec. 4.4.

Wednesday, June 18

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—C. P. to erect a synchronous station, **1310 kc.,** 100 watts, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

Monday, June 23

WFNC—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co. (Assignor) and W. C. Ewing and T. K. Weyher, tr/as Cumberland Broadcasting Co. (Assignee), Fayetteville, N. C.—Voluntary assignment of license, **1340 kc.,** 250 watts, daytime.

WFNC—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Renewal of license, **1340 kc.** (**1370 kc.** under NARBA), 250 watts, daytime.

Tuesday, June 24

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., **1500 kc.,** 250 watts, unlimited. Present assignment: **1310 kc.,** 100 watts, S-WHAT.

Wednesday, June 25

Investigation to determine what policy or rules, if any, should be promulgated in connection with operation of new high frequency (FM) broadcast stations and for future acquisition of standard broadcast stations by newspapers, pursuant to Order No. 79.

Thursday, June 26

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—C. P., **590 kc.,** 5 KW, unlimited, DA-night. Present assignment: **590 kc.,** 1 KW, unlimited, DA-night.

Monday, June 30

NEW—KNOE, Incorporated, Monroe, La.—C. P., **1420 kc.,** 250 watts, unlimited.

Monday, July 7

KWTO—Ozarks Broadcasting Company, Springfield, Mo.—C. P., **560 kc.,** 1 KW night, 5 KW day, unlimited, DA-night.

Consolidated Hearing

NEW—R. B. Terry, D. A. Rawley, C. M. Waynick and H. A. Cecil, d/b as High Point Broadcasting Co., High Point, N. C.—C. P., **1370 kc.,** 100 watts, unlimited time.

NEW—Ralph L. Lewis, Greensboro, N. C.—C. P., **1370 kc.,** 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

New STL Broadcast Station—Capital Broadcasting Co., Inc., Schenectady, N. Y.—Granted construction permit for new STL (studio transmitter link) broadcast station to operate on frequency **331000 kc.** (experimentally); power not in excess of 50 watts; special emission for frequency modulation with a maximum frequency swing of **200 kc.** (B1-PST-1).

KVIC—Fred W. Bowen (Individually and as Trustee), Charles C. Shea and Walter T. Martin (Transferors), Morris Roberts (Transferee), Victoria, Texas.—Granted consent to transfer control of Radio Enterprises, Inc., licensee of station KVIC, from Fred W. Bowen (individually and as trustee), Charles C. Shea and Walter T. Martin, to Morris Roberts, representing 100% (250 shares) voting stock ownership in Radio Enterprises, Inc., for a total consideration of $42,500. Station operates on **1340 kc.,** 250 watts unlimited time (B3-TC-253).

DESIGNATED FOR HEARING

Washington Broadcasting Co., Washington, Pa.—Application for construction permit for new station to operate on **1450 kc.,** 250 watts power, unlimited time (B2-P-3088).

APPLICATION PLACED IN PENDING FILES

Star Times Publishing Co., St. Louis, Mo.—Placed in pending file pursuant to Order No. 79, application for construction permit for new FM station (B4-PH-2).

MISCELLANEOUS

KMPC—The Station of the Stars, Inc., Beverly Hills, Calif.—Granted petition to intervene and to enlarge the issues in re hearing on application of Minnesota Broadcasting Corp. (WTCN), Minneapolis, Minn., for construction permit to change frequency from **1280** to **710 kc.,** increase power from 1 KW night, 5 KW day to 10 KW unlimited, using directional antenna night.

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Granted petition to intervene and to enlarge the issues in re hearing on application of Minnesota Broadcasting Corp. (WTCN), Minneapolis, Minn., for construction permit to change frequency from **1280** to **710 kc.,** increase power from 1 KW night, 5 KW day to 10 KW unlimited, using directional antenna night.

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Granted petition to intervene and motion to enlarge the issues in re hearing on application of WHB Broadcasting Co. (WHB), Kansas City, Mo., for construction permit to change from **880** to **710 kc.,** from 1 KW daytime to 5 KW unlimited, using directional antenna at night.

WDAE—Tampa Times Co., Tampa, Fla.—Granted petition for leave to withdraw without prejudice application for construction permit to change frequency from **1250** to **740 kc.,** and increase power from 5 KW to 10 KW, unlimited time, using directional antenna for night only.

W1XG—General Television Corp., Boston, Mass.—Granted petition to amend application by filing an application for a commercial broadcasting television construction permit and that the record remain open and directed that the amendment be filed within two weeks.

Symons Broadcasting Co., Ellensburg, Wash.—Granted motion to continue hearing on application for new station, now set for June 2, 1941, for 60 days.

KRLD—KRLD Radio Corp., Dallas, Texas.—Granted petition to intervene in hearing on application of Mid-American Broadcasting Corp., Louisville, Ky., for construction permit for new station.

Olympic Radio Co., Hoquiam, Wash.—Referred to Commission petition to hold hearing on application for new coastal harbor station in Hoquiam or Aberdeen, Wash.

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted extension of special temporary authority to operate an additional transmitter at Alpine, N. J., on **43 mc.** with a power not to exceed 40 KW, using frequency modulation for a period of thirty days beginning June 10, 1941, and ending not later than July 9, 1941, in order to conduct further experiments on adjacent channel operation of high frequency broadcast stations and to demonstrate such operation to certain engineering committees of the Radio Manufacturing Association.

WRNL—Richmond Radio Corp., Richmond, Va.—Granted special temporary authority to broadcast a two-way conversation between a Navy airplane and a mobile unit of Station WRNL on June 3, 1941, only.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted license to cover construction permit for increase in power and installation of directional antenna for night use (B3-L-1346). Granted authority to determine operating power by direct measurement of antenna input (B3-Z-709).

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted authority to make changes in automatic frequency control equipment (B4-P-222).

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted construction permit to move formerly licensed RCA 1-D-B main transmitter locally to be used as an auxiliary transmitter with power of 1 KW (B3-P-3184).

WKWK—Community Broadcasting, Inc., Wheeling, W. Va.—Granted license to cover construction permit as modified for new station (B2-L-1412). Granted authority to determine operating power by direct measurement of antenna input (B2-Z-922).

WPDF—Flint Broadcasting Co., Flint, Mich.—Granted modification of construction permit (for installation of new transmitter and directional antenna for day and night use, increase in power, change frequency and move transmitter) for extension of completion date from June 14 to August 14, 1941; **910 kc.,** 1 KW, unlimited time, directional antenna day and night (B2-MP-1314).

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted license to cover construction permit for installation of new directional antenna for night use (B2-L-1416). Granted authority to determine operating power by direct measurements of antenna input in compliance with Sec. 3.54 (B2-Z-950).

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted authority to determine operating power by direct measurement of antenna input (B-Z-873).

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-939).

KITE—First National Television, Inc., Kansas City, Mo.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-929).

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-940).

KRIC—KRIC, Inc., Beaumont, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-935).

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-890).

WCAL—St. Olaf College, Northfield, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-948).

WGEZ—Donald C. Treloar, Kalispell, Mont.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-947).

WJNO—WJNO, Inc., West Palm Beach, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-811).

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Granted authority to determine operating power by direct measurement of antenna input on **1450 kc.** (B4-Z-703).

WELB—WAVE, Inc., Portable Mobile (area of Louisville, Ky.).—Granted construction permit to install a new transmitter and increase operating power of relay broadcast station to 50 watts (B2-PRE-389).

WHER—Westinghouse Radio Stations, Inc., Portable mobile.—Granted construction permit to install new transmitter and increase power to 25 watts, for relay broadcast station (B2-PRY-244).

WEIE—Havens and Martin, Inc. Portable mobile area of Richmond, Va.—Granted license to cover construction permit for changes in type of transmitter and to decrease power to 2 watts. (B3-LRE-349).

W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit (for new television station) for extension of completion date to July 28, 1942 (B2-MPVB-41).

W9XER—Midland Broadcasting Co., Kansas City, Mo.—Granted license to cover construction permit for new developmental broadcast station; **46500 kc.**, 1500 watts, special emission for frequency modulation with a maximum frequency swing of **75 kc.**, granted on experimental basis only, conditionally (B4-LEX-16).

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Granted modification of construction permit (for move of transmitter, install directional antenna for night use and new transmitter and increase in power) for changes in directional antenna for night use on **1350 kc.**, and extension of completion date from June 22, 1941, to 120 days after grant (B4-MP-1300).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted motion to amend application to specify power of 1 KW instead of 5 KW, unlimited time, using directional antenna for night, operating on **690 kc.**

Orange Broadcasting Corp., Orange, Tex.—Granted motion for dismissal without prejudice, application for construction permit for new station to operate on **1550 kc.**, 1 KW, unlimited time.

KSEI—Radio Service Corp., Pocatello, Idaho.—Granted motion for withdrawal of application for construction permit to change from **900 kc.**, 250 watts, 1 KW LS, to **600 kc.**, 1 KW, unlimited time, using directional antenna night and day.

KGU—Marion A. Mulrony and Advertiser Publishing Co., Ltd., Honolulu, T. H.—Referred to Commission petition to intervene in re hearing on application of Hawaiian Broadcasting System, Ltd., for construction permit for new station to operate on **1340 kc.**, 250 watts, unlimited time. Also referred to Commission petition to hold hearing in Honolulu and to set date of such hearing.

Olympic Radio Co., Hoquiam, Wash.—Granted motion for continuance to July 15, 1941, of hearing on application for construction permit for new coastal harbor station, now set for June 30, 1941. Also, granted motion for authority to take depositions, upon condition that authority to take depositions is automatically cancelled in the event the Commission grants the pending motion to transfer hearing to State of Washington.

C. R. Anderson, business manager of The Lamar Broadcasting Co., Lamar, Colo.—Dismissed without prejudice to participation in the hearing in accordance with Section 1.195, petition to intervene in hearing on application of The Lamar Broadcasting Co. (KIDW) for renewal of license.

Airport Charter Service, Alaska Air Transport, Ellis Air Transport, Marine Airways, Alaska Aeronautical Radio, Inc.—Granted motion to amend, filed jointly by Aircraft Charter Service (KAWA), Alaska Air Transport (KBJW, KFWC, KANG, KANU, KAYP), Ellis Air Transport (KBOY), Marine Airways (KAIK), and Alaska Aeronautical Radio, Inc., to substitute Alaska Aeronautical Radio, Inc., as party to proceedings in Docket Nos. 5696, 5697, 5763, 5624, 5625, 5725, 5722, 5723, 5724, 5576, 5765, for aeronautical facilities in Alaska.

God's Bible School and College, Cincinnati, Ohio.—Denied petition to hold record open in re application for construction permit for new international broadcast station; Aplication dismissed without prejudice to the filing of a new application.

Natchez Radio Corp., Natchez, Miss.—Granted request for dismissal of petitioner's application for construction permit for new station to operate on **1370 kc.**, 250 watts.

KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Granted special temporary authority to determine operating power by the indirect method for a period not to exceed 30 days.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to broadcast sustaining musical programs from 8:30 to 10 a.m. Monday through Friday from June 16 to July 15, 1941, provided WSVS remains silent.

WCLE—United Broadcasting Co., Cleveland, Ohio—Granted special temporary authority to operate from local sunset (June 8 p.m.) to conclusion of night baseball game between the Cleveland and Boston American League Professional Baseball Clubs on June 4, 1941, only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 7:30 to 10 p. m., CST, on June 5, 6 and 18, in order to broadcast the community high school graduation exercises of the Oswego Community High School; West High School, Aurora; and East High School, Aurora, respectively.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit for increase in power and installation of directional antenna for night use, for extension of completion date from June 5 to August 5, 1941; **980 kc.**, 5 KW, unlimited time (B1-MP-1309).

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Granted special temporary authority to rebroadcast program of Army plane to ground communications in connection with Army Flying Cadet week, between 9:45 and 10 p. m. on June 5, 1941, only.

KMO—Carl E. Haymond, Tacoma, Wash.—Granted special temporary authority to rebroadcast transmissions of amateur radio stations W7LB, W7BHQ, W7IMB, W7AEA, and W7IIU between 9:45 and 10 a. m., June 7, 1941, in connection with program entitled "Amateur Radio in National Defense."

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with station KRKO on Sunday, June 8, from 2:45 to 4 p. m., to carry a special broadcast of the Seattle Council of Churches only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate until 10 p. m., CST, on June 12 and 13 only, in order to broadcast graduation exercises of the Batavia Elgin High School (B4-S-995).

WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to remain silent for the period June 12 to Sept. 18, in order to observe college vacation (B2-S-340).

The Cincinnati Times-Star Co., Cincinnati, Ohio.—Granted special temporary authority to operate relay broadcast stations WLWE and WLWF licensed to the Crosley Corp. on **30820 kc.** on June 13 and 14 only, in connection with golf tournament to be broadcast by WKRC (B2-S-280).

WAAU—Columbia Broadcasting System, New York City.—Granted special temporary authority to operate relay broadcast station WAAU in an Eastern Airlines Plane flying over Birmingham, Ala., for purpose of relaying description of Air

Carnival for broadcast over station WAPI, Birmingham, on June 7 and 8.

W45D—The Eve. News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate FM station commercially on **44500 kc.** using 3 KW power for period of 30 days from July 5 ending August 3, pending installation and preparations necessary to operate the complete transmitting plant in accordance with construction permit (B2-PH-21) and modification (B2-MPH-3) without prejudice to determination of the issues in the hearing on Order 79.

W39B—The Yankee Network, Boston, Mass.—Granted extension of special temporary authority to operate FM station commercially on **43900 kc.**, 1 KW power, special emission for FM, using transmitter of FM experimental station W1XER at summit of Mount Washington, Sargents Purchase, N. H., for period June 17 to July 16, 1941, pending completion of construction (B1-PH-13).

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m. to conclusion of broadcast of High School Commencement Exercises on June 11, only (B5-S-825).

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted petition for reconsideration and grant of application for construction permit to change frequency from **1400** to **1090 kc.**, increase power from 100 watts to 250 watts day and night; increase hours of operation from sharing with KRKO to unlimited; and move transmitter and studio, and install new equipment. Removed application from hearing docket.

Tri-State Broadcasting Corp., Wheeling, W. Va.—On request of applicant the application for a new station to operate on **1450 kc.**, 100 watts night and day, unlimited time, was dismissed without prejudice (B2-P-3080).

W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co. (Assignor), and W. C. Ewing and T. K. Weyher, trading as Cumberland Broadcasting Co. (Assignee), for assignment of license of WFNC, Fayette, N. C., and W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., for renewal of license of WFNC.—Granted petition to reconsider and grant without hearing their applications for consent to assignment of license and for renewal of license, respectively, of station WFNC; hearing scheduled for June 23 cancelled, and the application for renewal of license granted for **1370 kc.**, 250 watts daytime, and voluntary assignment of license to a new partnership was likewise granted (B3-AL-288 and B3-R-1070).

KGU—Marion A. Mulrony and Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted petition for leave to intervene in the hearing on the application of Hawaiian Broadcasting System, Ltd., Honolulu, T. H., for a new station. Denied petition to hold hearing on said application in Honolulu; said hearing to be held in Washington on July 28.

APPLICATIONS FILED AT FCC

600 Kilocycles

WICC—The Yankee Network, Inc., Bridgeport, Conn.—Authority to determine operating power by direct method.

610 Kilocycles

WAYS—Inter-City Advertising Co., Charlotte, N. C.—Modification of construction permit (B3-P-2878) for a new station, requesting approval of directional antenna, for day and night use.

620 Kilocycles

North Jersey Advertising Co., Elizabeth, N. J.—Construction permit for a new broadcast station to be operated on **620 kc.**, 250 watts, unlimited time. Amended: re corporate structure and finances.

630 Kilocycles

KVOD—Colorado Radio Corp., Denver, Colo.—Construction permit to install new transmitter and increase power from 1 to 5 KW, directional antenna for day and night use. Amended: to make changes in directional antenna for day and night use.

640 Kilocycles

WHNC—United Broadcasting Co., Columbus, Ohio.—Authority to determine operating power by direct method.

680 Kilocycles

WPTF—WPTF Radio Company, Raleigh, N. C.—Authority to determine operating power by direct method.

WPTF—WPTF Radio Company, Raleigh, N. C.—License to cover construction permit (B3-P-2216) as modified to install new transmitter, increase power, and make changes in directional antenna for night use only.

WPTF—WPTF Radio Company, Raleigh, N. C.—License to use old RCA Type 1005-B 5 KW transmitter as an Auxiliary.

710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit (B1-P-2319) as modified, for changes in directional antenna system, for extension of commencement date from 1-1-41 to 7-1-41 and extension of completion date from 7-1-41 to 1-1-42.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit (B1-P-2319) for changes in directional antenna, requesting further changes in directional antenna and extension of commencement and completion dates to 60 days after grant and 180 days thereafter, respectively.

790 Kilocycles

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Authority to determine operating power by direct method.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—License to cover construction permit (B5-P-2698) as modified for increase in power and installation of directional antenna for night use.

810 Kilocycles

KOAM—The Pittsburg Broadcasting Co., Inc., Pittsburg, Kans.—Construction permit to change power and hours of operation from 1 KW daytime to 500 watts nighttime, 1 KW daytime, unlimited time, and install directional antenna for night use.

KGO—National Broadcasting Co., Inc., San Francisco, Calif.—Authority to determine operating power by direct method (Aux. Transmitter).

840 Kilocycles

WHAS—Courier-Journal and Louisville Times Co., Louisville. Ky. —Authority to determine operating power by direct method.

870 Kilocycles

WKAR—Michigan State College, East Lansing, Mich.—Authority to determine operating power by direct method.

WHCU—Cornell University, Ithaca, N. Y.—Authority to determine operating power by direct method.

880 Kilocycles

Fairfield Broadcasting Corp., Lancaster, Ohio.—Construction permit for a new broadcast station to be operated on **820 kc.**, 250 watts, daytime. Amended: To request **880 kc.**, 1 KW, changes in transmitting equipment, antenna, and make changes in finances.

910 Kilocycles

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Authority to determine operating power by direct method.

WQAN—The Scranton Times (co-partnership), E. J. Lynett, Wm. R. Lynett, Elizabeth R. Lynett and Edward J. Lynett, Jr., Scranton, Pa.—Authority to determine operating power by direct method (auxiliary transmitter).

WRNL—Richmond Radio Corp., Richmond, Va.—Construction permit to install new transmitter, make changes in directional antenna for night use, and increase power from 1 to 5 KW. Amended: To request **910 kc.** under NARBA and changes in directional antenna.

920 Kilocycles

KUSD—University of South Dakota, Vermillion, S. D.—Authority to determine operating power by direct method.

WBAA—Purdue University, West Lafayette, Ind.—Modification of construction permit (B4-P-2604) as modified, for installation of new transmitter and directional antenna for night use, increase in power, change in hours of operation, and move of transmitter, requesting extension of completion date from 6-22-41 to 9-22-41.

WBAA—Purdue University, West Lafayette, Ind.—Authority to determine operating power by direct method.

WBBB—Alamance Broadcasting Co., Burlington, N. C.—Modification of construction permit (B3-P-3093) for a new broadcast station, requesting approval of antenna and approval of transmitter and studio sites.

930 Kilocycles

WPAT—North Jersey Broadcasting Co., Inc., Paterson, N. J.—License to cover construction permit (B1-P-2624) as modified for a new broadcast station.

WPAT—North Jersey Broadcasting Co., Inc., Paterson, N. J.—Authority to determine operating power by direct method.

950 Kilocycles

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Authority to determine operating power by direct method.

1080 Kilocycles

KYOS—Merced Broadcasting Co., Merced, Calif.—Authority to determine operating power by direct method.

1130 Kilocycles

KGDM—E. F. Peffer, Stockton, Calif.—Authority to determine operating power by direct method.

1150 Kilocycles

KSWO—Willard Carver and Byrne Ross, Lawton, Okla.—Authority to determine operating power by direct method.

KSWO—Willard Carver and Byrne Ross, Lawton, Okla.—License to cover construction permit (B3-P-2664) as modified, for a new broadcast station.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Authority to determine operating power by direct method.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Authority to determine operating power by direct method.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—License to cover construction permit (B3-P-2766) as modified, for increase in power, installation of new equipment, and directional antenna for day and night use.

1190 Kilocycles

KEX—Oregonian Publishing Co., Portland, Ore.—Authority to determine operating power by direct method.

1210 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-P-3106) for installation of new auxiliary transmitter.

1230 Kilocycles

KAST—Astoria Broadcasting Co., Astoria, Oreg.—Authority to determine operating power by direct method.

KVEC—Christina M. Jacobson, tr. as The Valley Electric Co., San Luis Obispo, Calif.—Authority to determine operating power by direct method.

WISE—Radio Station WISE, Inc., Asheville, N. C.—Authority to determine operating power by direct method.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Voluntary assignment of license from O. E. Richardson and Fred L. Adair to O. E. Richardson, Fred L. Adair and Robert C. Adair. Amended: To change name of assignee from O. E. Richardson, Fred L. Adair and Robert C. Adair to O. E. Richardson, Fred L. Adair and Robert C. Adair, d/b as Radio Station WJOB.

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va. License to cover construction permit (B2-P-3109) for changes in equipment and increase in power.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Authority to determine operating power by direct method.

1240 Kilocycles

KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Authority to determine operating power by direct method.

KWJB—Bartley T. Sims, tr. as Sims Broadcasting Co., Globe, Ariz.—Authority to determine operating power by direct method.

KWOS—Tribune Printing Co., Jefferson City, Mo.—Modification of license to change frequency from **1340 kc.** to **1240 kc.**

WGBB—Harry H. Carman, Freeport, N. Y.—Authority to determine operating power by direct method.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Authority to determine operating power by direct method.

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Authority to determine operating power by direct method.

WHAR—John W. Haigis, Greenfield, Mass.—Authority to install new automatic frequency control equipment.

WOMT—Francis M. Kadow, Manitowoc, Wis.—Authority to determine operating power by direct method.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), Rochester, N. Y.—Authority to determine operating power by direct method.

1250 Kilocycles

KWSC—State College of Washington, Pullman, Wash.—Authority to determine operating power by direct method.

1260 Kilocycles

WNAC—The Yankee Network, Inc., Boston, Mass.—Authority to determine operating power by direct method.

1270 Kilocycles

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Authority to determine operating power by direct method.

1300 Kilocycles

WASH—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Authority to determine operating power by direct method.

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Authority to determine operating power by direct method.

1310 Kilocycles

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Authority to determine operating power by direct method.

WRR—City of Dallas, Texas, Dallas, Tex.—Modification of construction permit (B3-P-2229) for new equipment, increase in power, move of transmitter, and installation of directional antenna for night use, requesting extension of completion date from 6-30-41 to 9-30-41.

1320 Kilocycles

WATR—The WATR Company, Inc., Waterbury, Conn.—Modification of construction permit (B1-P-3032) for increase in power, installation of new transmitter, and changes in directional antenna for day and night use, requesting changes in directional antenna and extension of commencement and completion dates from 6-22-41 and 12-22-41 to 30 days after grant and 180 days thereafter respectively.

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Authority to determine operating power by direct method, auxiliary transmitter.

1340 Kilocycles

KCKN—The KCKN Broadcasting Co., Kansas City, Kans.—Authority to determine operating power by direct method.

KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—Authority to determine operating power by direct method.

KFPL—C. C. Baxter, Dublin, Tex.—Construction permit for authority to make changes in tubes in last radio stage.

KFYO—Plains Radio Broadcasting Co., Lubbock, Texas.—Authority to determine operating power by direct method.

KROS—Clinton Broadcasting Corp., Clinton, Iowa.—Modification of construction permit (B4-P-1907) for a new station, requesting approval of antenna, approval of transmitter and studio sites, and installation of new type transmitter.

KSUB—Southern Utah Broadcasting Co., Cedar City, Utah.—Authority to determine operating power by direct method.

WAIR—C. G. Hill, George D. Walker & Susan H. Walker, Winston-Salem, N. C.—Authority to determine operating power by direct method.

WCMI—The Ashland Broadcasting Co., Ashland, Ky.—Authority to determine operating power by direct method.

WDMJ—Lake Superior Broadcasting Co., Marquette, Mich.—Authority to determine operating power by direct method.

WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—Authority to determine operating power by direct method.

WJMA—John and Marcia Arrington, d/b as Arrington and Arrington, Covington, Va.—License to cover construction permit (B2-P-3066) for a new station.

WJMA—John and Marcia Arrington, d/b as Arrington and Arrington, Covington, Va.—Authority to determine operating power by direct method.

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Authority to determine operating power by direct method.

1350 Kilocycles

KID—KID Broadcasting Co., Idaho Falls, Idaho.—Authority to determine operating power by direct method.

1360 Kilocycles

KMO—Carl E. Haymond, Tacoma, Wash.—Authority to determine operating power by direct method.

WKAT—A. Frank Katzentine, Miami Beach, Fla.—License to cover construction permit (B3-P-3120) to use formerly licensed W. E. 310-B, 250-watt transmitter as auxiliary and install new crystal oscillator.

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Authority to determine operating power by direct method.

1380 Kilocycles

WAWZ—Pillar of Fire, Zarephath, N. J.—Authority to determine operating power by direct method.

WAWZ—Pillar of Fire, Zarephath, N. J.—Construction permit to install new transmitter and increase power from 1 KW day and night to 1 KW night, 5 KW day, directional antenna for day and night use.

WMBG—Havens & Martin, Inc., Richmond, Va.—Construction permit for changes in directional antenna system, for night use only. (Modified license granted for 5 KW, subject to filing this application.)

1390 Kilocycles

KLPM—John B. Cooley, Minot, N. D.—Authority to determine operating power by direct method.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Modification of construction permit (B3-P-2525) as modified, for change in frequency, increase in power, and installation of directional antenna for night use and new transmitter, requesting authority to change type of transmitter and extend completion date 180 days after grant.

1400 Kilocycles

Air-Waves, Inc., Baton Rouge, La.—Construction permit for a new broadcast station to be operated on **1400 kc.,** 250 watts, unlimited time.

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Authority to determine operating power by direct method.

KFGQ—Boone Biblical College, Boone, Iowa.—Authority to determine operating power by direct method.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Authority to determine operating power by direct method.

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Authority to determine operating power by direct method.

KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Authority to determine operating power by direct method.

KTUC—Tucson Broadcasting Co., Tucson, Ariz.—Authority to determine operating power by direct method.

KWLK—Twin City Broadcasting Corp., Longview, Wash.—Authority to determine operating power by direct method.

WBLK—Charleston Broadcasting Co., Clarksburg, W. Va.—Authority to determine operating power by direct method.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Authority to determine operating power by direct method.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Authority to determine operating power by direct method.

WJLB—John L. Booth Broadcasting, Inc., Detroit, Mich.—Authority to determine operating power by direct method.

WKPT—Kingsport Broadcasting Co., Inc., Kingsport, Tenn.—Authority to determine operating power by direct method.

WRDO—WRDO, Incorporated, Augusta, Maine—Authority to transfer control of corporation from Adeline B. Rines, Executrix of the last will and testament of Henry P. Rines, Deceased, to Adeline B. Rines (100 shares).

WSRR—Stephen R. Rintoul, Stamford, Conn.—Modification of construction permit (B1-P-2789) for a new station, requesting approval of transmitter site and antenna. Amended: to change requested location of transmitter from Barrett St., Stamford, Conn., to Lindstrom Road, Stamford, Conn.

1440 Kilocycles

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Authority to determine operating power by direct method.

WAAB—The Yankee Network, Inc., Worcester, Mass.—Construction permit to increase power from 1 KW to 5 KW, install new transmitter and directional antenna for day and night use, move transmitter from Quincy, Mass., to Paxton, Mass., and move studio from Boston, Mass., to Worcester, Mass.

WAAB—The Yankee Network, Inc., Boston, Mass.—Authority to determine operating power by direct method.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Authority to determine operating power by direct method.

KGNC—Plains Radio Broadcasting Co., Amarillo, Texas.—Authority to determine operating power by direct method.

1450 Kilocycles

Dyke Cullum, Washington, D. C.—Construction permit for a new broadcast station to be operated on **1450 kc.,** 250 watts with 100 watt amplifier, unlimited time. Facilities of WWDC.

Forward Wheeling Radio Corp., Wheeling, W. Va.—Construction permit for a new broadcast station to be operated on **1450 kc.,** 100 watts, unlimited time.

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Authority to determine operating power by direct method.

KFAM—The Times Publishing Co., St. Cloud, Minn.—Authority to determine operating power by direct method.

KVAK—Carl Latenser, Atchinson, Kans.—Authority to determine operating power by direct method.

KXL—KXL Broadcasters, Portland, Ore.—Authority to determine operating power by direct method.

WGNC—F. C. Todd, Gastonia, N. C.—Authority to determine operating power by direct method.

WHLN—Blanfox Radio Company, Harlan, Ky.—Authority to determine operating power by direct method.

WHLN—Blanfox Radio Company, Harlan, Ky.—License to cover construction permit (B2-P-2885) as modified for a new station.

WHLS—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—Authority to determine operating power by direct method.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Authority to determine operating power by direct method.

WMSD—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Authority to determine operating power by direct method.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Authority to determine operating power by direct method.

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Authority to determine operating power by direct method.

1480 Kilocycles

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Construction permit to change frequency from **1480 kc.** to **1060 kc.,** change power from 1 KW to 5 KW night and 10 KW day, install a new transmitter, install directional antenna for night use, and move transmitter. Amended: to change requested location of transmitter.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Authority to determine operating power by direct method.

1490 Kilocycles

KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—License to cover construction permit (B3-P-3112) for new transmitter, increase in power, and new frequency under NARBA.

KPLT—North Texas Broadcasting Co., Paris, Texas.—Authority to determine operating power by direct method.

KTOH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—Authority to determine operating power by direct measurement of antenna power.

KVWC—Northwestern Broadcasting Co., Vernon, Texas.—Authority to determine operating power by direct method.

KXO—Valradio, Incorporated, El Centro, Calif.—Authority to determine operating power by direct method.

WMRF—Valradio, Incorporated, El Centro, Calif.—Authority to determine operating power by direct method.

WMRF—Lewistown Broadcasting Co., Lewistown, Pa.—License to cover construction permit (B2-P-2977) as modified for a new broadcast station.

WNLC—Thames Broadcasting Corp., New London, Conn.—Authority to determine operating power by direct method.

WSYB—Philip Weiss, tr. as Philip Weiss Music Co., Rutland, Vt.—Authority to determine operating power by direct method.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Authority to determine operating power by direct method.

WWSW—Walker and Downing Radio Corp., Pittsburgh, Pa.—Authority to determine operating power by direct method.

WWSW—Walker and Downing Radio Corp., Pittsburgh, Pa.—Authority to determine operating power by direct method (auxiliary transmitter).

1590 Kilocycles

WALB—Herald Publishing Co., Albany, Ga.—Modification of construction permit (B3-P-2774) as modified, for a new broadcast station, requesting changes in directional antenna for night use, and extension of commencement and completion dates from 3-8-41 and 6-6-41 to 1 day after grant and 2 days thereafter respectively.

1600 Kilocycles

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Authority to determine operating power by direct method.

FM APPLICATIONS

K45LA—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (B5-PH-26) as modified for a new high frequency broadcast station, requesting extension of commencement and completion dates from 12-31-40 and 6-30-41 to 60 days after grant and 180 days thereafter, respectively.

W2XCB—Columbia Broadcasting System, Inc., Portable-Mobile.—Modification of construction permit (B1-PVB-46) as modified for new television relay station, requesting extension of completion dates from 7-7-41 to 1-7-42.

W6XLA—Television Productions, Inc., Portable-Mobile.—Modification of construction permit (B5-PVB-73) for a new television station, requesting extension of commencement and completion dates from 1-15-41 and 7-15-41 to 6-15-41 and 10-15-41, respectively.

W9XCB—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of construction permit (B4-PVB-74) for a new television station, requesting extension of completion date from 7-15-41 to 1-15-42.

W39B—The Yankee Network, Inc., Sargents Purchase, N. H.—Modification of construction permit (B1-PH-13) for a new high frequency broadcast station, requesting changes in antenna system and extension of commencement and completion dates from 12-31-40 and 6-30-41 to 60 days after grant and 180 days thereafter, respectively.

W75C—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of construction permit (B4-PH-5) for a new high frequency broadcast station, requesting change in coverage from 10,800 to 10,950 square miles and change in antenna system.

MISCELLANEOUS APPLICATIONS

Birney Imes, Tupelo, Miss.—Construction permit for a new broadcast station to be operated on **1240 kc.**, 250 watts, unlimited time. Amended: To change requested frequency from **1240 kc.** to **1490 kc.**

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Modification of license to change frequency, power, and hours of operation from **1390 kc.**, 1 KW, daytime, to **1470 kc.**, 500 watts nighttime, 1 KW daytime, unlimited time.

Don Lee Broadcasting System, Berkeley, Calif.—Construction permit for a new high frequency broadcast station to be operated on **43500 kc.**; coverage, 3,080 square miles; population, 1,428,331. Amended: To change transmitter site, make changes in antenna system, change coverage to 18,050 square miles and population to 1,098,612.

King-Trendle Broadcasting Corp., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **47300 kc.**; coverage, 6,900 square miles; population, 2,564,008. Amended: To change coverage to 6,750 square miles and population to 2,674,580.

The La Crosse Tribune Co., east of La Crosse, Wis.—Construction permit for a new high frequency broadcast station to be operated on frequency of **46500 kc.**; coverage, 4,520 square miles; and population, 166,600.

National Broadcasting Co., Inc., New York, N. Y.—Authority to transmit programs to a foreign country; CMQ, Havana, Cuba, via International Broadcast Stations WRCA and WNBI.* PROGRAM—Recorded Spanish translation of the previous night's news commentary by Raymond Gram Swing on Monday, Tuesday, Wednesday, Thursday, and Saturday evenings from 7:00 to 7:15 p. m., EST.

Tri-State Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150,** and **2790 kc.**, 50 watts, A3 emission.

The Sun Company of San Bernardino, California, Crestline, Calif.—Construction permit for new high frequency broadcast station to be operated on **44100 kc.**; coverage, 17,101 square miles; population, 803,524.

R. M. Wallace and G. E. Schnibben, d/b as Norfolk County Broadcasting Co., Norfolk, Va.—Construction permit for a new broadcast station to be operated on **1490 kc.**, 250 watts, unlimited time, contingent on WBOC going to **1230 kc.**

KAOY—Don Lee Broadcasting System, Portable-Mobile.—Modification of construction permit (B5-PRE-297) as modified, for a new relay broadcast station, requesting change in type of transmitter and extension of commencement and completion dates from 12-23-40 and 6-21-41 to 60 days after grant and 180 days thereafter, respectively.

KGDM—E. F. Peffer, Stockton, Calif.—Construction permit to change frequency from **1130** to **1140 kc.**, change hours of operation from daytime to unlimited time, using 1 KW day and night, and install directional antenna for night use.

WCBJ—Lehigh Valley Broadcasting Co., Portable-Mobile.—License to cover construction permit (B2-PRY-231) for a new relay broadcast station.

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of construction permit (B1-PIB-28) as modified for change in frequencies, equipment and increase in power, requesting extension of completion date from 6-19-41 to 8-6-41.

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* NBC studios at 30 Rockfeller Plaza, N. Y.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Electro-Health Appliance Co., 2709½ West 7th St., Los Angeles, has been served with a complaint alleging misrepresentation in the sale of its "Electro-Health Short Wave Diathermy" device, intended for use in treating diseases.

The complaint alleges that in newspaper, radio and other advertising matter the respondent has represented that its apparatus may safely be used by the unskilled lay public in treating self-diagnosed diseases and ailments by individual self-application in the home without professional supervision. According to the complaint, the respondent has represented that its device is a scientific, safe, harmless and effective means for treating rheumatism, arthritis, sinus, hay fever, laryngitis, neuritis, high blood pressure and some thirty other diseases and pathological conditions, and that use of the device will have no ill effects upon the user.

The complaint alleges that the individual self-application of the respondent's device by unskilled persons in the home, either under conditions prescribed in the advertisements or under customary or usual conditions, will not accomplish the results claimed and is not a scientific, safe, harmless or effective means for treating the ailments or conditions mentioned.

Pointing out that there are many diseases and conditions in which diathermy is contra-indicated and in which its use will aggravate the disease and be injurious to health, the complaint charges that the advertisements disseminated by the respondent are false in that they fail to reveal that use of the device under customary conditions, or under conditions prescribed in the advertisements, may result in serious and irreparable injury to health, and in that they fail to conspicuously reveal that the device may be safely used only after a competent medical authority has determined, as a result of diagnosis, that diathermy is indicated, and has prescribed the frequency and amount of application, and the user has been adequately instructed by a trained technician in the operation of the device. (4501)

Graphic Arts Club of Charlotte, Inc.—A complaint has been issued charging the Graphic Arts Club of Charlotte, Inc., Charlotte, N. C., its officers and directors and 14 member commercial printing companies in Charlotte, with entering into and carrying out agreements, combinations and conspiracies to suppress competition and create monopoly by fixing and maintaining uniform prices and discounts in the interstate sale of printed products.

The complaint charges that pursuant to their agreements and combinations the respondents fixed and maintained uniform prices and discounts and other terms and conditions for the sale by the respondent members of their printed products, including stationery and forms and paper upon which printing or engraving has been effected.

According to the complaint, respondent officers, who are also directors of the club, are: Fred H. Plexico, president; Norman Foust and Elliott Hall, vice presidents; James Webb, secretary; William S. Wallace, treasurer, and Albert Stowe Blankenship, executive secretary, all of Charlotte. Other respondents, who served at various times during 1940 as directors, are: Alf Asten, Banks R. Cates, Steve Kokenas, W. W. Kale, and Haines Lassiter. Stephen G. Roszell, Savannah, Ga., who served as executive secretary of the respondent club from March to October, 1940, is also named a respondent.

The complaint points out that the respondent club and its respondent officers and directors and the respondent Roszell, while not in their official capacities, engaged in commerce, aided and abetted and were instrumentalities of and parties to some or all of the understandings and agreements alleged.

According to the complaint, representative "active" or "regular" members of the respondent club are: Roy T. Barbee, trading as R. T. Barbee Co.; F. William Cullingford, trading as Commercial Printing Service; John Goines, A. C. Goines and Charles Goines, trading as Economy Printing Co.; The Herald Press, Inc.; Huneycutt Printing Co., Inc.; Ivey Printing Co., Inc.; Kale-Lawing; Lassiter Press, Inc.; The Observer Printing House, Inc.; Pound and Moore Co.; Fred H. Plexico, trading as R. & W. Printing Co.; Samuel L. Rush, Sr., and James Webb, trading as Rush Printing Co.; Standard Printing Co.; and Washburn Printing Co., Inc., all of Charlotte, N. C. (4517)

International Parts Corporation, 1814 South Michigan Ave., Chicago, is charged, in a complaint, with misrepresentation in the sale of replacement mufflers for use on automobiles.

The complaint alleges that in catalogs, pamphlets and other printed matter the respondent represents that its mufflers have "Electric welded seams throughout—not locked, crimped or spot-welded," and that the occupant of a car equipped with a locked-seam, crimped or spot-welded muffler is in danger of injury from carbon monoxide gas through leakage of exhaust gases through the seam.

The complaint further alleges that the respondent's mufflers are in fact spot-welded. According to the complaint, occupants of a car equipped with a locked-seam, crimped or spot-welded muffler are in no danger from carbon monoxide gas escaping from openings of the seam in the muffler as such methods of manufacture produce seams equally as effective as that used by the respondent in preventing the escape of exhaust gases. Furthermore, the complaint alleges, the escape of exhaust gases through a defect in the seam of the muffler on a car would not place the occupants in danger of carbon monoxide injury.

According to the complaint, the respondent also represents that its mufflers increase gas mileage; that the baffle-plates in its mufflers are a new engineering achievement; that because of their double-shell construction its mufflers are more efficient than those offered for sale by other manufacturers and vendors; and that its products are coated with a metallic finish which permanently prevents rust and corrosion, when such are not the facts. (4513)

Master Artists' Association, Inc.—A complaint has been issued charging Eugene M. Woolard, trading as Master Artists' Association, Inc., East St. Louis, Ill., and 12 business associates, with violation of the Federal Trade Commission Act in the sale of tinted or colored enlargements of photographs or snapshots and the frames for such pictures.

The 12 associate respondents are: Walter O. Wyatt, Danville, Ill.; Walter E. Sneed, Dahlgren, Ill.; Bessie Swanson, Alexandria, La.; L. E. Harrison and E. R. Malone, McLeansboro, Ill.; William Nadeau, Dexter, Me.; G. D. Hill, Gilmer, Tex.; Caesar Morales, San Antonio, Tex.; Carl Rhine, D. Edwards and Eva Metcalf, East St. Louis, Ill., and R. McIsaac, Arnold, Neb.

According to the complaint the respondents, under the control and direction of the respondent Woolard, and pursuant to various understandings, agreements, combinations and conspiracies, visit prospective customers in various parts of the country to sell the respondents' products, making various representations, among which are that they are advertising agents of an association of artists known as Master Artists' Association, Inc. and that the respondents' products are "paintings", "hand-painted portraits" or "polychrome portraits" worth $30 or a like amount.

The complaint alleges that the respondents' representations are deceptive and misleading; that the Master Artists' Association, Inc., is not and never has been an art association but is a business enterprise, and that the pictures sold by the respondents are not portraits or paintings but cheap, quickly made photographic enlargements.

The complaint further alleges that the respondents' selling methods are directed primarily at selling picture frames at exorbitant prices. According to the complaint, they conceal from purchasers at the time a "portrait" is ordered the fact that the finished product will be delivered in a peculiar, convex form, shape and size, and that it will be impossible for the customer thereafter to obtain a frame to fit the "portrait" except from the respondents and at prices which they fix.

The complaint charges that purchasers are given the impression that photographs which they loan the respondents for reproduction will be returned upon delivery of the finished picture. However, according to the complaint, the respondents, in many instances where the purchaser refuses to buy a frame, retain the loaned photograph and refuse to deliver the finished picture, regardless of whether or not it has previously been paid for in full, until a frame is ordered or a claimed balanced is paid in full. (4514)

Mineral Wells Crystal Producers, Inc.—A complaint has been issued charging Mineral Wells Crystal Producers, Inc., of Mineral Wells, Tex., with misleading representation in the sale of mineral crystals intended for use in treating diseases.

According to the complaint, the respondent advertises as follows: "Mineral Wells Crystal Producers, Inc., Manufacturers, Certified Mineral Wells Crystals"; "Made in Mineral Wells, Texas"; "Made from Texas mineral water"; "Here's to Health, Use Certified Mineral Crystals"; "* * * ".

Through these and other representations, the complaint alleges, the respondent represents that its mineral crystals are produced exclusively from mineral water obtained in its natural state from the earth at or in the vicinity of Mineral Wells, Tex., and that such product has been endorsed as to quality and fitness by some governmental, scientific or other recognized agency empowered and qualified to certify as to the product's attributes.

The complaint charges, however, that the respondent's product is not processed from mineral water obtained in its natural state in the Mineral Wells, Tex., vicinity, nor is it made directly from Texas mineral water or any other natural mineral water. On the contrary, according to the complaint, the preparation is produced by mixing ordinary city water with commercial chemicals, heating the solution until it reaches a proper gravity and then cooling the concentrate in refrigerated compartments. The complaint alleges that the product is not properly described as "Certified" because it has not been endorsed by qualified authorities.

The complaint further alleges that the respondent's use of the words "Mineral Wells" as part of its corporate name constitutes a false and misleading representation that its product is produced from mineral water obtained from the wells at Mineral Wells, Tex., which are favorably known for their mineral water containing certain constituents. (4512)

Parfum L'Orle, Inc.—Charging unfair and deceptive practices in the sale of perfumes and related products, a complaint has been issued against Parfum L'Orle, Inc., 6 East 39th St., New York.

The complaint alleges that the respondent represents, directly or by inference, through use of its corporate name "Parfum L'Orle, Inc.," and of French names for its perfumes and the names "London" and "Paris," in advertising or other printed matter, that it is a French company; that it has offices and business connections in London and Paris, and that its products are made or compounded in France and imported into the United States, when in fact the respondent is not a French company and does not have the foreign connections indicated, and its products are made in the United States.

According to the complaint, the respondent's sales plans include the furnishing to dealer-customers of so-called "re-order blanks" and other printed matter containing in parallel columns a list of the French names of the respondent's products opposite a list of trade names of certain well known perfumes manufactured by others. The complaint alleges that the respondent has attempted to show a marked similarity in odor between its own products and the well known perfumes listed and that it uses the parallel lists in a plan to fill orders for perfume with its own products instead of the well known perfumes listed. (4511)

CEASE AND DESIST ORDERS

Following cease and desist orders have been issued by the Commission:

Altman Neckwear Corporation, 333 Fifth Ave., New York, has been ordered to cease making misleading representations in the sale of neckties and other similar merchandise.

Commission findings are that the respondent sells one style of neckties labeled "Cherokee Indian Homespun Wool" with the likeness of an Indian depicted thereon, when in fact these ties are not made from materials woven or manufactured by the Cherokee or any other Indians. Another style of tie is labeled "Duo-Silk-All-O Lined Throughout," when in fact these ties are not made entirely from silk but, instead, the tie materials consist of a mixture of silk and rayon, usually with rayon predominating, and with a lining of rayon and an interlining of wool or cotton.

The Commission order directs the respondent to cease using the unqualified term "silk" or other terms of similar meaning to designate any fabric or product not composed wholly of silk; provided that such terms may be used as descriptive of the silk content of fabrics or products composed in part of silk and in part of other materials if accompanied in conspicuous type by words truthfully designating each constituent fiber.

The respondent also is ordered to cease employing the term "Duo-Silk-All-O" or other terms of similar meaning on labels or otherwise to refer to fabrics or products not composed wholly of silk.

The order further prohibits the advertisement or sale of neckties or other products composed wholly or partly of rayon without clearly disclosing the rayon content and, in the case of fabrics or products composed partly of rayon and partly of other fibers or materials, truthfully designating each constituent fiber or material including the rayon in equally conspicuous type.

The respondent is further directed to cease using the term "Cherokee Indian Homespun Wool" or other terms of similar meaning on labels or otherwise to describe a fabric or product not woven or manufactured by the Cherokee Indians; to cease employing any pictorial design of an Indian in connection with descriptions of fabrics or products not woven or manufactured by the American Indian, and to discontinue using the term "Indian" or any term which includes it or any colorable simulation thereof, or other term of similar meaning on labels or otherwise to designate fabrics or products not made by the American Indian. (4226)

Art-Web Manufacturing Co., Inc., 86 Meserole St., Brooklyn, A. M. Webb & Co., Inc., 93 Worth Street, New York, and Leon J. Isaacs and Jesse Kohn, officers and owners of the capital stock, of the two corporations, have been ordered to cease and desist from misleading representations in the sale of wearing apparel.

Commission findings are that the respondents sold polo shirts labeled with the words "Edward VIII Sportwear 'Fit for a King' " surmounted by a pictorial representation closely simulating the British Royal Crown. These products, according to findings, were packaged in containers bearing similar wording, with a depiction simulating the British Royal Crown and the word and figures "Edward VIII".

According to findings, during part of the time that the respondents were using these designations Edward VIII was King of Great Britain. The labels used by the respondents represented and implied approval of the respondents' products by a member of the British royal family and that the goods bearing the labels were of English manufacture and imported into this country, when such were not the facts.

The Commission order directs the respondents to cease using the designation "Edward VIII", either separately or in conjunction with any pictorial representation simulating the British crown, as a label for, or to designate or describe, any article of wearing apparel; or otherwise representing or implying that such products are of British manufacture, or imported from Great Britain, or have the approval of or warrant from any member of the British royal family. (3471)

Joseph Gluck & Co., Inc., 305 Seventh Ave., New York, importer and distributor or rugs, have been ordered to cease and desist from violation of the Federal Trade Commission Act in the sale of rugs.

Commission findings are that prior to about August 15, 1940, the respondent had used the names "Kirman," "Karavan," "Mossoul," and "Irak" and Oriental depictions to designate certain of its rugs which closely resembled true Oriental rugs but which neither were made by hand in the distinctive manner of the true Oriental rug nor possessed all of its characteristics, and which had been woven on power looms in French factories.

The Commission order directs the respondent to cease using the words "Kirman," "Karavan," "Mossoul," "Irak," or any other words or names indicative of the Orient, or pictorial representations of a star and crescent simulating the Turkish emblem, or other Oriental emblems, to designate rugs not made in the Orient and which do not possess all the essential characteristics and structure of the type of Oriental rug which they purport to be. (4221)

Sol. Raphael, Inc., 333 Seventh Ave., New York, an importer and distributor of rugs, has been ordered to cease and desist from certain representations in the sale of his products.

The Commission order directs the respondent to cease using the words "Khandah", "Aristan", "Karachi", "Numdah", "Calcutta", "Burma", "Daria", "Damascus", "Bagdad", "Tamur", or "Chinese", or any other words or names indicative of the Orient, or pictorial representations or simulations of the Persian coat of arms or other Oriental arms or of typically Oriental scenes, to mark, describe or refer to rugs not made in the Orient and not possessing all the essential characteristics and structure of the type of Oriental rug which they purport to be. (4205)

Stephenson Laboratories Trust, also trading as Stephenson Laboratory, 5 Irvington St., Boston, has been ordered to cease and desist from making misleading representations in the sale of licenses to manufacture foot supports and foot exercisers, and of correspondence courses in the treatment of foot troubles.

Commission findings are that the respondent represented in periodical and circular advertisements that its devices, corrective system and instruction are developed in and disseminated by a "laboratory"; that persons of ordinary intelligence mastering its courses are able to distinguish between surgical and non-surgical foot conditions and cure all foot troubles not requiring operative surgery, and that such students of its system can earn large incomes, when such are not the facts.

The Commission order directs the respondent to discontinue employing the term "Laboratory" or "Laboratories" or other terms of similar meaning in its name or in any trade name which it uses in the conduct of its business, or otherwise representing that it maintains a laboratory in which its system of foot culture or instruction courses in that subject were or are developed or prepared.

The respondent is further ordered to cease representing that its course will equip anyone with learning and proficiency adequate to: (1) diagnose and determine whether or not foot troubles require surgical treatment; (2) effectively and successfully treat non-surgical foot troubles, regardless of the origin or cause; and (3) effectively and successfully treat foot troubles which may result from systemic causes, such as aching feet, excessive or insufficient perspiration, foot neuralgia, painful heel, and enlarged joints; or foot troubles which may require operative surgery, such as Morton's toe, hammer toe, and bunions; or foot troubles which require immobilization as a part of any competent treatment, such as stretched ligaments, exclusively by foot supports and exercise.

The Commission order further directs the respondent to cease representing that any purchaser who masters its correspondence course is assured of a profitable business or will be able to obtain trade without solicitation, delay, or expense. (3622)

Wood & Hyde Co., Gloversville, N. Y., manufacturer of glove leathers, has been ordered to cease and desist from violation of the Federal Trade Commission Act in the sale of its products.

Commission findings are that the respondent uses the trade name "Kinkid" in connection with branding, labeling and advertising part of its products made from "capeskin" and "cabretta" sheepskin leathers; that many of its best pieces of leather sold and shipped to glove manufacturers bear the "Kinkid" label; that various glove manufacturers using the respondent's glove leathers are supplied with "Kinkid" transfer stamps for stamping the name "Kinkid" on the inside of gloves manufactured by them from such products, and that the respondent's use of the name "Kinkid" tends to lead consumer-purchasers into believing that such gloves are made from genuine kidskin.

The Commission order directs the respondents, in connection with the sale of glove leathers and other similar products, to cease and desist from using the word "Kid" or other words of similar meaning, alone or in combination with any other words, in advertising or otherwise, to describe or refer to any leather product which is not made from the skin of a young goat; and to cease employing the term "Kinkid" or any other term which includes the word "Kid" or any colorable simulation of it, or using other terms of similar meaning on labels or otherwise, to designate or refer to any leather product not made from the skin of a young goat. (4235)

STIPULATIONS

The Commission has entered into the following stipulations:

Adolph's Beauty Products Co.—Adolph R. Phillips and Daniel B. Scott, Jr., trading as Adolph's Beauty Products Co., 330 North 55th St., Philadelphia, entered into a stipulation to cease advertising that their preparation "Formula-X," consisting of two medicinal preparations known as "Formula-X Liquid" and "Formula-X Pomade," will cause hair to grow or is of value in the treatment of dandruff and eczema in excess of temporarily relieving itching, and that this product is of value in the treatment of falling or brittle hair. The respondents further agree to cease and desist from disseminating any advertisement of Formula-X Liquid which fails to reveal that unless used in specified proper dilution it would cause a marked local inflamation or other injury. The stipulation provides, however, that the advertisement need contain only a statement that the preparation should be used only as directed on the label, if the label contains the proper cautionary language. (02802)

Curtis Furniture Co., 20th St. and 6th Ave., New York, stipulated that in connection with the advertisement or sale of furniture it will cease representing that such product is "hand-constructed" or "hand-carved", or that it is manufactured by the respondent corporation when in fact such products have been made by others either complete or complete except as to the upholstering. The stipulation recites that the respondent's furniture is not hand-constructed, but is merely finished by hand. (3125)

Lucky Tiger Manufacturing Co., Sixth and Delaware Sts., Kansas City, Mo., entered into a stipulation to cease advertising that either of its products known as "Lucky Tiger" and as "Lucky Tiger with Oil" removes the cause of dandruff or has therapeutic value in treating it in excess of temporary removal of loose dandruff scales; that either product will permanently stop scalp itching; that either preparation, as a part of the respondent's "Sulpho-Olive Treatment," will reduce or prevent the loss of hair or eliminate or end scalp disorders, and that no competitive product will produce like results. The respondent further agrees to cease representing that "Lucky Tiger" removes the cause of or cures dry hair or that "Lucky Tiger with Oil" removes the cause of, cures or affects this condition other than by supplementing with oil to relieve the condition temporarily. (02801)

Midget Radio Co.—W. P. Beshore, C. S. Beshore, D. L. Beshore and P. S. Beshore, co-partners trading as Midget Radio Co., Kearney, Nebr., entered into a stipulation to cease certain representations in the sale of radio sets. The stipulation is supplemental to one accepted by the Commission in July, 1937, from Tinytone Radio Co., a corporation formerly owning and operating the business and in which the respondent co-partners were officers or directors.

Under the supplemental stipulation the respondents agree to cease representing that their crystal type of midget or pocket radio receiving set is other than a crystal or crystal type set or is "wireless"; that the dial of this radio is of such luminosity as to be visible in the dark, or will afford perfect tuning; that this radio is guaranteed, without setting forth all essential terms and conditions; that this radio, as newly designed, weighs but four ounces or is smaller than the ordinary cigarette package; and that all competitive crystal radio sets with walnut cabinets are of the same quality and value, or that any of such sets retailing for more than 69 cents are necessarily excessively priced.

The respondents further agree to cease making any statements which misrepresent the quality or value of competitive sets or which otherwise falsely disparage such sets. (01798)

Montgomery Ward & Co., Chicago, entered into a stipulation to cease certain representations in the sale of "Wards Supreme Electric Fence Controller" and "Wards Standard Electric Fence Controller."

Under its stipulation, the respondent agrees to cease representing that the use of its electric fence controllers is a positive or certain method of confining livestock or that use of these devices will prevent the escape of livestock under all conditions, and that the respondent's electric fence controllers or fences require no attention, care or maintenance service.

The respondent corporation further agrees to desist from advertising that the use of its controllers will effect any stated amount or percentage of saving in "farm fencing costs" as compared with the costs of other types of fences, without stating the type or types of fence used as a basis for such comparison, and without taking into consideration in such comparison all costs including both initial costs and costs of maintenance.

The respondent also agrees to cease representing that all parts necessary for construction of an electric fence cost two cents a rod or any other amount less than the actual cost of construction, and that its electric fence controllers automatically adjust voltage, amperage or time interval of the electrical charge in a fence necessary for varying conditions of operation. (02797)

Ne-Wa-Te Company—Oscar F. Fox and W. Harvey Patterson, trading as Ne-Wa-Te Co., Greenville, S. C., has entered into a stipulation to cease representing that "Ne-Wa-Te Native Herbs" is an effective treatment or competent remedy for stomach, liver and kidney diseases and other ailments, and that the use of the preparation will help to avoid appendicitis, catarrh, fevers, asthma, indigestion and other ailments or any other affliction or condition except as a purgative or laxative which should be sold with a caution notice. The respondents also agree to discontinue representing as the customary prices of their product prices which are fictitious and in excess of the regular prices. (3123)

Paramount Hosiery Co.—Holland E. Shoaf and Robert Shoaf, trading as Paramount Hosiery Co., Lexington, N. C., entered into a stipulation to cease certain representations in the sale of hosiery, lingerie, or other textile fabrics.

The respondents agree to cease using the words "Silk," "Satin," "Crepe," "Chiffon," or other silk-connoting words to describe a product not composed of silk, and, when the silk content of a product consisting partly of silk and partly of other fibers or material is properly described by the word "Silk" or other silk-connoting word, to accurately designate each constituent fiber or material in equally conspicuous type in the order of its predominance by weight.

Under their stipulation, the respondents further agree to cease advertising, branding, labeling, invoicing or selling products composed wholly or partly of rayon without clearly disclosing the rayon content by use of the word "Rayon," and without disclosing in type equally conspicuous as the word "Rayon" each constituent fiber in the order of its predominance by weight when a product consists partly of rayon and partly of other fibers or materials.

The respondents also stipulate that they will cease quoting fictitious prices which exceed their customary prices as the value of their products, and will discontinue using the word "slightly" as modifying the word "imperfect" or in any manner so as to imply that imperfections in hosiery or other wearing apparel are slight or negligible when, in fact, they are such as to be improperly referred to by the word "slightly." (3126)

Ray Products Co.—Marvin W. Ray, trading as Ray Products Co., 80 Federal St., Boston, stipulated that he will cease advertising his preparation for treating hosiery and lingerie and known as "Marv-Ray" as being a mysterious new preparation or new discovery. The respondent further agrees to cease representing that "Marv-Ray" stops runs in women's hosiery or banishes forever the fear that hosiery will run; that it makes hosiery more elastic, splash-proof or fade-proof, and that one treatment lasts the lifetime of the hose. The respondent also stipulates that he will cease representing in any manner that he owns and operates a laboratory. (02803)

Paul Rieger & Co., trading as Dorothy Boyd Art Studios, 220-230 Commercial St., San Francisco, selling pajamas, kimonos and other apparel for women, entered into a stipulation to cease using the words "Silk," "Silk Crepe," "Silk Pongee," or "Satin," alone or in combination with other words of similar meaning to describe any fabric or other product not composed wholly of silk. The stipulation provides that such terms may be used to describe the silk content of fabrics or products composed in part of silk and in part of other materials if they are accompanied in conspicuous type by words truthfully designating each constituent fiber or material. The respondent further agrees to cease representing that it imports any article, when such is not a fact. (02799)

John Shea Co., trading as Shea Feed Stores, 53 Railroad St., Lawrence, Mass., entered into a stipulation to cease advertising that the feeding of "New England Economy Laying Mash" to hens will cause the resulting eggs to be better tasting, larger, better shelled or more uniform in color, than eggs produced when hens are fed other similar products. The respondent further agrees to desist from representing that the feeding of this mash will develop a proper gizzard or purify the entire system of the bird and will produce high gear egg production at all times. (02800)

United Radio Co., Herman Lubinsky, 58 Market St., Newark, N. J., stipulated that in the sale of radio accessories he will cease representing by any specified sum or in any other manner that the regular price of any product is any amount in excess of the price for which the article is regularly sold; that the price of any article is a special price when in fact it is the regular price, and that any article cannot be purchased elsewhere for less than the represented amount, when such is not a fact. The respondent Lubinsky further agreed that when the former price of an article is quoted, he will with equal conspicuousness disclose the fact that such price was the price of the article before it became obsolete. (02798).

Waltham Pen Co.—Joseph Starr and William Starr, co-partners trading under the names Starr Pen Co., and Waltham Pen Co., 300 West Adams St., Chicago, have entered into a stipulation to cease certain representations in the sale of fountain pens.

According to their stipulation, the respondents adopted the name "Waltham Pen Co." as one of their trade names and used the name "Waltham" in a manner tending to cause the belief that their "Waltham" fountain pens were manufactured and guaranteed by the Waltham Watch Co., well known watch manufacturer.

Under their stipulation, the respondents agree to cease using the word or name "Waltham" in connection with or as part of their trade name or as a brand or label for fountain pens, and to desist from the issuance and dissemination of "Life Time Service" certificates or "Guaranteed for Life" certificates as pertaining to such merchandise; or the designation of any representation or agreement as a guarantee, guaranty or warranty which involves a service charge or calls for payment of additional money by the purchasers of the merchandise.

The respondents further agree to cease using purported retail selling prices which are fictitious and in excess of the customary prices asked for the pens, and to discontinue representing that the respondents manufacture such pens. (3124)

SPECIAL—
Senate Interstate Commerce Committee Hearings on White Resolution

NAB Reports
The National Association of Broadcasters

1626 K STREET, N. W.
WASHINGTON, D. C.
JUNE 16, 1941

SENATOR WHEELER SAYS RADIO LAW SHOULD BE AMENDED

Senator Wheeler, Chairman of the Senate Committee on Interstate Commerce, during testimony today before the Committee by William S. Paley, president of the Columbia Broadcasting System, said he thinks the radio law ought to be amended and intimated that a new bill might be introduced. He suggested that a way might be found through court procedure for staying the effective date of the new FCC rules.

For several weeks the Committee has been holding hearings on a resolution to investigate the broadcasting industry introduced by Senator White, of Maine, following promulgation by the Federal Communications Commission on May 2 of regulations drastically affecting network broadcasting.

"What's the Rush Here?"

In his testimony, Mr. Paley pointed out that there is no wide-spread public demand for any such radical procedure as that followed by the FCC, and said the industry is asking, "What's the rush here?"

He reminded the Committee that the Federal Communications Act was passed 14 years ago and that in the meantime radio broadcasting in the United States had grown swiftly in national importance. Now, he asserted, the FCC has decreed new rules, effective 90 days from the date of promulgation, and that he and his associates, "were at a loss as to how to operate a network successfully" under them.

Senator Wheeler said he did not want to be understood as agreeing entirely with the Commission's report, in which the new rules were embodied. He agreed there was need of clearing up some points in the present radio law. If a new bill is introduced, he added, there would be hearings on it. If there are any objections to points in the law, the industry could appear so that all such points would be threshed out.

Mr. Paley declared he was appearing primarily to urge that Congress enact a new radio law.

Paley's Suggestions for Legislation

"There are four things," he asserted, "that I think it is most important to have in that new law:

"First of all, I think that radio networks should be licensed by the Commission.

"Second, I think fairness in dealing with controversial questions and with news, already voluntarily adopted as the code of practice by the vast majority of networks and stations, should be made a condition to having or holding a network license or a station license.

"Third, I think the powers and duties of the Commission should be very much better defined than they are today, so that the Commission will know exactly what the Congress desires it to do and so that we broadcasters will know exactly what it is empowered to direct us to do.

"Fourth, I think, because of the grave danger of a Commission abusing the licensing power over the most important single means of mass communication in America with the inevitable ultimate effect of destroying freedom of the air, there should be a Commission divorced from the common carrier field, with which the regulation of broadcasting is now intertwined. Also there should be clear and specified provisions for proper judicial review which cannot be evaded by subtle legal technicalities either by the Commission or by any broadcaster."

Need for Licensing Networks

On licensing of networks, Mr. Paley recalled that no one foresaw when the radio law was first enacted that network broadcasting would become such a major part of radio in the United States. So swiftly has broadcasting developed, he said, that the 14 years since the law was enacted "may well be the equivalent of 50 years in an older and less dynamic industry."

Radio's popularity both with the listening audience and with advertisers shows, he added, that it has developed along the lines most acceptable to the American radio audience.

"While all this has been happening," Mr. Paley asserted, "the Commission seems to have been obsessed in its whole thinking by the fact that it is radio stations and not networks that hold the licenses. It seems to feel that under the circumstances the success of the networks must be in some way improper. From this they have gone on to reason that virtually every practice which we in long experience have found to be essential is wrong and must be stopped regardless of the effects on programs and the public service.

"That is why I said to you at the very outset that I think the time has come when the Congress should recognize the validity of networks and should license them.

"Once they are licensed it should cease to be fashion-able in Commission circles to indicate that they are an illegitimate factor in the industry or that in any sense they are evading their responsibilities or inducing licensees to evade theirs."

Broadcasting has never been, Mr. Paley said, a recalcitrant or defiant industry, nor is it now. "We are perfectly willing," he added, "to abide by the decision of the Congress if it will only make an unprejudiced examination of all the facts and then tell us the answer. The very fact that in the things it seeks to do right now the Commission seems to find it necessary to slip through the back door and strike at us through the licensing power it holds over our affiliated stations is proof that there is something inadequate in the statute itself."

By being licensed under a properly drawn statute, the status of the network, Mr. Paley believes, will be recognized and its rights safeguarded.

Fears Oppression

In regard to making fairness a condition to having or holding a license, Mr. Paley pointed out that he had advocated this six years ago and added that he believes it more emphatically now than then.

"If this policy is not set and implemented by the Congress, I fear, from what I have observed in the past few years, that we will drift into an exercise of vague and undetermined powers by the Commission. I can even see conditions under which such vague powers can be used by a Commission, however confident it may be in the righteousness of its own intentions, as an instrument of oppression and a threat to genuine freedom of the air."

Powers and duties of the Commission should be better defined, Mr. Paley stated, because "any responsible business would always rather obey a law than obey a man.

"Certainly there has been ample evidence that some who have appeared here and the members of this Committee itself differ on the meaning of the law and the powers of the Commission. The Commission at times seems to rely upon a vague phrase here and there in the statute in seeking to exercise constantly broader powers."

Not Common Carriers

His fourth recommendation, the need for divorcing the Commission which administers the broadcasting law from the administrative body dealing with common carriers, such as the telephone and telegraph companies, has long been apparent to some students of broadcasting, Mr. Paley said.

"Congress," he pointed out, "very wisely decreed in the beginning that we were not common carriers subject to the precise and minute kind of regulation appropriate in that field. Yet a single group of men is now trying every day to think one minute in terms of that kind of common carrier regulation and in the next minute to think about the mere licensing regulation of a non-carrier which is in part a business and in part an art which deals so incessantly with public affairs.

"The passage of the White resolution will give this Committee and the Congress an opportunity to investigate and determine whether in the public interest there should be a separation of these two fields of activity, one calling for close and detailed regulation and the other calling for a large measure of unrestricted freedom."

As to judicial review, he said that "it does seem to me that it should be possible and that it certainly is desirable for Congress to make the legal rights in this field crystal clear. There should not be any chicanery or evasion or technical fencing in such an important matter.

"I do not believe that a sensible businessman today wants to use the courts just to create delay. What he really wants to do is to find out where he stands and to know that there is reasonable protection against infringement of his rights. That is all we ask in this respect, and certainly the present Act does not seem to afford us that much."

In advocating network licensing and a new radio law, Mr. Paley said he did not want to create the false impression he was suggesting the industry should be put "into a strait-jacket of hampering and restricting regulation."

The industry could neither grow nor render the fullest public service in that way, he added, and "the harm that would be done to a medium of free expression and creative programming would be far greater than any theoretical good that might be accomplished."

Saying that the Commission had come into being because there had to be a "sort of traffic policing of the air," Mr. Paley asserted he thinks the new law should, in effect, limit the Commission to three things:

"1. To doing this unquestionably necessary traffic job.

"2. To insuring that the medium is used fairly and without editorial bias.

"3. To reviewing the operations of any network or station and making a broad general decision based upon competent evidence as to whether that network or station is operating in the public interest."

Stations Now Benefit

As far as Mr. Fly's charge of monopoly is concerned, Mr. Paley said that under the existing physical situation there is, of course, a limit on radio facilities, and that as a result there is a corresponding restriction on the number of networks that can compete with each other.

"There is no testimony whatsoever," he declared, "except the suppositions of Chairman Fly that this condition has harmed the public. It is scarcely conceivable that a greater number of networks using the existing facilities, and therefore each reduced to scant resources, would have served the public better.

"Certainly money-wise the public has not been hurt because the public in America gets radio broadcasting service free. It is equally evident that the advertiser has not been hurt because he weighs our medium against other competitive media with extreme care and has over a period of years spent an increasing amount of money for network broadcasting. When Congress makes a thorough study of this subject, as eventually it must, I am sure it will find that the stations generally instead of being hurt have been economically benefited by the present system of operation."

The testimony so far in the hearings has not only failed to reassure him and his associates, Mr. Paley said, but has made them more uneasy.

"The repeated, easygoing assurances of Mr. Fly to the effect that he will take care of everything and that everything will be all right, despite his evident difficulties encountered in these very hearings in applying his theoretical reforms to the problems of practical operation, do not jibe with my practical experience over many years.

"I want to tell you that if a surgeon suddenly decided to cut off my leg without even giving me an anesthetic, his assurances that he was performing a minor operation and that no substantial injury to my person was intended would neither ease my pain nor save me from spending the rest of my life on crutches."

The statement of Mr. Fly that "two men control 86 per cent of the nighttime power of broadcasting in the United States" was characterized by Mr. Paley as an "unjustified accusation," and "demagogic" twisting of the fact that "most of the radio stations in America turn to the best program services."

The real heart of this "charge of domination," Mr. Paley asserted, "is the implication that the networks either can or do somehow manipulate public opinion to serve their own ends or the ends of favored persons or causes. This whole charge is false.

"The public today is too well educated for any broadcaster even to dare to try to use his facilities for sinister purposes. Public opinion will stop him, the code will stop him, and Congress certainly could, would and should if it ever became necessary."

In trying to create this "bogy man," Chairman Fly and the Commission in its report overlook, according to Mr. Paley, the fact that the local station has access to the news of the press associations, the local newspapers and the news and views of its local community. Under these circumstances, he asked how it would be possible for the networks to "dominate and control" public opinion.

Describes CBS Operations

The operations of Columbia were described by Mr. Paley, who said CBS had more than 2,000 employes in general management, sales, engineering, advertising, publicity, sales promotion, research, administrative and creative program functions and supervision.

CBS is set up, according to Mr. Paley, to originate programs in various parts of the country, principally at the key stations in New York, Chicago and Los Angeles, and to pick up programs from outside points, sometimes producing and broadcasting as many as four different programs to different sets of stations at the same time. He described the care taken to maintain a balanced program service, without too many programs of the same kind or an overweighting of commercial programs.

CBS network overhead, he said, is more than $10,000,000 a year, not including payments to stations for commercial programs, and sustaining programs alone cost more than $5,000,000 a year, the network agreeing to provide in most instances a minimum of 60 hours of sustaining programs a week to affiliates, which are not required to take any of these programs unless they wish to do so.

Moreover, the local station, Mr. Paley declared, can always displace a network commercial program with any event of local interest it wants to carry on a sustaining basis.

"The exclusive arrangement here," Mr. Paley told the Senators, "is a two-way street. The station and the network agree with each other that it is in their mutual interest to operate in this way. Neither is compelled to make the bargain."

When the contract is terminated, either party is free to negotiate for new terms or new arrangements, and, he added, more often than not it is the station which is more insistent upon exclusive and long-term contracts because it knows the network will not then switch to another affiliate.

Station Network Income Increasing

"In 1931," said Mr. Paley, "the independent stations affiliated with us received 21.53 per cent of the income we received from the sales of these stations on commercial hookups. In 1940 this percentage had risen to 45.58 per cent. Thus in 10 years the stations' receipts had more than doubled percentage wise. This hardly sounds as if they were helpless captives with no bargaining power."

Mr. Paley said that national advertisers have invested so heavily in radio advertising only because they were assured of time for their programs and a nationwide audience, adding that he thinks the Commission has failed to grasp this fundamental of how broadcasting and advertising work. The advertiser must plan his program and time requirements well in advance, and Mr. Paley asserted he would not be able to do this under the new rules.

Against the background of the CBS operations, Mr. Paley took up the rules in detail. Before adjournment he covered only three: the rule forbidding a station to contract exclusively with only one network, that forbidding a station to contract for a network's exclusive services in a particular territory, and that forbidding the present arrangement under which a network has an option on a certain portion of the time of a local station.

The Commission, he declared, forbids "exclusivity anywhere in the country and under all circumstances, even in places like New York, Chicago and Los Angeles where there are three or four times as many stations as there are networks."

Some markets, he went on, will support only two stations just as some towns will support only two newspapers or movie houses or restaurants.

Says Rules Would Hit Smaller Stations

If two stations in a town make their facilities available to all four networks as the new rules provide, instead of to two networks, as is the existing practice, he reminded the Committee that each network would receive only half the income possible at present. Multiply this by 50 stations, he said, and the reduction in income would be considerable with a corresponding decrease in the network's ability to provide sustaining service.

Moreover, the advertiser, he continued, would want the larger stations, so the smaller would suffer a decrease in income, as had previously been contended by other witnesses.

Mr. Paley intimated the rule forbidding exclusive contracts with any network might benefit the Mutual Broadcasting System, which is supporting the rules, but said it would severely hurt the other networks. If Mutual wants to compete on an equal basis and provide network service instead of carrying sustaining programs originating on local stations, Mr. Paley asserted the way is already open for it.

World Series Broadcasts

The World Series baseball games, mentioned a number of times previously in discussions of this rule, Mr. Paley termed one of the "most misrepresented" topics presented at the hearing. He said NBC and CBS "had believed for years that nobody should try to sew up the World Series," since baseball is the national game, and had urged the baseball managements to make the games available to all networks on a sustaining basis.

They were shocked, he went on, when "Mutual suddenly turned up with an exclusive contract to broadcast the World Series on a commercial basis."

Although NBC and CBS wrote to Judge Landis offering to broadcast the games on a non-commercial and non-exclusive basis with courtesy announcements for Mutual's sponsor and the baseball clubs, Mr. Paley said they received no response.

This information had been given to Mr. Fly, according to Mr. Paley, who said Mr. Fly "sat here before you and tried to make it appear that it was Columbia and National who were responsible for a large number of stations not having the World Series, whereas Columbia and National year after year had worked to the opposite end and it was Mutual which was simply and solely responsible."

Cites CBS Study

A study by CBS traffic experts, was cited by Mr. Paley as showing that it would be feasible under the rules for an advertiser or advertising agency to take his pick of stations and link them in a temporary network for commercial programs, thus freezing out regular networks and many small stations normally included in such hookups, because the advertiser or agency would furnish no sustaining or similar network service so that his cost would be less.

The rule forbidding a station to contract for a network's exclusive services in a particular territory would work similar hardships upon the stations, and networks, Mr. Paley said. In addition, he continued, "if the local station affiliated with the network does not wish to take any particular program from the network, it must face the possibility, if the new rule is in operation, that if another station in its territory desires to take that program the refusing station not only contributes to the success of a competitor, but actually faces competition for audience supplied by the very network with which it is affiliated."

"A Masterpiece of Disruption"

The rule forbidding option time was characterized by Mr. Paley as a "masterpiece of disruption."

"The more I realize its actual effects," he said, "the more evident does it become to me that the Commission either did not know or did not care what was going to happen to network broadcasting.

"This rule means that network broadcasts, local broadcasts and phonograph records, including the large-size records known as transcriptions are all on a parity, and the necessary priority of network operations is ignored. Since a network can only exist when a number of stations are joined together for simultaneous broadcasting, it seems evident that there must be some kind of priority for the through program unless the whole network operation is to be haphazard, accidental, difficult and often impossible except on a patchwork basis.

"The national advertiser is interested in nationwide coverage and must be able if he is to use our medium to reach his whole market and to prorate the great expense of his program over the many millions of listeners from Coast to Coast who are his potential customers."

Unless the network can get an option on station time, Mr. Paley contended, a network will be blocked, even when only a few key stations are tied up either by local programs or phonograph records.

Under this rule, Mr. Paley said, "our schedule of available time across the country would be like a jig-saw puzzle, except that if you have time and patience you can put the pieces of a jig-saw puzzle together, and there is absolutely no assurance of how often we can put a network together under these conditions."

Mr. Paley had not concluded his testimony when the hearings adjourned today. He will take the stand again tomorrow morning.

SPECIAL—

Senate Interstate Commerce Committee Hearings on White Resolution

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. JUNE 17, 1941

NETWORK HEADS ASK CONGRESS TO ENACT NEW RADIO LAW

Heads of the two major network broadcasting companies, testifying before the Senate Committee on Interstate Commerce, today asked Congress to enact a new radio law which would define the powers of the Federal Communications Commission and the position of the industry.

As a first step toward clarification of the 14-year-old statute, all three of the witnesses heard today, William S. Paley, president of the Columbia Broadcasting System, Niles Trammell, president of the National Broadcasting Company, and Judge John B. Burns, CBS counsel, urged approval by the Committee of the White resolution calling for a congressional investigation of the broadcasting industry and the Commission.

The White resolution was introduced following the promulgation by the FCC on May 2 of new rules which both network presidents said today would have disastrous effects upon the broadcasting structure of the nation.

Says Agencies Given Too Much Power

At one point in the testimony, Senator Wheeler, chairman of the Committee, said, "I think there has been too much power given to various agencies of the Government, and I have opposed it from time to time. We are fast getting into a position in this country today where we are having government by man as distinguished from government by law."

At another time he said, "I do not want you to get the idea that I am upholding entirely the procedure of Commissions. I realize the fact that they become exceedingly arbitrary at times, and when they once have made up their mind they do not want to recede from it in the slightest degree."

Previous testimony during the hearings has brought out the fact that there is great confusion over the meaning of the rules. Today Senator Wheeler said to Mr. Paley, "You stated upon this witness stand that your lawyers and yourself did not know what those rules mean; and I can agree with you on that because I think different conclusions can be reached as to them."

Commenting upon a statement by Judge Burns concerning one part of the Commission's report in which the new rules are embodied, Senator White, of Maine, author of the resolution, indicated that there the Commission majority seemed to "proceed on the basis that what is possible is probable and may be assumed to be true."

In closing his testimony this morning, Mr. Paley said, "We have told you as earnestly as we can that we believe these regulations really imperil the broadcasting structure of this country."

He added that testimony, questions asked by Senators and other developments during the hearings cast "doubt on the workability of the whole scheme and suggest that the public interest cannot be seriously damaged by holding up the effectiveness of these rules until you can reach your own orderly decision.

"We are hopeful that a careful, impartial and judicial examination of broadcasting by Congress will provide us with a law that is clear and a manner of administration that is fair.

"We are hopeful that as a result of your deliberations we will no longer be besieged by doubt and confusion and threatened with punitive action, and that we will be allowed to bend our energies toward evolving a constantly improving broadcasting service.

"We are hopeful that an investigation such as is called for by the White resolution will provide a law that insures freedom of the air and eliminates the threats which radio is now facing.

"We are hopeful of all these things, and I am convinced they can be accomplished."

Congressional Study Asked

In opening his testimony late this afternoon, Mr. Trammell said he advocated approval of the White resolution because of three things:

"First, as one who has been in the radio industry since its inception, it is my firm belief that the orders and regulations recently issued by the Federal Communications Commission will disastrously affect the entire broadcasting structure of the nation.

"Second, the issues raised by the new regulations are not merely industry issues; they are distinctly public issues. They affect the users of fifty million radio receiving sets; they affect thousands of radio programs and those public interests which provide them; they affect the business life of the nation; and they affect the morale and welfare of the American people.

"Third, a national radio policy defined by Congress is urgently needed, at the present time, to protect by clear mandate the freedom of the air against either private or governmental control, and to insure the continued operation of broadcasting under the American system of private enterprise."

Judge Burns, in his testimony, called the roll on those who are favoring and opposing the new legislation which the industry is asking.

Support New Legislation

Among those who are on record as supporting such legislation, he listed President Roosevelt, who in 1939 asked a new radio law in a letter addressed to Senator Wheeler. Mr. Burns pointed out that Senator Wheeler, too, has stated several times that the present law needs amendment.

Commissioner T. A. M. Craven, who appeared last week to present to the Committee his own views and those of Commissioner Norman S. Case, strongly advocated new legislation clearly defining the powers and duties of the Commission, Judge Burns continued.

Even Louis G. Caldwell, counsel for the Mutual Broadcasting System, the only network supporting the FCC's position, indicated, said Mr. Burns, under questioning by Senator Clark, of Idaho, that he believes clarification of some points in the present law to be desirable. In an article Mr. Caldwell wrote for the Annals of the American Academy of Political and Social Science in 1935, Mr. Burns went on, he was more explicit, declaring that too much power was being exercised by the Commission.

To these, Judge Burns said, practically the entire broadcasting industry except Mutual, may be added.

A number of Senators, including White and Clark, have likewise indicated during the hearings that they believe new legislation should be enacted.

Chairman Fly, Judge Burns asserted, is thus practically alone in opposing the legislation.

When he resumed his testimony today, Mr. Paley took up the new FCC rule forbidding stations to contract with a network for more than one year at a time.

Says Rules Harm Small Stations

"This is not practical," Mr. Paley said, "for either the network or the station and seems to me a glaring example of the lengths to which the Commission has gone to upset existing arrangements and practices just for the sake of upsetting them, although its announced purpose is to protect the stations.

"You are going to have a reshuffling of network alignments every year, assuming that these alignments mean anything at all in face of the total effect of the various rules. One result of this one-year rule if these major outlets come into the market every year will be annual competitive bidding for the most desirable outlets in the large markets.

"This can well force networks to pay those stations which are already exceedingly prosperous so much money that there is not going to be enough of the network dollar left properly to compensate stations in smaller markets where the competition for outlets is not so keen."

Such things as studio construction and engineering installations cannot be undertaken on a one-year basis, Mr. Paley reminded the Committee. Artists, features like the Philharmonic Symphony Orchestra, management and personnel likewise must be reasonably secure, he added.

Citing an investment of $700,000 in a studio annex in New York by CBS a little more than a year ago, Mr. Paley said that with "the uncertainties now projected into our business" such investment would not be justified.

"No responsible business management," he stated, "can enter into such normally necessary business arrangements knowing that it can continue to do business only on a transient basis."

On the rule regarding network ownership of stations, Mr. Paley pointed out that CBS owns seven and leases one of the 127 stations in the Columbia network.

"Should we arbitrarily," asked Mr. Paley, "and without any evidence in the record that we have abused this ownership, be stripped of interests lawfully acquired?

"When I recall to you that in relicensing these stations year after year the Commission has certified that we have operated them in the public interest, I think you will find yourselves confronted, among other things, with the plain issue of fairness.

"If the Commission can find a single one of the stations we own which, in the testimony of its own community, is not a better station today than it was before we owned it, I will agree right here and now to give up that station without an argument."

The rule on network ownership of stations is based, he said, on the argument that such stations will naturally favor the network to which they belong, and thus make their facilities unavailable to other networks.

Sees Threat To Broadcasting

"If there is any validity to this restriction," asserted Mr. Paley, "then I do not see how a network organized on a mutual plan is to be allowed to operate at all. If the network is owned by the stations affiliated with it, won't those stations favor their own network? And is this not in the Commission's view an evil? In the light of Mutual's own testimony here that it now has seven stockholders, and is about to add two or four more, the Commission's argument that it should disturb our ownership and leave Mutual's unmolested seems pretty lame.

"I am not upholding the validity of the Commission's argument; I am just pointing out how here again it strains and strives to injure Columbia and NBC and help Mutual. Its argument that there is some kind of evil in affiliates leaning toward a network seems to me one of the most destructive it has ever advanced, but it does argue that way, and yet insists that it is all right for Mutual to be owned by 15 stations and all wrong for us to own seven."

The rule forbidding stations to agree with networks as to rates was termed by Mr. Paley "a threat as dangerous to the individual radio station as it is to the networks."

CBS, he said, does not have any agreement with its network affiliates as to rates which they shall charge other users of their time.

Industry Harassed and Worried

"We point out, however," he went on, "That private contractual arrangements designed to prevent unfair competition are not necessarily undesirable.

"Moreover, if the Commission can do this there is no apparent limit to the extent to which it can control the whole financial structure of radio. Once let it control the economics of the industry, and its power over broadcasting will know no bounds."

The whole industry, Mr. Paley declared, is harassed, worried and jittery as the result of the new rules.

"If Chairman Fly," he said, "can successfully assert these revolutionary powers over the business practices of the networks and the stations, make no mistake about it, his control will be so absolute that we will have in this field regulation by raised eyebrows, in which a nod will put one program on the air and a frown will keep another off. If this type of regulation is dangerous with respect to a business dealing with wholly physical things, how much more deadly is it in the whole realm of information, ideas and culture."

Commenting on the statement that the issue is one for the courts, Mr. Paley said, "May I point out to you that we could well suffer irreparable damage in the years while the legal fight was in progress, and if I am sound in my contentions, the public would suffer with us at the very time when broadcasting should, more than ever before, be a powerful instrument for the public good. If we win, it may well be too late. If we lose on the technical issue of the Commission's power, the important issue of public policy still is this: Did the Congress intend and does the Congress now want a radical revision of the whole broadcasting structure by administrative fiat?"

Public Interest Seen at Stake

Pointing out that the five men comprising the Commission majority constituted the sole complainant, Mr. Paley asked the Committee to stay the regulations and "call off the wrecking operation."

Mr. Trammell told the Senators that not only are the operations of NBC seriously affected and the welfare of the 2,300 NBC employes at stake, but that NBC's interests are closely interwoven with the public groups the network serves, the independent radio stations affiliated with it and the "vast radio audience which has so heartily approved our service."

He did not oppose, he said, proper regulation of broadcasting under the licensing powers authorized by Congress and administered by the FCC.

"Such regulation is essential," he went on, "but we are operating under a law conceived fourteen years ago and before the present problems of network broadcasting could be foreseen. The vagueness of this old law, the lack of clarification of certain vital principles, and the limited rights of appeal all argue strongly for new legislation as the only solution of the major problem confronting us."

Says Rules Would Disrupt Service

The American public today, Mr. Trammell said, receives the greatest broadcasting service in the world.

"The changes decreed by the orders of the FCC," he continued, "will disrupt the present orderly distribution of this broadcast service. They are not the result of public demand or a deficiency of service. They are the result, apparently, of unproven charges of domination, control and monopoly. They stem from the competitive cry of those who seek, through Commission edict and without competitive effort, to replace the pioneers who developed our American system of network broadcasting.

"The Commission now essays to regulate the business practices of the industry. Therein lies the great danger of the new regulations. We have not believed Congress intended to give the Commission the power to prescribe business rules or program practices for the broadcasting industry. We have believed that Congress intended to give the Commission power to regulate the industry, not to operate it."

Mr. Trammell said that neither the broadcasters, nor the Commission, nor Chairman Fly knows how the American system of broadcasting can operate under the new rules.

He pointed out that while the Commission promises to go to Congress for legislative help "if the new order does not function," the industry is asking for that help now.

"I believe," Mr. Trammell declared, "that we are properly apprehensive about the willingness of the Commission to perform a serious, and perhaps fatal, operation while limiting Congressional help to post mortem relief.

"There is no substitute, I am convinced, for legislative study and action on the problems that confront broadcasting."

Warns Against Chaos

The uncertainty of the Commission itself as to the effects of the new rules, Mr. Trammell indicated, is shown by the statement that if they do not achieve the purposes hoped for, Congress "should amend the Communications Act to authorize and direct regulations appropriate to a non-competitive industry."

He charged that "the Commission foresees the possible breakdown in the competitive system of broadcasting now maintained by private enterprise. It is perfectly willing, when the chaos and business anarchy predicted by the dissenting Commissioners becomes a reality, to recommend that a government controlled monopoly be legislated by Congress as the only alternative method of operation.

"The confusion and chaos that must follow the sudden removal of the business and contractual props upon which chain broadcasting now rests will signal the assumption of more and more control by the Commission. Neither the industry nor the FCC has any illusions about that."

Certain clauses in the contract between NBC and its affiliated stations, Mr. Trammell said, had been criticized by FCC Chairman Fly in his testimony earlier in the hearings. These were the clauses requiring the stations to give five years' notice of cancellation of agreement as against one year's notice for the network, preventing stations from having local rates below network rates, and that requiring stations cancelling network commercial programs for local commercial programs to rebate the difference between what the network would have paid for the network commercial and what the station received for the local program.

Eliminates Clauses from Contracts

None of the clauses, he said, has ever been a matter of issue between NBC and the stations, the first two never having been enforced, and the third invoked "only on rare occasions when a supplemental arrangement had been mutually agreed upon by the station and NBC." In addition, many of the affiliated stations, he continued, do maintain different rates for local and national spot business.

Nevertheless, Mr. Trammell stated, he had asked all NBC affiliates affected by these contract provisions to agree to eliminate those clauses from their contracts.

In addition, he said that a total volume discount permitted by NBC since 1927 to advertisers on both the Red and Blue networks is being eliminated.

Mr. Trammell told the Senators he had taken this action to eliminate any need for consideration of lesser matters and so that there can be no confusion between the major and minor issues to be considered.

Of the 233 contracts NBC now has with affiliated stations, he said, 117 are firm commitments with equal rights of cancellation on the part of stations and NBC, and the other 116 contracts give NBC an option to cancel on a year's notice.

"The history of NBC," Mr. Trammell stated, "is public property. Its progress has been a source of pride to those in the company and of satisfaction to a vast American radio audience. The list of its contributions to broadcasting development, both in engineering technique and program service, is a matter of record. If it is a crime to grow, to extend service, to make reasonable profits—then we are guilty. But I submit that our record of achievement and public service is a matter for *commendation,* not *condemnation.*"

In his statement to the Committee, Judge Burns attacked the Commission's majority report both as to content and the manner in which it had been arrived at. He also supplemented Mr. Paley's testimony with respect to the destructive effect of the new rules and analyzed the difficulties which will confront the networks if they attempt to secure relief through judicial review of the Commission's action.

Mr. Burns said that FCC Chairman Fly had gone "to great length to make out a very appealing case of due process" in connection with promulgation of the rules by having made a demonstration of holding lengthy hearings, taking voluminous testimony and giving opportunity for briefs, suggestions and arguments.

Nevertheless, he said, the Commission's report "still does not reflect what the testimony was before that Commission." He added that the Commission had never produced, during its socalled "monopoly investigation," any testimony to contradict evidence by the industry that the abolishment of the existing type of contract relationships between the stations and the networks would be "serious."

Mr. Burns pointed out that Commissioner Craven has already testified before the Senate Committee that an earlier draft of the report contained a statement confessing the majority's inability to predict what the effect of the rules might be in "actual practice."

"This," he said, "is the very guts of the problem: What is going to happen to the business when you put these new, revolutionary, radical, undreamed-of reforms into effect?"

Mr. Burns quoted at length from a brief filed by the FCC in the Sanders case, in which the Commission argued that "there is not a single provision in the Act from which it can be inferred that Congress intended, by providing a licensing procedure for the use of radio transmitting equipment, to subject to regulation the business of the licensee." In addition, the Commission added in this brief that it "is not authorized to regulate the business of selling radio advertising or any other commercial use of radio frequencies; it is not authorized to regulate the rates for radio service or to limit the return upon the investment in radio broadcast stations."

In his review of alternative methods of seeking judicial relief, Judge Burns said that the primary difficulty was that in recent years the courts had demonstrated a disposition to reverse administrative rulings only where there was error in law.

The Commission, he said, has been "notorious in its efforts to immunize itself from judicial review and to free itself from any supervision by the courts. It has successfully established in the courts the principle that only errors of law will be considered by the reviewing court."

SPECIAL—

Senate Interstate Commerce Committee Hearings on White Resolution

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. JUNE 19, 1941

INDEPENDENT STATIONS OPPOSE RULES, ASK NEW LAW

Owners and operators of independent radio broadcasting stations joined with representatives of the industry's principal trade associations at today's hearing on the White resolution before the Senate Committee on Interstate Commerce in opposing the new rules promulgated by the Federal Communications Commission and in urging Congress to enact a new radio law.

Witnesses today included Neville Miller, president of the National Association of Broadcasters, Paul W. Morency, vice-chairman of Independent Radio Network Affiliates, John J. Gillin, Jr., general manager of Station WOW, in Omaha, Neb., Samuel H. Cook, co-owner of Station WFBL, in Syracuse, N. Y., and D. M. Patrick, counsel for the National Broadcasting Company.

These witnesses pointed out that the present radio law was enacted 14 years ago when broadcasting was still in its early, experimental stages and network broadcasting was only beginning to develop.

Stations Oppose Rules

Mr. Miller placed in the record a resolution adopted by unanimous vote of the industry present at the Association's annual convention in St. Louis, May 12-14, urging passage of the White resolution "with a view to enactment of a new radio law," and a stay of the Commission's rules.

Mr. Morency presented a similar resolution adopted by the independent radio affiliates group and testified that polls of the membership showed they opposed the new rules by at least ten to one.

"Broadcasters are very apprehensive of these regulations," Mr. Miller said. "They believe, as has been stated here so many times, that the proper procedure is to have the Senate make a study and draft new legislation."

The rules, he testified, may cripple a vital instrument of national defense in a time of crisis.

There has been no complaint from either the public or the advertisers about radio service, Mr. Miller said. He questioned the claim by FCC Chairman Fly that the rules would be the "Magna Carta" to free the stations from the networks.

"Mr. Fly talked about this 'Magna Carta' for the small stations," said Mr. Miller, "as if he were freeing a group of slaves, as if he were issuing a second Emancipation Proclamation. I was not alive when the first Emancipation Proclamation was issued, but I am quite sure that it was received with a great deal more enthusiasm than this is being received by these stations which, as far as I can find out, do not want to be liberated from the condition they are in, because they are not being dominated and they are getting along very nicely.

"I think this is just a technique that Mr. Fly has developed for the purpose of beclouding the issue."

Mr. Miller said he would be remiss in his duty if he did not tell the Committee the broadcasting industry is operating in a very fearful state of mind.

"I think," he continued, "that emphasizes one thing which I should like to say, and that is that we are getting very close to censorship. Stations have to come up every year for licensing. The licensing power is very broad. Whether or not they take a speech may come into the question of whether they get a renewal of license.

"If it gets to be known that the Commission or those in authority feel that this is a good kind of program, that this is a good speech, or that this is a bad speech, you are going to find the radio stations, as they are today, becoming very fearful, and you are going to get to the place where we lose freedom of speech over the radio.

"I think that one thing we overlook is that Chairman Fly seems to believe that you can tinker with radio and that you will not hurt radio sets at all. If you start knocking off sustaining programs and start knocking off the good programs, you are going to find out that you will have fifty million idle radio sets and that the public will turn for its information to other places. You will not have the system you now have."

Advertisers Concerned

Mr. Miller also placed in the record a letter from John Benson, president of the American Association of Advertising Agencies, who said national advertisers are disturbed over the new rules. Mr. Benson's letter asked adoption of the White resolution, revision of the present law and that the rules be held up until a proper study can be made.

Mr. Morency said the present radio law "gives no recognition whatever to the fact that national service is network service," because the law deals exclusively with licenses to individual stations.

The new regulations, he pointed out, are "aimed primarily at the terms of the contracts and relations between affiliates and networks, although the entities consisting of network organizations are unknown to the present law."

Mr. Morency declared that "it is clear that the overwhelming majority of contract affiliates believe the regulations as drawn go too far and will impair service to the public."

Describing radio as a part of the daily life of the

American home, Mr. Morency said, "It would be tragic to disrupt this medium of cheer and recreation in the world of trouble of today only to try out a theory of operation which most of the more experienced broadcasters believe is not practical.

"Before this risk is taken, affiliates believe the field should be studied more broadly, so that a new statement of the law may be made to catch up with the progress of the art since 1927."

Mr. Gillin, who said that his station, WOW, owned by the Woodmen of the World, is one of the oldest in the United States, testified that in his opinion as a broadcaster of fourteen years' experience, the rules would make national public service programs a "thing of the past," and would harm the small station.

An exclusive arrangement between the broadcaster and the network, forbidden under the new rules, means "reasonable permanency," Mr. Gillin asserted. He said "this is the only way that a broadcaster can be assured of a steady program, a continuing program of outstanding national public service programs and international news broadcasts and national special events."

If a station does not have an exclusive contract, Mr. Gillin told the Committee, "you can rest assured that the national public service programs that are not of a commercial character will be a thing of the past, because the network does not have any assurance under the rules and regulations that it can clear, even for commercial programs.

"Certainly it is not going to have the initiative it has had in the past to try to clear for public service programs."

Concerning the rule forbidding affiliation of a station with a network for more than one year, he said if this rule becomes effective "there will be a continual jockeying on the part of networks to get the best possible stations in each market, and, in the last analysis, the larger stations, namely the clear channel stations, will for the most part be the beneficiary."

Says Small Stations Would Get "Leavings"

Mr. Gillin said that under the new rules the stations with the poorer frequencies in each market will "receive only the leavings," whereas "the best station in each market will receive a great preponderance of the commercial programs available in that market, and, naturally, will receive the most money.

"The other stations in the market proportionately would be hurt. The second, third and fourth stations, which are now associated with some network exclusively, would not receive the proportion of commercial programs they are receiving today. Therefore, the second, third and fourth stations in each market in attempting to keep their heads above water, would take on the commercial programs of a much less desirable type of advertiser. This would do much harm to radio."

Mr. Gillin said he believes Congress should specify the power of the FCC in a new radio act and that the present rules should be stayed.

Mr. Cook, president of the Onondaga Radio Broadcasting Corporation, which owns and operates WFBL, told the Committee that as the result of a building and improvement program involving an outlay of approximately $140,000, he and his associates had sought and obtained an extension of their network contract, because they wanted to be assured of service for as long a period as they could obtain it. The contract, which would have expired in January, 1943, was extended last year until January 1, 1945.

"Had we known," Mr. Cook said, "of the impending regulations to be issued by the Federal Communications Commission, we might not have gone ahead with such ambitious plans."

Mr. Cook told the Committee that although the network had an option on all the station's time, this "has never prevented us from rendering commercial service to our local advertisers desiring to use our facilities," nor "from carrying all the local public service programs required by our community interests."

The station was always free, he said, to cancel network commercial programs whenever they conflicted with local public service programs.

"We are definitely convinced," Mr. Cook asserted, "that the granting of option time to a network and term contracts longer than one year, and fully as long as at present, are necessary both for the orderly operation of a station and for its sales, and that these are good business practices, essential to the best interests of both station and network.

Station Owners Disturbed

"My associates and I regret, with all due respect, that the Commission saw fit to issue regulations at this time, especially when we have made this expenditure, so drastically changing the system of broadcasting, which we as station operators have felt has been doing a thorough and inclusive job of broadcasting with the interests of the public always in mind.

"As businessmen, we would like to know where we are going. We confess we are completely in the dark and are greatly concerned about what may happen to the networks and to the stations when and if the regulations of the FCC go into effect next August2.

"We urge this Commitee to pass the White resolution. We urge that a thorough study be made looking toward the enactment of a new law which will definitely set out the powers of the Commission and will leave to Congress the determination of terms and policies under which we are to operate in the future."

Mr. Patrick's testimony dealt with questions of the power of the FCC and of judicial review. He pointed out that the United States Court of Appeals for the District of Columbia in the Scripps-Howard Radio case, decided last February that it did not have power to grant a stay order during the pendency of an appeal, a reversal of the Court's previous position.

He asked Chairman Fly, who is to take the stand again, if he thinks the District Court of Appeals has power, in view of its decision in the Scripps-Howard case, to grant interim relief; under what circumstances the FCC would consent to granting such relief; if the FCC could extend a license on a temporary basis while an appeal is pending; whether if the Court does not have power to grant interim relief how the Commission would grant interim relief under certain conditions; and if interim relief were granted by the FCC or the Court, and the Court decided in favor of the Commission, would the FCC relicense the station immediately after demonstration that it would conform to the disputed regulation.

Mr. Patrick charged that the promulgation of the rules by the FCC was "usurpation of legislative power."

SPECIAL—

Senate Interstate Commerce Committee Hearings on White Resolution

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. JUNE 18, 1941

TRAMMELL ASKS CONGRESS TO INSURE FREEDOM OF RADIO

Niles Trammell, president of the National Broadcasting Company, asked Congress today to free radio broadcasting in the United States from the danger of political domination by the Federal Communications Commission by laying down a clearly defined national radio policy in new legislation.

Mr. Trammell, the only witness at today's hearing before the Senate Committee on Interstate Commerce on the White resolution calling for a Congressional investigation of the broadcasting industry and the FCC, declared that "the worst domination that could be visited upon public opinion is domination by a political commission."

Senator White, of Maine, introduced his resolution following promulgation by the FCC on May 2 of new rules which both Mr. Trammell and William S. Paley, president of the Columbia Broadcasting System, have testified would imperil the whole structure of broadcasting in this country. Both Mr. Trammell and Mr. Paley have urged Congress to enact a new radio law to replace the present 14-year-old statute adopted before broadcasting had developed to its present position.

Fear Revolutionary Change

Two members of the FCC, Commissioners T. A. M. Craven and Norman S. Case, have also said they "fear the revolutionary change proposed by the majority will result in the destruction of the present excellent national program distribution system."

One of the new rules would force NBC to divest itself of its Blue network. Speaking of this rule, Mr. Trammell said, "If the majority of the Commission are allowed now to compel us to dispose of half our property, lawfully acquired and lawfully operated for fourteen years, on their determination alone, and if Congress does nothing about it, don't be surprised if six months from now Mr. Fly comes in and tells us to get rid of half the Red network. It will then be too late to protest, because his power has been conceded.

"Not only is the subject matter, in our opinion, outside the power delegated to the Commission by Congress but nowhere in the history of administrative regulation has so brutal a method for the amputation of a major portion of a great enterprise been invoked.

"Here, in effect, Chairman Fly proclaims: 'Bend your knee, concede my power, give up the Blue, and I will let you live—you may keep the Red.'

"The first cracks in the structure of democracy are often invisible to the unaided eye, but if Congress, by failure to act now, concedes to Chairman Fly the power to force us to give up half our property, then Congress need not be surprised when it learns, in the not too distant future, that Chairman Fly has taken over the entire radio industry."

Wheeler Favors Option Time

Another of the Commission's new rules forbids a station, under penalty of losing its license, from giving a network a firm option on any part of its broadcasting time. Senator Wheeler, of Montana, chairman of the Committee, today said he thinks the Commission is wrong in its attitude on option time and that he sees no reason why a station, if it wishes to do so, should not give a network an option to sell part of its time.

In his testimony, Mr. Trammell reviewed the growth of the National Broadcasting Company.

"In 1926," he said, "before the Radio Act was adopted by Congress, the NBC was organized in a pioneer attempt to provide a truly national service of broadcasting. It established what is now known as the NBC Red network. This network had no competitors, because no one else was ready to take the investment risks and hazards of such a major venture.

"In January, 1927, because of the requests of competing local stations in the same cities for another broadcasting service, NBC established its second network service, known as the Blue. Today the NBC operates only ten of the 828 stations in the United States. Because of its Red and Blue network services, it has been licensed for many years to operate two stations in New York, in Washington, in Chicago, and in San Francisco."

Public Service Endangered

The new FCC rules, Mr. Trammell asserted, would strike a heavy blow at the public service programs now provided by NBC. He pointed out that the National Farm and Home Hour, in which the United States Department of Agriculture participates, has been on the air for 12 years and is presented over the Blue network, which NBC could no longer operate under the new rules.

Among other programs created and maintained as Blue network features by the NBC, Mr. Trammell listed the Toscanini Concerts, the Town Meeting of the Air, the Damrosch Music Appreciation Hour, the Metropolitan Opera broadcasts and many others. These are endangered, he said, by the new rules.

"A fifteen-year record of constantly improving service," he said, "ought not to be so lightly overlooked or brushed aside. Disregarding questions of jurisdiction, disregarding the rewards due pioneering enterprise, service to the public should be the major test.

"I may add that the National Broadcasting Company has expended more than forty-five million dollars on sustaining programs—that is, programs that carry no advertising—to carry out its responsibilities towards the government and public which it serves.

"I do not say these things boastfully. I merely list them to indicate the extent to which NBC has rendered service in the public interest, convenience and necessity through the operation of its Red and Blue networks."

NBC has spent millions of dollars in developing television, Mr. Trammell pointed out, adding that it has established and maintained television program service without any revenue for more than two years.

Network Revenues Support Television

"We are now ordered," he continued, "to divest ourselves of one of our network services, and threatened with the loss of operation of standard broadcast stations, while, at the same time, the licensing policy of the Commission encourages our entrance into the operation of new stations in the fields of television and frequency modulation.

"The older service of broadcasting is profitable, but the new services are yet to produce any revenue. Apparently the Commission favors our loss of present investments and revenue, but wants us to invest in new fields.

"Under such circumstances how can anyone know what to do? We cannot plan our course until the Congress has determined, definitely, what it expects of those engaged in the business and service of broadcasting sound and sight."

During the hearings, Mr. Trammell reminded the Committee, a reference was made to the inability of the Mutual Broadcasting System, which is the only major network supporting the rules, to get a full-time station affiliation in Cleveland.

"The Commission's files on the Cleveland situation," Mr. Trammell said, "indicate clearly that a fourth full-time station could have been established years ago in the sixth largest market of the country."

Applications for such station have been rejected by the Commission, he continued, although it "has granted regional stations in areas with greater interference than they contend would exist in Cleveland."

"Too Much Favoritism," Wheeler Charges

Senator Wheeler interjected, "perhaps the political pull was not so great in Cleveland as it was some place else. That is really one of the bad things that have gone on down at the Commission, that there has been too much favoritism shown here or there."

The Commission's policy on hearings for licenses or transfers was also criticized by Senator Wheeler, who said, "The Commission goes ahead without hearings and grants licenses or transfers, and in other instances it holds hearings. It seems to me there ought to be a general rule laid down by the Commission so that everybody who comes in there, regardless of whether he is poor or rich or whether he is influential or whether he has political backing or not, would know what is going to happen, and that rule should be adhered to.

"I think some of the things done in that respect are outrageous."

In regard to the rules themselves, Mr. Trammell said, "By preventing a station from being the exclusive outlet of a network, and a network from offering a fixed and definite lineup of stations, these rules cut an essential link out of the broadcasting chain, and set stations and networks adrift. In essence the rule more viciously fosters monopoly than could any possible restraint which now exists.

Rules Favor Monopoly

"Under the new rule all will be chaos and confusion. Stations will rush for the best features of every network service. Advertisers will try to preempt the best hours on the best stations. Time brokers will inject unfair methods of competition. Advertising agencies will make their own arrangements for 'front-page' position with the bigger and better stations.

"If the existing networks lose key stations and therefore advertising support, the responsibility for public service from the national standpoint will be nobody's business. Then the FCC will have the opportunity it foresees in its Report on Chain Broadcasting. Private enterprise will have failed, and a non-competitive, government-controlled operation will be necessary."

Large advertisers, Mr. Trammell declared, could put together networks made up of the best stations from all the existing networks. He introduced maps to illustrate this possibility. One map showed a 64-station network that would reach approximately 92 per cent of all the radio families in the country. To approximate this coverage, the second map showed another advertiser would have to include 160 of the remaining stations and then could reach only about 76 per cent of the radio families. A third advertiser, according to another map, would not be able to approximate the coverage of the other two regardless of the amount of money spent or time bought on the remaining stations.

"True national coverage," asserted Mr. Trammell, "under the new regulations, will become the opportunity of a relatively few major advertisers. The bulk of the advertising revenue under these new regulations will go to a relatively few of the country's major stations."

Choice is Government vs. Free Radio

The rule prohibiting option time, he said, "strikes directly at the heart of network broadcasting," because the networks cannot reserve definite fixed time for fixed features. Likewise, the rule forbidding contracts between stations and networks for more than a year threatens broadcasting stability, he asserted.

Mr. Trammell said that the question involved in the new rules is that of extent of business control of broadcasting by the FCC. Business control, he added, is program control.

"Involved here," he declared, "is the choice between operation of broadcasting by private industry and operation by government. The breakdown of our present broadcasting structure inevitably would make it incumbent on the government to step in and, perhaps, finally to subsidize stations or to tax listeners.

"While I am concerned as to the future of the company which I represent, I am deeply apprehensive concerning the continuance of our American system of broadcasting. Its freedoms are in jeopardy. To safeguard them, I earnestly urge approval of Senator White's resolution."

SPECIAL—

Senate Interstate Commerce Committee Hearings on White Resolution

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. JUNE 20, 1941

ASK CONGRESS TO INSURE FREEDOM OF RADIO IN NEW LAW

Representatives of church groups and women's clubs together with owners and operators of small broadcasting stations in various sections of the country today appeared before the Senate Committee on Interstate Commerce to express their concern over the effects of the rules recently promulgated by the Federal Communications Commission and to ask Congressional consideration of the present broadcasting situation with a view to enactment of new legislation.

Frank C. Goodman, executive secretary of the Federal Council of Churches of Christ in America, representing approximately 140,000 churches, Mrs. Harvey W. Wiley, chairman of the department of legislation of the General Federation of Women's Clubs, representing 14,600 clubs and 2,000,000 women, and Edward J. Heffron, executive secretary of the National Council of Catholic Men, appeared for their organizations.

Mr. Goodman also placed in the record statements by the International Council of Religious Education, the Foreign Missions Conference of North America, representing 188 foreign mission boards of the Protestant groups in America, the American Bible Society, one of the oldest and largest Bible organizations in the country, and a copy of the letter addressed to President Roosevelt by Dr. Harry Emerson Fosdick and 60 other leading clergymen of the Protestant church.

Effects of Rules Feared

All the statements and letters voiced misgivings over the effects of the new rules on broadcasts of public service programs in which the groups are especially interested and asked Congress to make sure that no hasty and ill-considered action is taken to imperil broadcasting.

Clarence Wheeler, vice-president of Station WHEC, in Rochester, N. Y., Jonas Weiland, owner of Station WFTC, in Kinston, N. Car., J. W. Lee, manager of Station KGFF, in Shawnee, Okla., and C. P. Hasbrook, owner of WCAX, in Burlington, Vt., told the Committee they believe Congress should study the broadcasting industry and enact a new radio law because they fear the rules issued on May 2 by the FCC will harm their stations.

Addressing the Committee, Mr. Goodman said, "In my 24 years of service to the churches, I do not recall any development that has concerned the leaders of our major Protestant organizations quite as much as the unexpected new regulations of the Federal Communications Commission.

"Radio has furnished the first opportunity of developing an appreciation of the message of the Christian gospel, on the part of the unchurched people of our country, and any move by a government agency that may cause confusion within the radio industry, is looked upon with grave misgivings by the delegated leadership of a large section of our churches."

Mr. Goodman told the Committee that to expedite the hearings, which have extended over a period of three weeks, he was asking permission to place in the records his own statement and those of four interdenominational church groups, each with a nation-wide constituency.

Says Churches Have Stake in Radio

In his statement, Mr. Goodman pointed out that he has had a long period of experience in religious radio in an executive relationship.

Reminding the Senators that this is a time of crisis for the churches as well as for the rest of the country, Dr. Goodman stated that during the depression "the Church lost surprisingly little in influence and activity, and we attribute this to the facilities we received from the free and uncensored American system of radio."

Under the direction of the Radio Department of the Federal Council of Churches, he said, 1,100 church men produced 8,000 network programs in the last 18 years, and 800 churchmen appointed by denominations produced 5,000 non-network programs in the last five years.

In the production of these programs, Mr. Goodman declared, "we have not received one complaint of censorship or control" on the part of the networks, the stations associated with them, or the other radio stations of the country.

More than five million letters from urban and rural audiences were received, he said, while more than two million requests for sermons were made to his office in the last six years.

The churches of the country, he continued, "have a real stake in American radio, and the Congress, we feel, should recognize this as our reason for requesting a thorough investigation of the American broadcasting system.

"Any compulsory re-organization of a fully developed business, charged wtih national and international commitments of far-reaching importance, may prove most unfortunate for the Church at a time of stress and strain, and if the new regulations of the Federal Communications Commission are likely to disrupt the radio industry, it will surely be a blow to national unity, and the spiritual and mental well-being of our people."

Mrs. Wiley presented a resolution adopted by the General Federation of Women's Clubs at Atlantic City on May 23 advocating "further Congressional study" of the present broadcasting problems to preserve the "freedom of radio for the best interest of democracy."

"The women of the Federation," Mrs. Wiley stated, "are grateful to the radio chains and stations for their splendid cooperation. They do not wish to see the aid which broadcasters have given to the work of their Clubs interrupted or jeopardized in any way."

Citing in his statement the aid given to the Catholic Radio Bureau of his organization, Mr. Heffron told the Committee that he believes there should be "a sound basis for the assurance" that public service network broadcasts should not be destroyed or impaired.

"We hope that this Committee," he testified, "will not only see to it that this assurance is given but that it is properly implemented and capable of being backed up."

Says Rules Would be Detrimental

The first of the station owners to appear at today's hearing, Mr. Wheeler said, "I think the proposed regulations would be very detrimental to the industry, would injure the program structure, and would certainly be detrimental in many ways, as far as WHEC is concerned."

He testified he believes it would be helpful if "the Congress would consider the whole question of regulation of radio and enact new legislation."

Network affiliation, he said, is "of real value to a station like WHEC," because it helps to build up the station audience and makes available a national sales force.

The only change in the terms of his station's contract with CBS was made, he stated, at the station's request and added that "I have never seen any evidence of monopolistic power on the part of the networks," contrary to the FCC majority contention of "monopolistic powers" alleged to be held by the networks.

Since 1931, he stated, WHEC has invested upwards of $200,000 in improving facilities, and added he is fearful the rules would make valueless "this affiliation that we have deemed so stable and made it possible for us to make these large expenditures."

Mr. Wheeler said he fears that important network commercial programs may be shifted under the new rules to another station with a clear channel and higher power.

Mr. Weiland told the Committee his station, WFTC, was "right in the middle of a lot of trouble" over the new rules.

Until June 1, WFTC and another station at Wilson, N. C., according to Mr. Weiland, had shared the costs of a line to Raleigh where the Mutual Broadcasting System has a line, and the two stations had been affiliated with Mutual, which, unlike NBC and CBS, does not pay all wire charges to affiliated stations.

On June 1, the Wilson station, Mr. Weiland testified, canceled its arrangement, "based upon the fact that the present rules would seem to necessitate it, and we were sitting right down at the end of the line without any network service available to us."

He said his station could not afford to pay the whole cost of the line from Raleigh to Kinston, since that would be "in the vicinity of $500 a month."

Arrangements were made for affiliation of his station with NBC Blue, he testified.

"I applied," said Mr. Weiland, "to the FCC for permission to sign the contract. They advised me that the present rules are in operation.

"It is very difficult for us to operate without a network affiliation because our listeners have become used to network service, and as a local station we cannot give the type of service the network was able to give us."

Saying that he favored a long-term contract and option time provisions, Mr. Weiland declared, "the present rules promulgated by the FCC puts our station out of the possibility of network service and possibly they would have the same effect upon a whole lot of small broadcasting stations that are trying to serve their communities."

Mr. Lee told the Committee, "We desire affiliation with only one network. We have tried affiliation with two networks. For four and a half months of this year we were affiliated with both the Mutual network and the NBC Blue network. We found that to be impractical and confusing to our listeners. It created an insurmountable traffic problem."

Conflicts in time, he said, prevented giving the station's listeners major features of the two networks.

"I think," Mr. Lee asserted, "the matter of line charges has not been stressed enough in these hearings from the point of view of the small station. For four years our station paid line charges to bring the Mutual service into our station, and paid in cash. We never derived enough revenue from the Mutual network to offset this cash outlay for line charges.

"Now we have no cash outlay for our NBC affiliation. We pay for the lines that bring these programs to us in time, a commodity that we can afford to pay with. We have a net saving of several thousand dollars a year that can now be diverted into improving our local station."

Thinks Rules Have Damaged Station

Mr. Lee said his station wanted an exclusive long term contract and that option time is "no handicap to us."

"The Chairman of the FCC," he declared, "has said that if the small stations are harmed by the regulations in practice, something will be done about it. That is not enough assurance for us. That is like calling the doctor after the patient is dead. We feel that the FCC has already damaged our station in creating a public misunderstanding as to the fate of the Blue network."

Senator Bone asked a number of questions about line charges and indicated he thinks these should be studied.

Mr. Hasbrook testified that the new rules "will bother me very seriously. What they are doing is to take the foundation out from under me when I am halfway across the bridge."

After being granted permission by the FCC to increase the power of his station from 250 watts to 1,000 watts, Mr. Hasbrook said, he had started construction of a new station.

His station, he testified, has a contract with CBS, which has been paying the line charge, quoted, he added, at the time of contract negotiations, at from $7,500 to $10,000 a year.

Mr. Hasbrook told the Committee he couldn't afford to pay for the line in money instead of time, and feared he might lose his network affiliation due to the rules.

Saying he has never been able to find out "who has been hurt by the present method of broadcasting," Mr. Hasbrook declared, "I just do not understand why in these times we have to change the whole system."

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 24, June 20, 1941

White Hearing

The following excerpts from the transcript of the Senate Interstate Commerce Committee's hearing on the White Resolution may prove interesting to broadcasters. *The Chairman* is Senator Wheeler.

The Chairman. Let me ask you a question right there: Let us suppose that the National Broadcasting Company, or the Columbia Broadcasting System, or any one of them, should come to the Commission and ask for a station—or, let me put it this way: ask permission to buy all broadcasting stations in the country, what would you say about that?

Mr. Craven. It is my understanding that in the Communications Act of 1934 our power with respect to concentration of stations in the hands of any one person is in the licensing authority, and I feel that we cannot grant licenses for too many stations to one person.

The Chairman. Why cannot you do that?

Mr. Craven. Because it would be against public interest.

The Chairman. And why would it be against public interest?

Mr. Craven. Because I think the Act implies that we shall not have concentration of licenses in the hands of a few.

The Chairman. Exactly. And that is because of the fact that to do so would be in effect to create a monopoly. I mean if you were to have all broadcasting stations in the hands of one person, owned by one person.

Mr. Craven. But that is quite a different thing, Mr. Chairman, in my view of passing upon business practices.

The Chairman. Just one minute.

Mr. Craven. Excuse me.

The Chairman. If you have that power, and then, as you say, you have the right to say that there shall not be too much concentration of broadcasting stations in the hands of one chain—and you do feel that you have that right, do you not?

Mr. Craven. In the matter of the licensing power.

The Chairman. Yes, that is in the licensing power. Now, if instead of giving them the actual license you give them control, is not that after all in effect the same thing?

Mr. Craven. No, sir. There is another section of the Communications Act, Section 309 (b) (2) and Section 310 (b) which gives explicit instructions with respect to control and transfer of control of stations. But that is a different thing from this.

The Chairman. But when you transfer control over a station and give all of the time of that station to anybody, you are giving him control of that station.

Mr. Craven. That would depend a good deal upon the circumstances. My position is that the type of contracts which the chain has with its affiliates does not represent transfer of control of operation of stations in the same sense as is meant in Sections 309 and 310 of the Communications Act. If that were the case then any time they made a sale to anybody of time it would be implied.

Mr. Chairman, I have some constructive suggestions I should like to make later on as to modification or amendment of the Act that I think would help to solve some of these situations.

Mr. Craven. I will admit that the question of the power of the Commission is a most debatable subject, and so far as I know there is a vast difference of opinion existing even in Congress and among the members of this committee. Yes, among the members of the Commission, among the Commissioners who are lawyers, as well as among the lawyers on the staff of the Commission. And I will say that there is a vast difference of opinion among lawyers engaged in outside practice.

It seems to me there is a real doubt in the matter, and that is the reason why the minority feel a clarification of the intent of Congress might go far toward pouring oil on the troubled waters.

Furthermore, we were deeply concerned when we were convinced that the majority desired to usurp the power rather than refer the matter to Congress for a clear determination of our power and an unequivocal standard of public policy.

The Chairman. The trouble about that is that whatever Congress might write into the law there would still be contention in the minds of lawyers as to what Congress meant. That would be true regardless of what Congress actually meant, and consequently I think the only way it can be cleared up is for the courts, which have the final say as to what the intent of a statute is, to decide whether or not in their opinion it means this, that or the other. They may be right or wrong in their construction, but anyway they have the final say.

Mr. Craven. Might I say something on that point?

The Chairman. Yes, certainly.

Mr. Craven. I agree with you. There is nothing wrong in anyone going to court; and it is a pity that the industry has not the courage to take that course of action.

However, I think more than that is required in this instance. What is involved here is a fundamental change in the pattern of American broadcasting. In effect it amounts to new legislation. I believe regardless of the power of the Commission the Communications Act of 1934 should be reappraised by the Congress rather than have the Commission institute a radical change in the pattern.

Senator Clark of Idaho. This resolution that is pending before us does not, of course, look to that end, as I understand it. It seems to be more or less a resolution calling for a committee review of the Commission's order or regulations looking to an order.

Suppose that the pending resolution were held in abeyance and that extensions were granted by the Commission for the going into effect of its regulations and order. Then, suppose a bill were introduced in the Senate and in the House looking toward hearings

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
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WHITE HEARING

(Continued from page 537)

on an ultimate revision of the law as it now exists and that the Commission would agree to grant reasonable stay orders on the effectiveness of its regulations, while a subcommittee appointed by this committee acted in good faith expeditiously. Do you think something would then be gained in the revision of this entire law? I do not know whether or not I have made myself clear.

Mr. Craven. Yes, sir, you have. I hesitate, however, to tell the committee things which it knows, but I should think that would be helpful.

Senator Clark of Idaho. This resolution as introduced is a peculiar thing. It is not the ordinary resolution looking toward legislation—with all due deference to the dean of the committee in point of service—I suppose—Senator White. Is that right?

Senator White. No. Not in point of capacity, anyway.

Senator Tobey. Scripture says: "He that humbleth himself shall be exalted."

Senator Clark of Idaho. I know, of course, that Senator Wheeler is the chairman, but I thought perhaps Senator White had served longer; however, that is of no consequence in my remarks.

I was just wondering whether this thing could not be approached, perhaps, from a little broader aspect than this resolution contemplates. If the law should be revised, Mr. Chairman, I think there is one particular in which it might well be done. Now the stations are required to give equal time on political broadcasts, but they are not apparently required to give equal time on public service programs. It occurs to me that since we shall have a lot of time free this summer, we might have a subcommittee go to work on a bill, rather than on a resolution, looking toward a revision of the law, and yet not unduly hold up the regulations of the Commission as issued. In that way something might be accomplished.

Do you care to comment, Commander Craven?

Mr. Craven. I prefer not to, sir; I think that is a matter for the committee.

Senator White. Mr. Chairman, may I say a word about the suggestion of Senator Clark? I think I have said that I have been working on a tentative draft of legislation which I think will cure some serious defects in the law as it now stands. I have definitely in mind some things that ought to be dealt with that are in addition to anything I now have in the drafts to which I have referred.

I introduced this resolution because I could not see any immediate prospect of legislation and because I thought there was presented to us a definite and a clear-cut issue to which we should give study and which we ought to face. I felt very definitely that this was not something emergent that had arisen in front of us. The situation which now exists has been growing up over the years, and it took the Commission all of three years to make up its mind—the majority of the Commission, I should say—which course to pursue in dealing with the thing.

I felt it was proper and highly desirable that we ask the Commission just to hold up on the execution of its regulations until the committee had had a chance to study and possibly until the committee had had a chance to formulate legislation. I still believe that if the effective date of these regulations could be postponed a reasonable time, only a part of the time which it took the Commission to bring them forth, legislation could be presented which would form, at least, a basis for committee consideration.

If the chairman of this committee would just say to this commission, "We want to consider legislation. We want to deal with this subject matter to which these regulations are primarily addressed. We want to consider some other phases of the present law that are not satisfactory to us. We suggest to the Commission that it hold up until we have had a reasonable chance to do it," I think this whole problem could be solved, for the moment anyway.

Of course, you are always going to have problems, because the law is never going to keep up with the changes in the industry, the art, and the science; it will always be lagging somewhat behind. But I would definitely join with the Senator from Wyoming.

The Chairman. From Idaho.

Senator White. From Idaho. Excuse me. I knew it was out in the open spaces.

The Chairman. One of those backward states, like Maine.

Senator White. It is backward because it is so far away from Maine. (Laughter.)

I want to concur with the Senator from Idaho.

Senator Clark of Idaho. I was just thinking out loud when I made that suggestion.

Senator White. That is what I am doing, so I think I must be somewhere near right. All that needs to be done is to have you work on the chairman. (Laughter.)

Get him to say to this commission, "We want to study this thing. We want to undertake some changes in the radio law. It took you three years to evolve these regulations. No public calamity will follow if you just hold up for a little while."

I think we could accomplish something really worthwhile.

Mr. Craven. I think that if we need power, we should come to this Congress and ask for it, in order to do certain things; that we should recognize that there are other jurisdictions. One is the Federal Trade Commission, and the other is the Department of Justice. I do not think it is in the public interest——

Senator Tobey. And one is the courts on appeal?

Mr. Craven. Yes, sir. I do not think, Senator, that it is in the public interest for the Communications Commission to usurp power. I think that is just as much of importance in this whole matter of public interest as anything else.

The Chairman. I entirely agree with you in your idea that the Federal Communications Commission should not usurp power. I agree with you entirely when you say they should not usurp power.

The question here is as to whether or not they did usurp power, and secondly, if they did usurp power, of course, there exists the right to go into court to test the Commission's authority.

I also agree that the law is not as explicit as it should be. It can easily lead to some confusion. Probably it should have been made cleaner with reference to monopolies. There is confusion as to whether or not the Commission has the right, under the language of the statute, to regulate monopolistic practices and to say, "This is a monopoly; therefore we are going to find that it is a monopoly and punish you."

On top of that, you have the question of public interest. The term "public interest" has been recognized by the courts generally and in these regulatory commissions as giving the commissions very broad authority.

It seems to me, therefore, that the real question is whether or not the Commission, under the provisions with reference to public interest and under the provisions giving them special authority with reference to chain broadcasting, have usurped authority. I think that probably the law ought to be clarified, but in the meantime there is the question whether or not Congress ought to go ahead now and say to the Commission, "Hold up all your orders while we pass a law," because if we undertake to pass a law, it may be at this session of Congress, it may be at the next session of Congress, or it may be that it will not be for two or three sessions of Congress that we will get a law passed that we might like to see.

Senator White. Mr. Chairman, may I comment just briefly on what Senator Tobey said?

The Chairman. Of course.

Senator White. I am, of course, in complete agreement with him that the Commission was entirely within its authority when it determined upon the investigation of these subject matters. I think it was within its authority, and I think it was meeting the obligation which had rested on it for a long while.

It does not follow, however, that because the law authorized the Commission to make an investigation, and the Commission upon its own responsibility determined to go ahead and make an investigation, that any and every regulation which it may agree upon as a result of that investigation is either in the public interest or is within its authority to make a particular recommendation which they presumed to make.

Senator Tobey. Right there, who is to determine whether or not it is in the public interest? The courts?

Senator White. I want Congress to say something about it.

Senator Tobey. That puts Congress in the position of reviewing decisions of bureaus. We would then become a body reviewing every decision that is made.

Senator White. As a matter of fact, when we look at the legislative history—and we do it only occasionally—we will not find many occasions when that has been done.

Of course, basically it does not involve criticism of the Commission because it has made its study. It does not involve criticism of the Commission because it has reached conclusions of law. The criticism rests upon my deep conviction that the Commission undertook in these regulations to define monopolistic acts. I do not think that is within its province, and I do not think we should yield to that situation. I do not think it is the right of a regulatory body to say that this thing is a monopolistic act, that thing is a monopolistic act, and the other thing is a monopolistic act.

Then, I would not think it is within the right—and we never ought to concede it—that it is within the right of a regulatory body to determine whether you have breached the particular things which they say constitute monopoly, and pass judgment on it. You, if you go down to the Commission, are not advised, except perhaps in the most general terms, of the issue before the Commission. They have conducted hearings in which they did not permit a man to put on witnesses in his own behalf. They have conducted hearings there where they did not permit the interested party to examine, through his counsel, hostile witnesses. They have no set rules of evidence, and they have a vagrant authority and a vagrant practice and procedure. I just think that it is fundamentally wrong that we should permit that type of authority and that degree of authority in a regulatory body.

The Chairman. I am sure you would not feel that this committee, or any other committee, as a practical matter of administration of law, every time a commission decides some case or makes some rule which a particular industry or a particular party may feel affects them adversely, should permit them to come to Congress and ask us to review the decisions of that particular commission. If that should happen, then as a practical matter you would not have any decent administration of law by these commissions. It is, frankly, in my judgment, and always has been assumed to be very bad practice. But I can understand that. If that is done, then the committee, as a matter of fact, ought to lay down the rules, instead of having the Commission do it. From a practical standpoint we just could not do that. We have to leave a lot of these matters to the Commission. In this particular instance I am not going to disagree with you at all about the need of some clarifying legislation. I certainly hesitate to do it. While we have done it in some few instances, it has been generally recognized as a bad practice. Every time the Interstate Commerce Commission hands down a decision or makes some rule, we might disagree with it or the industry might disagree with it, as has happened in the past. But if we undertook to try to correct it, then you are going to have these commissions constantly looking to the Congress and being afraid to act because of the fact that they might be yanked up here to Congress. In some cases we have a right to investigate the commission, the same as we have the right to investigate the industry itself. But I am extremely hesitant about simply taking over and saying that the Interstate Commerce Commission or this or that commission, every time it makes a rule that the industry does not like or that somebody else does not like, should be brought up here before the Committee.

I think the hearings that have gone on will do some good for both sides. I think probably they will.

Senator White. May I make an observation in answer to what you have said, Mr. Chairman?

The Chairman. Certainly.

Senator White. If this were a decision by the Commission in a particular case I would have a good deal of sympathy with your point of view; but the truth about it is that this is a declaration by the Commission of a far flung and revolutionary policy. It is something that the Commission has determined to do after three years of study. That might suggest that the Commission was right. But I think it also cries aloud that the Commission was dealing with something which it itself recognized as a basic change in the practice which had been followed by the previous Commission and by this Commission over a period of many years. There is a vast difference, I submit, Mr. Chairman, between reviewing an isolated or a particular case and giving consideration by a committee to the effects of such a change as the Commission now proposes; and I think there is a vast difference between passing upon a particular case and this committee and the Congress giving consideration to whether or not the action of the Commission is authorized by law.

That is where I pull away from you; and when I pull away from you I always have doubt as to whether I am right, but I feel very strongly that I am right with respect to this matter.

Mr. Ethridge. May I add this, Senator? I hope you will read the first two pages of my statement. I think you were out of the room when I made it. I stated then, and I repeat it, not to embarrass you, but to express the point—

The Chairman. You cannot embarrass me; too many people have tried that.

Mr. Ethridge. In the high power situation you felt it was of great moment and you introduced a resolution which was a direction of policy to the Commission. Now, I feel very strongly that this body, the Senate and the House, are responsible to the public and the public will in a degree that an administrative agency is not, and that where you have a major matter of national policy and an imminent action, as you have here, paralleling your high power matter, it is eminently proper for this body to take cognizance of it. I have rested on that particular thing and said that it was an anomalous situation where the industry was the aggressor and the Commission more or less the defendant in resisting a study of its action.

The radio industry subscribes heartily to the President's desire for a new law—in fact, much more heartily than ever since Mr. Fly has testified, because his testimony is in conflict with another expression from the President:

"This technical limitation on the number of transmitters gives the Government its principal function in the realm of radio, that of referee to determine who the operators of the limited number of transmitters shall be."

In the same letter the President also expressed the desire to know how to keep radio free "as part of our purpose to keep all channels of public information free . . . how to prevent monopoly of radio operation or ownership and how best to utilize radio in the public interest."

We do not feel, therefore, that we are either improperly or whimsically before this committee. Personally, I am hoping that the committee will share the feeling of Senator Smith when he said, "I wish I knew more about this whole operation," and undertake to find out more; and of Senator Wheeler, when he said on page 213, "There are vital problems of national policy involved in this matter."

We of the radio industry might not like the result when it is transformed into law, but it will at least be more democratic if 96 Senators and 435 Representatives make the law than if seven men make it.

Personally, I feel that it will be a fairer law and a fairer administration if you make the rules.

Mr. Fly occupied almost four pages setting out the number of witnesses and the number of words in the hearing in giving the radio people what he called "not only the due process of law to which they are legally entitled but a full measure in excess" in the hearings on the regulations. The only figures he left out were the weight of the volumes in pounds and how much they would measure if laid end to end. But what he did not say was what he could not say, but which we can—that a least a great many of us in the radio industry feel that the verdict was arrived at before the indictment was drawn.

When I was a newspaper man in Georgia there was a negro by the name of John Downer who was arrested for rape in north Georgia. He was granted a change of venue to the adjoining county. The National Guard was called out and lined the walk way from the jail to the court house and occupied all of the seats in the court house except those reserved for the jury, the judge, and counsel. In the afternoon of the day he was arrested, or the day the Guard was called out and the indictment was drawn, he was tried and convicted and sentenced to be electrocuted. Everybody knew in advance what would happen, but the State of Georgia was proud that it had not lynched him. It had given him due process of law, but none of the substance of justice.

That is the way I feel about this matter. I feel that it is only necessary to have the Commission's order for hearing, which is in the record at page 95 and was read earlier by Senator Tobey, to know in general terms what the outcome will be. I think that is probably true in the newspaper case as well. The order is indeed likely to be a death sentence.

I favor the White resolution because I hope it will result in a new law clarifying what Congress intends and defining the Commission's powers, duties, and limitations.

The Chairman. It seems perfectly simple to the laymen; but if the White resolution holds up the orders of the Commission—and I am frank to say that we are too severe in giving such a short time in some instances, but they have the right to go to court, and I think they not only should have the right to go to court in a particular instance where it is felt that the Commission has exceeded its jurisdiction, but the Commission ought to grant them a stay. I do not agree with the Commission's actions in refusing a stay. I think it is wrong, particularly if application is made in good faith. But I think you can appreciate some of the difficulties you are going to have with new legislation, because you will find that there will be a great divergence of opinion both in the House and the Senate upon what the provisions of the new law should be. That is going to be particularly true when you come to write into the law specific rules and regulations. You are going to have a very wide divergence of view upon that question, both in the committee and on the floor of the Senate and in the House, which will probably mean a long delay in getting legislation through. That is where most of the difficulty comes in connection with legislation, when you begin to write out the rules and regulations which should govern the Commission.

Mr. Ethridge. I am speaking of the course of regulation. The Pottsville case and the subsequent decision the Circuit Court gave the industry no great hope as to regulation. I for one felt it was bad to abolish the system of open examinations of license applications in public hearings. I felt that under the Commission's theory, set out in one section of the Sanders case, cited by the Chairman of the Commission in his testimony, too little attention was being paid to the economic consequences of indiscriminate license granting. By that I mean I had thought just a mere granting of more licenses for the sake of removing restraint of trade or creating competition might be a good thing in some circumstances but one must consider the consequences that may arise. I have seen that happen in the case of newspapers where they took all sorts of advertising.

The Chairman. I think it a mistake to grant too many stations in a community because you may force them to put on more advertising.

Mr. Ethridge. Yes, sir.

The Chairman. Or to put on cheap advertising that would destroy the effectiveness of programs.

Mr. Ethridge. But, Senator Wheeler, the Sanders case is the Commission's theory at the moment that does not conform to the economics of the situation. That is another argument moving us to ask the Senate to give us a new law. I think it is bad for radio.

The Chairman. You cannot disagree with me in the matter of the need for a new law.

We have been very happy to hear the Chairman of this Committee say on several occasions that he thinks the networks have been fair in broadcasting discussion of current controversial questions. At the same time, it is apparent that there is in his mind and in the minds of many other thoughtful persons uneasiness on this score. I stated publicly six years ago that I thought fairness in news and discussion, and freedom from editorial bias, should be a condition to holding a broadcasting license. In that public statement I said that the Commission if it had the power, and the Congress if the Commission did not, might well make such fairness a condition to receiving or holding a license. I have come now to believe more emphatically than I did six years ago that such fairness is absolutely essential on the part of a limited medium if it is to fulfill its social obligations in a democracy. I am absolutely confident that under Columbia's publicly proclaimed code and under the similar codes of the National Association of Broadcasters, the other networks and most of the individual broadcasters, this fairness is assured.

The Chairman. I should think it would be helpful to the industry itself if something of that kind were written into the law, because then, in instances in which pressure was brought to bear you could turn to the law.

Mr. Paley. At least it would eliminate the vagueness that now exists in the minds of some broadcasters and, I think, in the minds of some Commissioners.

The Chairman. It would eliminate vagueness when people undertook to put pressure on you. You could simply turn to the law and say, "This is what we have got to do."

The Chairman. Did they not serve you with a copy of these rules prior to their adoption?

Mr. Paley. There were suggestions made, I think, at the December hearing, various suggestions, none of which went to the extremes that the rules now represent. I think, as a matter of fact, there were three or four alternative suggestions as to what the Commission might do; and at that time we objected to the rules very strenuously and tried to point out why, even in the form when they were not quite so drastic, we thought our operations would suffer tremendously and that public service as such would also suffer.

The Chairman. Did you ever give the Commission any constructive alternative suggestions yourself? I understood from Chairman Fly that you did not.

Mr. Paley. Our suggestion made at that time, and it is the suggestion we have been making ever since, that if anything as drastic and revolutionary as that is to be done to any broadcaster or any group of broadcasters, that should be a problem for the Congress or some higher authority, for them to have something to say about that.

The Chairman. But it does seem to me that, in the first place, you ought to have tried to work things out; that when they made certain suggestions which you thought were wrong you should have pointed out to them the mistakes as you saw them, and made to them some alternative suggestions. Instead of that as I understand the situation, you turned everything down.

Mr. Paley. Well, Senator Wheeler, I can remember one conversation I had with Chairman Fly when we were given to understand that we would probably be outlawed about these things, and he said maybe they were not so drastic as I thought them. I said, "Now, really what have you in mind? How do you intend to offer a solution of this? How do you answer the practical suggestions that we make?" And the only answer I got was, "Wouldn't I be a fool to tell you what I have in mind." That was as far as I got with Chairman Fly in trying to work this thing out.

The Chairman. And what do you think he had in mind?

Mr. Paley. Oh, I know what he had in mind—these very rules we are now here talking about; rules that I think will destroy our industry, or a least destroy network broadcasting as a part of the industry.

Mr. Paley. Going back to the argument about exclusivity, I want to point out that unlike the publication field a station affiliated with a network has two functions. In the publication field you have the local newspaper and you have the national magazine, each attempting to do a part of the job. A broadcasting station affiliated with a network has to do the combination of the local and the national job. He provides his own local programs in an attempt to render the public service necessary for that community to have in that regard. Then he turns to us to do the national job. So, as you will see, it is the over-all job. As long as we are doing a complete national job over that station we can do a very well ordered and balanced national job, one which, from the record, a record that has been made by the broadcasters of this country, demonstrates the fact that we have been able to respond to the public desires and needs, and demonstrates that we can take care of the public service in a very fine way. When a station starts out to take this national service from two or three sources it gets a certain amount of duplication. And you start to take our incentive away from us, because someone will be cashing in on what we have built up.

The Chairman. Oh, now, I do not think they will take your incentive away.

Mr. Paley. Well, if stations won't take our time that will happen.

The Chairman. It might and it might not, but I do not think it will happen that it will take your incentive away.

Mr. Paley. I see that I have not convinced you, Mr. Chairman. Nevertheless I want to say to you that I think I am right, that I feel certain I am right about it.

The Chairman. You have not convinced me that it will take your incentive away when you have done the job you have; when you came into the radio broadcasting field without anything and licked N. B. C. you certainly cannot convince me that you are not going to continue.

Mr. Paley. I am only talking now about the incentive toward developing that kind of service, that kind of service you want from us.

The Chairman. You are going to have the same incentive and the same service; yes, you must have the same incentive in your own system, and each of the other companies will have it. You will want to build up your stations and you will want to build up the Columbia Broadcasting System.

Mr. Paley. But we do not want to build it up for someone else to come in and cash in on us. Let us suppose that a lot of advertising hook-ups developed. In that case I think you would have chaos and that it would be destructive.

The Chairman. I think it can be worked out in fairness to the chains. I think we want to be fair to the chains and at the same time be fair to everybody else.

Mr. Paley. I want to say one thing right there as we seem to disagree on this particular point and yet we seem wholly to agree on other points I have discussed here. For instance, this whole question of option time—

The Chairman (interposing). This has to be worked out.

Mr. Paley. But elimination of option time is a part of the rules under which we are supposed to operate.

The Chairman. I understand that, and am not agreeing entirely with the report of the Commission by any manner of means.

Mr. Paley. And is not that a good reason for passing this White resolution?

The Chairman. No, I do not think so. From a practical standpoint the contention here is that what you want first is a hearing and an investigation of the matter. You are getting that without the adoption of the resolution. If we were to pass the resolution and hold hearings the only thing would be that you would come here and testify all over again.

Mr. Paley. Oh, no.

The Chairman. This is just a cold-blooded practical matter. You would not get as many people to attend those hearings as you have now, because to a large extent you have covered that same thing. Frankly it may be necessary and probably some think it would be best to have an entirely new law, or at least some amendment of the present law. I think that subject should be gone into, and it may very well be gone into. I do think the law ought to be amended in some particulars. I think some of these points should be clarified to the end that the industry may know as definitely as possible what they are going to have to do, and what rules of the game will be set out, instead of depending on those who may be on the Commission at the time. I think there is a great deal in that. I have had that feeling for a considerable period of time.

Now, there is the probability of a bill being introduced, and when it is introduced you will have a hearing upon that particular bill. We will discuss its various provisions, and doubtless some of them you will oppose and then that bill will be threshed out.

In the meantime I think you can go into court, if you wish to do so, and have, as Chairman Fly intimated, the knowledge that the matter of the rules will be held up by stay order while the case is in court.

Mr. Paley. If you think there is going to be a new radio law, and I certainly devoutly hope so, would not that be the time to have all these considerations looked into? What is the rush here? We have had the law for 14 years and have operated pretty well. Why have these drastic and revolutionary ideas from day to day when broadcasters are giving the best public service any industry has ever been called upon to give?

The Chairman. You will have to ask the Commission about that.

Mr. Paley. We are asking you to hold up the Commission's action by passing this resolution. That is the only way we can have any assurance it will be held up. We can very well wait a year or so if necessary; and if a new law is to be written is not that the time to look into all these things so that we may have a well-rounded radio law? Would not that be better than having the radio industry damaged to a great and unnecessary degree? And that is just what will happen if we have to live under these rules or parts of these rules for the next year or so. Why jump onto something that has rendered pretty good service indeed?

The Chairman. You do not think it necessary to prove that?

Mr. Paley. As a matter of fact I would like to have you see some of the serials that have been gotten out.

The Chairman. I think on the whole the chains have rendered a very good service. On the other hand, I do not think you are lily white by any manner of means in all of your dealings.

Mr. Paley. I agree with that.

The Chairman. Either in your dealings with the Commission or in your dealings with the public or anybody else. But nobody is. Candidly I think every new industry that has come up as chain broadcasting has shows some of these situations, but for a new industry you are less subject to criticism than almost any new industry that has sprung up.

Mr. Paley. Then, what is the rush? Why cannot this thing be held up until you gentlemen here in the Congress have had an opportunity to write a new law that will take care of the advance in the art, that will take care of the changes that have come about since the present law was enacted?

The Chairman. That is a question you will have to propound to the Commission.

Mr. Paley. I did, and my answer was the eight rules and regulations we are now complaining about; and that is why we come before you, to try to get relief. Give us peace while you have an opportunity to examine the whole radio structure. Then, after you have decided what if anything is wrong with us, you can put into the new law those things you think ought to be prohibited, or those things that would spell the kind of regulation you think we should have in the future.

As a matter of fact, even if the Commission has the power now, and let us forget for the moment the question of jurisdiction, they may not be wisely exercising it. They may be doing things you would not go along with.

The radio industry comes to this committee and asks that you give us peace, so that these things may not happen. We ask you to examine this question very carefully and at the end of the hearing give us a law, a well-defined law, under which we may live. We think that is not asking too much.

And now, finally, gentlemen, may I just very briefly tell you why I fell that if the Commission can exert the kind of powers it now seeks to exert, can regulate the whole business of network broadcasting and network station relationship, can impose a whole multitude of conditions under which it threatens to jerk stations' licenses, nobody in broadcasting is going to have the faintest conception of what its ultimate powers may be and nobody is going to be able to call his soul his own.

The whole industry today is harassed, worried and jittery and finds itself threatened and condemned as if its history were shabby and evil. If Chairman Fly can successfully assert the revolutionary powers over the business practices of the networks and the stations, make no mistake about it, gentlemen, his control will be so absolute that we will have in this field regulation by raised eyebrows, in which a nod will put one program on the air and a frown will keep another off. If this type of regulation is dangerous with respect to a business dealing with wholly physical things, how much more deadly is it in the whole realm of information, ideas and culture.

I have heard it argued that since the Commission's lawyers assert the broad powers which we here assail, and our lawyers strenuously deny, the whole issue is one for the courts. May I point out to you that we could well suffer irreparable damage in the years while this legal fight was in progress, and if I am sound in my contentions, the public would suffer with us at the very time when broadcasting should, more than ever before, be a powerful instrument for the public good. If we win, it may well be too late. If we lose on the technical issue of the Commission's power, the important issue of public policy still is this: Did the Congress intend and does the Congress now want a radical revision of the whole broadcasting structure by administrative fiat?

I want to say this. We have been operating under the present law for fourteen years. I believe that every Government department and every defense agency in Washington will tell you that we are doing a job for national defense. Our stations are satisfied, and only a Commission majority, which has been constantly cynical about the major networks, and only a small segment of the industry, are complaining; and this small segment of the industry complains solely in the interest of being enabled to sell commercial programs to the affiliates of other networks. If this monkey wrench is to be thrown into the machinery it should not be thrown at a time like this. I hope you will stay these regulations and work out a new law. Under such a program we can devote ourselves immediately, completely, and fully to our broadcasting again and play an important part in the present emergency.

You have expressed some hesitancy, Senator Wheeler, on the score of how long it will take legislation to go through. I cannot dispute with you as to how long it will take to get new legislation. You know and I do not.

The Chairman. I do not think anybody knows.

Senator White. I can tell you how long it will take to pass it in the Senate if Senator Wheeler gets back of it. He can produce a draft in 24 hours, can get it reported out of his committee in 48 hours, and get it through the Senate in ten days' time.

The Chairman. I will say you are stretching it.

Mr. Paley. I can assure you in complete good faith that the broadcasters will do everything they can to expedite the obtaining of whatever information your committee may want in this connection. I am told that there are Senators on this particular committee who are perfectly competent to work out problems as intricate as ours, with fairness to the public and to all parties concerned, and to do so with reasonable dispatch.

We have told you as earnestly as we can that we believe these regulations really imperil the broadcasting structure of this country. The questions that have been asked by a number of the Senators on this committee, and the statements which have been made have indicated to you about the wisdom of some of these rules. Chairman Fly himself seems to have made some on the spot modifications while he was testifying, and he has just released a telegraphic interpretation of one rule and a formal modification of another. All this casts doubt on the workability of the whole scheme and suggests that the public interest cannot be seriously damaged by holding up the effectiveness of these rules until you can reach your own orderly decision.

We are hopeful that a careful, impartial and judicial examination of broadcasting by Congress will provide us with a law that is clear and a manner of administration that is fair.

We are hopeful that as a result of your deliberations we will no longer be besieged by doubt and confusion and threatened with punitive action, and that we will be allowed to bend our energies toward evolving a constantly improving broadcasting service.

We are hopeful that an investigation such as is called for by the White Resolution will provide a law that insures freedom of the air and eliminates the threats which radio is now facing.

We are hopeful of all these thngs, and I am convinced they can be accomplished.

First of all, I do not think that the primary issue before this committee is a question of jurisdiction, because, after all, if the

Commission did not have jurisdiction, if it exceeded its powers and if we can get into court to test that—and about that there are some handicaps which I will explain later, pursuant to Senator White's suggestion that we address ourselves to the question of procedure—why, then, we will get to court, and if we are right, the action of the Commission will be set aside.

But, as has been pointed out by Senator Johnson and mentioned by Mr. Ethridge, the Supreme Court has recently pointed out how limited is the scope of judicial review in administrative affairs. In the Pottsville case Mr. Justice Frankfurter practically invited those who quarrel with the wisdom or lack of wisdom on the part of administrative agencies to come to Congress, saying, in effect, that Congress is the agency to correct administrative mischief.

The Chairman. Of course the reason he probably said that was to "pass the buck" back to Congress.

Mr. Burns. I do not think that is so, Senator Wheeler. Apart from any judgment you might want to express about the Court, I think for the last ten years there has been a steady development in our system whereby the courts, either because of words in the statutes or because of a feeling that under our constitutional system it is not a judicial task to review administrative action, they have said, "We will only look to see whether or not errors of law have been committed."

Where can you go except to this committee? We say, quite apart from the issue of jurisdiction, that these regulations are unwise. The issue of jurisdiction is important, because if the Chairman and his majority associates have acted without jurisdiction, it certainly throws light upon the question of wisdom. Secondly, in the Supreme Court it may well be that our activities will be so circumscribed that serious damage to private and public interests will have been brought about.

The Chairman. I think that there probably is a very close question as to whether or not the Commission has jurisdiction in certain instances. Of course if it has exceeded its jurisdiction, certainly the courts would take cognizance of that and say that it had exceeded its jurisdiction; there is not any question about that.

Mr. Burns. But, in the meantime, we may have been very seriously damaged, because it may take a year or a year and a half before that issue is ultimately decided; and in any event we will be back here, because when a commission can make a judgment after 14 years, and when you have considered the other factors which have been brought out here, and additional ones which I hope to call to your mind, it is plain that the law needs clarification; it has to be stream-lined and brought up to date, because 14 years ago what is today a major force in radio broadcasting, namely, the networks, was virtually unknown. Certainly networks were unknown in so far as their present operation is concerned.

The quarrel we have with the Commission is that it did not pay any attention to our evidence but went ahead on preconceived prejudices, and out of it came first the committee report. Some of you Senators are familiar with the shortcomings of that report, where it was shown in a committee hearing that it was false in many particulars.

When the question of writing the Commission report was undertaken, smarter gentlemen were called in as draftsmen, because it is a slicker, more crafty, more clever, and more workmanlike job, but it still does not reflect what the testimony was before that Commission.

The only evidence dealing with exclusivity and time option was what we ourselves offered and what was offered by Mutual. But even Mutual only pointed out that the combination of exclusivity and time option made their access to the markets rather difficult. Even they did not offer any evidence on the question of what would be the practical effect on the advertising business if these practices were abolished.

We had no idea while that was going on that the Commission had designs on the contractual provisions of the station outlet contract. It is true that they wanted them, and they went into them. On cross-examination they asked questions as to how they operated. But the Commission did not put on an advertising expert. It did not even put on an expert from its own staff to contradict our evidence that the abolishment of these two tuochstones of the present radio network business would be serious.

The Chairman. It was not necessary for them to put it on. In the trial of lawsuits you sometimes prove your case by your adversary's witnesses.

Mr. Burns. I give you my word that that was not this kind of case.

I am not going to take your time to read excerpts from the record, but I suggest that this record should show reference to page 57, where there is a beautiful example of the lack of logic on the part of the authors of this report. They proceed from hypothetical instances of probability and they draw sweeping conclusions of certainty. They do not even salt it with a phrase, "Well, perhaps," but they say, "Certainly this will happen."

Senator White. They proceed on the basis that what is possible is probable and may be assumed to be true.

The Chairman. One thing I have never been able to understand about the Commission is why in certain instances they deny a station on some particular ground and grant it to somebody else where the same identical objections are raised. Is not that due, to a large extent, to the engineering side of it?

Mr. Trammell. Senator, of course I cannot answer that, but here is a case where the interference in Cleveland would be up to the 4.8 millivolt line, and the Commission has subsequently, in spite of the need, as Mutual has stated here, for a full time station in Cleveland, denied the application, and later in other cities it has granted applications where the interference was much greater.

The Chairman. Perhaps the political pull was not as great in Cleveland as it was some place else. That is really one of the bad things that have gone on down at the Commission, that there has been too much favoritism shown here or there. I do not think that NBC has suffered any from it.

Mr. Trammell. I would not know anything about that, Senator.

The Chairman. No; I know you would not. I do not think NBC or Columbia either, has suffered any at all.

Mr. Trammell. We have certainly not opposed any station coming into Cleveland, Senator.

The Chairman. No; I did not mean to infer that you had.

There is another thing: The Commission goes ahead without hearings and grants licenses or transfers, and in other instances it holds hearings. It seems to me there ought to be a general rule laid down by the Commission so that everybody who comes in there, regardless of whether he is poor or rich, or whether he is influential or whether he has political backing or not, would know what is going to happen, and that rule should be adhered to.

Mr. Trammell. I agree with you fully.

The Chairman. I think some of the things done in that respect are outrageous. That is one of the reasons why the Interstate Commerce Commission with all of its difficult problems has certainly in my time not been accused of being influenced by members of Congress. I certainly would hate to try to do it myself.

Senator White. Mr. Chairman, you have made a good statement on that score and I will remain silent. I have some ideas myself on that subject but will let your statement stand for me, if you do not object.

I note in the Wednesday, June 18, 1941 issue of Variety, a headline reading: "Rivals Exploit Radio Grief. Say Air Ads to

Cost More. Network Sales Departments Aware of Newspaper and Magazine Contact Staffs Making Capital of Present Trouble with FCC—but They Are Readying Counter-Blasts When Hearings Are Out of Way."

The Chairman. What is that paper?

Mr. Trammell. That is Variety.

The Chairman. That does not worry you very much?

Mr. Trammell. I do say this, Senator: Without our being able to deliver stations, without having any option time, and in trying to sell coast to coast, advertisers will be going into other media.

The Chairman. Frankly, I cannot see very much excuse for not giving you option time. I may be wrong about it, but I cannot see very much reason why you should not be able to have it. If I wanted to give you an option on some of my time, I do not see any reason why I should not be permitted to give you some option time. I am frank to say that, unless there is some reason I do not know of now, I think the Commission is wrong in saying you should not have any option time at all.

Chairman Interprets Regulations

In response to many requests made to him for a brief interpretation of the Federal Communications Commission's new chain broadcasting regulations, Chairman James Lawrence Fly today released the text of a recent telegram to a broadcast station covering certain phases of this subject:

"May 24, 1941
Day Letter Prepaid

"Mr. Gordon P. Brown
Radio Station WSAY
192 S. Goodman Street
Rochester, New York.

Retel May 23 you are authorized to release following statement as my interpretation of the chain broadcasting regulations. The regulations do not prohibit a contract establishing a network and station affiliation whereby a network agrees to offer all its programs to one particular station in a community. However, the station must make a reasonably prompt determination whether it will carry any program and there can be no restriction upon the right of other stations in the community to make arrangements for the broadcast of any refused or rejected programs. Nor do the regulations prohibit a contract whereby a station agrees to take all the programs of a network if the time is available when such programs are offered, subject to the station's right to refuse or reject the programs pursuant to section 3.105 of the regulations.

James Lawrence Fly,
Chairman, Federal Communications Commission."

Chairman's Letter to Committee

Chairman Fly made public the text of a letter he has addressed to Senator Burton K. Wheeler, Chairman of the Senate Interstate Commerce Committee. It reads as follows:

"June 14, 1941.

"The Honorable
Burton K. Wheeler,
United States Senate,
Washington, D. C.

Dear Senator Wheeler:

"I shall, of course, remain at the service of the Committee during the course of the current investigation and shall be prepared to appear later to assist the Committee to the best of my ability. Meanwhile, I think it may be helpful to comment now on two significant points mentioned by recent witnesess:

"1. Witnesses have urged that the large stations may take over the good programs from the small stations. On the contrary we have consistently pointed out that a station may make a contract with a network which will give that station first call upon all the network's programs. This being true, no station can deprive another station of its network programs unless the latter station, itself, has voluntarily rejected those programs. This was made clear in my telegram to Gordon Brown of Rochester, New York, on May 24. For the information of the Committee, I attach herewith a copy of that telegram. I have checked the point with the Commission and we are agreed upon the foregoing construction of the rule.

"2. It has been suggested that there has been a reversal of the practice by which the Commission has maintained a station on the air throughout the administrative proceedings and throughout the litigation involving the question as to whether the station should continue on the air. This is a long-standing policy of the Commission and this is the policy which I, as Chairman of the Commission, assured the Committee would be applied in connection with the antimonopoly rules. The case urged upon your Committee was that involving the *granting* of nighttime operation to Station WHDH at Boston on the same wave length as Station KOA at Denver. KOA unsuccessfully sought to stay the grant to WHDH. There was no threat to the continued existence of KOA as a 50 kw station and there is no real impairment of its day or night service. Permitting the Boston station to operate at night during the period of litigation is a far cry from the notion that the license of any station would be *terminated* without a completion of any judicial proceeding involving that question.

Respectfully yours,

James Lawrence Fly,
Chairman."

Commission Clarifies "Blue" Order

To clarify the Commission's intent that the National Broadcasting Company shall have ample time in which to dispose of one of its two networks in order to conform to the new chain broadcasting regulations, the FCC amended the last paragraph of its order of May 2 so as to leave no question but that the stipulated 90-day deferment period pertains to disposal of one NBC network as well as to the disposition of individual stations by networks, and, further, that the effective date of compliance in either case "may be extended from time to time in order to permit the orderly disposition of properties."

The concluding paragraph of the order, as amended, now reads:

"IT IS FURTHER ORDERED, That these regulations shall become effective immediately: *Provided,* That, with respect to existing contracts, arrangements, or understandings, or network organization station licenses, or the maintenance of more than one network by a single network organization, the effective date shall be deferred for 90 days from the date (May 2, 1941) of this Order: *Provided further,* That the effective date of Regulation 3.106 with respect to any station and of Regulation 3.107 may be extended from time to time in order to permit the orderly disposition of properties."

In thus clarifying its purpose that the networks and stations concerned shall have ample time for adjusting themselves to the new requirements, the Commission points out that it is now permissible for stations to enter into new affiliation contracts with NBC, pending disposal by the latter of one of its networks, if such contracts satisfy all other requirements of the May 2 regulations.

Technicians Shortage

Following is a summary of a survey of the shortage of broadcast technicians which the NAB is sending to the National Selective Service Board. That board, if it finds it advisable, can recommend that local boards give special consideration to broadcast technicians. Under the law, no blanket exemptions are permitted. Broadcasters may be able to use this information to advantage in discussing individual problems with local boards.

Seventy-six percent of the radio technicians employed by the Broadcasting Industry May 1, 1941, are either within the Selective Service ages 21-35 or hold reserve commissions.

More than six percent of the radio technicians have been drawn from the industry to the armed forces by Selective Service, enlistment or call to duty as reservists. Three percent of presently employed technicians hold reserve commissions and are subject to immediate call. Twenty-three percent of presently employed technicians are single men, subject to early Selective Service call.

In addition, heavy toll in technical ranks has been taken by the FCC, apparently for monitoring service; by the Civil Service Commission for specialized training courses; by other Federal Agencies, and by other defense industries in need of men with such training.

This heavy drain is not being replaced. Training schools which formerly trained men for technical positions in the broadcasting industry are now devoting their entire facilities to training men for Army, Navy and Aircraft communications services.

The stringency of the situation is reflected in the majority of stations reporting difficulty in securing technical replacements. Many stations report inability to obtain any replacements and are forced to operate "short-handed" with costly over-time payments. Others have been forced to take inexperienced replacements who lack the required FCC operator's license and are of little value until trained for six months. Those reporting no particular difficulty yet are, for the most part, larger stations. These have drawn relpacements from the ranks of the smaller stations by the ability to pay higher salaries.

As of the time of this survey the situation is difficult, but the above facts reveal that it is rapidly moving to a point where continued operation of the nation's broadcast stations is endangered.

BMI

BMI Composers Hit the Jack Pot

Broadcast Music, Inc., announced today that checks were being sent out to authors and composers in compensation for the performance of their works on the air during the first quarter of 1941. This marks the first time in the history of music that authors and composers have been paid performance royalties on popular music in direct ratio to the performance of their compositions in the United States. They are receiving 2c per performance per station, representing double the amount which BMI originally stated it would pay. In the case of a network hookup, payment is made for each participating station. Publishers' payments will go out next week and will include a 1c bonus per performance per station over the contract price.

Under the BMI system of performance payments, individual hit numbers earned from $800 to $1200 for their writers in the first quarter of this year. Research reveals that the amount BMI is paying on performances for a hit number for a quarter-year is higher than that paid heretofore to all but approximately 175 writers for the performance of their works for an entire year.

Authors and composers of BMI hits are individually receiving more than five thousand dollars a quarter from their combined royalties (air, sheet music and mechanicals). These payments are going to writers who, for the most part, have not been able to earn any money from their talents for musical composition prior to the formation of BMI.

ASCAP Decrees Suit

ASCAP has announced that it has authorized its legal counsel to institute civil suit for damages under the Sherman Anti-Trust Act against the NAB, BMI, NBC and CBS. The suit, if brought, will be vigorously defended.

New Radio Logging Begins

The radio log and program analysis of popular music compiled by the Office of Research, Radio Division, and directed by Dr. John G. Peatman, Professor of Psychology of the College of the City of New York, got under way on Monday, June 16th with the most complete records of performance which have been made available. BMI is financing the research job by Dr. Peatman following a refusal by the Accurate Reporting Service to check performances on all New York Stations. The work is done both day and night and distributed the following morning to those interested in performance compilations. The figures constitute a valuable record which will be useful later on in combining trend studies in regard to popular music.

Suit to Clarify Performance Rights in Marks' Songs

Broadcast Music, Inc. and Edward B. Marks Music Corporation commenced suit against ASCAP for a declaratory judgment in the Supreme Court of New York today (Wednesday). The action is a test case which does not seek damages but asks that "the court declare the rights and other legal relations of the plaintiffs and ASCAP" in certain musical compositions. The compositions selected for the test case are *Bluer Than Blue* by Lew Pollack and Tot Seymour, *You Fit Into The Picture* by Bud Green and Jesse Greer, and *Mississippi River* by J. Rosamond Johnson and Frank Abbott. All of the composers of these compositions, except Abbott, are members of ASCAP.

Edward B. Marks Music Corporation resigned from ASCAP at the end of 1940 and granted all of its performing rights in the works included in their catalogue to BMI. The suit does not involve in any way the numbers in the Marks' catalogue which are presently being performed by BMI licensees. However, BMI has to date voluntarily refrained from the performance of works written by ASCAP members during the period of their membership in ASCAP as ASCAP has asserted certain rights in these works.

BMI officials pointed out that a clarification of the issues involved would be beneficial to all parties concerned and to the public as the result of ASCAP's claims has been to prevent certain works from being performed. Under the agreements between ASCAP writers and their respective publishers, an executive of BMI said, ASCAP writers assigned all of the performing rights in their works to their publishers. As a result, Edward B. Marks Music Corporation claims that it owns all of the performing rights in the works named in the suit. ASCAP has not hitherto made clear whether it contends that the performing rights under these works are the property of ASCAP's publisher members or ASCAP's composer members. The suit is intended to have the court declare who owns the rights so that the compositions involved will be available for performance.

Let's Look at the Record

Listening to musical radio programs has increased since January 1st.

The "vested interests" of the musical world said it couldn't be done. They said that after January 1st, 1941 the public would stop listening to musical programs on the radio. They said their music was indispensable.

What actually happened? Let's look at the record.

Average C.A.B. Rating for Period	*Popular Music*	*Concert Music*
Jan. 1940 to April 20, 1940	10.0	9.6
Jan. 1941 to April 20. 1941	10.2	10.2
Percent of Increase 1941 over 1940	2.0%	6.2%

Listening to musical programs went up. This increase ran against the general listening trend. More network programs of popular music are being sponsored. The Hooper analysis shows an increase of 9% in the number of hours devoted to sponsored popular music on networks.

Musical Feast

There are so many solid hits now among the BMI controlled tunes that coin machines are not only reaping a harvest, but records are selling unusually well. The *Hut Sut Song* is the sensation of the year having climbed to the top more rapidly than any other song this season.

Amapola is still going strong; *G'bye Now* is fighting for the top and *My Sister And I*, *Maria Elena* and *Daddy* are all in the first division. Coming into the spot light of popularity are, *Everything Happens To Me, A Little Bit South of North Carolina, Green Eyes, Let's Get Away From It All, Friendly Tavern Polka,* and *The Things I Love.* Among the possibilities, Billboard has this to say in regard to BMI's *The Reluctant Dragon:* "This song comes from the soon-to-be-released Walt Disney movie cartoon feature of the same title. It is quite possible that it may be a strong follow-up to the currently popular *Daddy*".

BMI FEATURE TUNES

June 23 - June 30

1. I WENT OUT OF MY WAY
2. ALL ALONE AND LONELY
3. MY SISTER AND I
4. WISE OLD OWL
5. WALKIN' BY THE RIVER
6. BECAUSE OF YOU
7. G'BYE NOW
8. WHAT D'YA HEAR FROM YOUR HEART
9. HERE'S MY HEART
10. WITH A TWIST OF THE WRIST
11. THE RELUCTANT DRAGON

In preparation: *Wasn't It You* by the writers of *You Walk By*

"Dipping Into the Claret"

Under date of June 18th, *Variety* points out in a Hollywood dispatch that a lifetime studio job awaits the songwriter who can get picture tunes on the air. Says the correspondent:

> "Understood studio heads have grapevined the word that the one who comes through with a solution to the problem goes on the payroll for life, or rather the life of the studio. Unique arrangement is the result of the alarm felt at 20th-Fox and other major studio front offices over the dismal grosses of musicals. Since the first of the year, when the broadcasters broke with ASCAP, not a single musical has earned its keep and the red smears are said to be broad and scarlet. . . .
>
> "While in somewhat of a dilemma over the reasons behind tobogganing grosses, studio heads concede it is no secret why musicals are hitting so many sour notes at the box office. It is pointed out that in previous depressions in picture revenue, musicals more than held their own and showed profit where the others dipped into the claret. Once back on NBC and CBS, to get the millions of listeners humming and whistling ditties from the filmusicals, it is assumed that biz will take the upbeat fast-like. In support of this contention they have but to scan receipts of musicals released prior to the muting of ASCAP tunes on the major webs. Black ink was used with few exceptions."

Labor

Pay Averages

Radio's 21,646 full time employees the week of October 13, 1940, received an average of $47.13—probably the highest weekly wage in any industry in the country. This average compared with $45.92 the corresponding week of 1939, and with $45.12 the week of March 6, 1938.

These figures are based on statistics made public by the FCC. They do *not* include the employees of advertising agencies and thus do not reflect the pay of stars on the big commercial shows.

Here are some of the averages for classifications of most interest:

	Stations	*Networks*
All Executives	84.69	251.68
Operators	40.49	62.05
Production	41.03	62.56
Writers	32.43	57.99
Announcers	34.63	61.86
Staff Musicians	48.01	111.92
Outside Salesmen	55.59	105.22

ACA Plans

The ACA (C.I.O.) has decided to concentrate its drive to organize broadcasting employees to the area "bounded roughly on the north by the Great Lakes, on the east by Boston, on the south by Virginia and on the west by Pittsburgh." This was decided at an executive committee meeting May 17 in Philadelphia.

Cost of Living

The Labor Department reports that the cost of living advanced 0.7 per cent from April 15 to May 15, and on the latter date was 2.4 per cent above the level of last June. The increase since August, 1939, has been 4.4 per cent.

A. F. of M. Convention

The Seattle convention of the A. F. of M. directed the union's executive board to "make every endeavor . . . at the earliest possible moment" to solve what the delegates apparently thought was an extremely serious situation growing out of the use of recordings.

This action was taken in lieu of action on several resolutions directed at the making and use of recordings.

The convention rejected a resolution which would have revoked a recent rule by the national officers against the announcement of engagements by bands playing on the radio.

All officers were reelected, and Dallas, Texas, was chosen for the next convention.

James C. Petrillo opened the convention with a lengthy attack on Thurman Arnold.

Sales

Please direct this section to the attention of your sales manager.

Bankers Hear Talk on Radio

Representing the NAB, Craig Lawrence, commercial manager of the Iowa Broadcasting Co. and member of the NAB Sales Managers' Executive committee, addressed the annual convention of the American Industrial Bankers Association June 17, at Colorado Springs, Colo., on "Radio and the Industrial Banker."

Highlights of Mr. Lawrence's speech are given here. A limited number of complete copies of the talk are available free upon request while they last.

Broadcasting is one of the greatest social forces of our time, as its growth during the past ten years will illustrate. In 1930 there were 12 million radio homes in the United States; in 1940, over 29 million, a gain of 250 per cent. In 1930 there were no automobile sets; last year there were 8 million. Ten years ago the total sets in use were 13 million; today we have the staggering total of *50 million sets*, exceeding the number of telephones, electric refrigerators and washing machines combined.

Radio has an especially significant social aspect, representing the quickest way to communicate with our millions of citizens. Seventy per cent of the radio homes in the United States—the Glutzes and the Morganbilts—heard President Roosevelt declare a total emergency, *by radio,* meaning that 90 million people in over 20 million homes were listening.

Although a child of the depression years, radio advertising has increased from a gross of 62 million dollars in 1930 to 207 millions in 1940. While radio was *increasing 850 per cent,* magazine advertising declined 30 per cent, newspaper declined 31 per cent, outdoor declined 41 per cent, and farm paper advertising fell 51 per cent—chiefly because radio is extremely sound as a social force.

The real meat of radio consists not merely of entertainment, but in the free services given the radio public: the broadcasting of News, fast, assurate, unbiased; of such undramatic things as weather forecasts, temperature reports, livestock and grain quotations, and other public service features of that type. It is the broadcasting of King Edward's abdication speech, a Roosevelt Fireside Chat, Winston Churchill reporting to an empire, America's Town Meeting of the Air, a Toscannini Symphony, the New York Philharmonic, and dozens of other educational and cultural features for men, women and children. That's why Americans listen to 50 million radio sets an average of four and one-half hours per day. That's what really makes broadcasting.

David Sarnoff has said "The richest man cannot buy for himself what the poorest man gets free by radio." That is radio as a social force. *To me it is actually remarkable that business men are permitted to buy advertising (and fellows like me are permitted to sell it) in connection with an instrument of so much public influence. It could probably only happen in America. Yet, that is what has built American broadcasting and that is why the American public gets the most complete, the most satisfactory and the most expensive radio service in the world today.*

Comparison of Media

Since our organization publishes four newspapers and operates four radio stations, I can regard both forms without prejudice. They have several points in common: circulation, space, and selling copy.

In all media, circulation is *potential:* the total distribution of newspapers and total number of radio homes; and it is *actual:* the number that actually *sees* or *hears* your advertisement. Radio leads among all media in establishing means of learning the actual circulation of its programs. Continuous listener check-ups, organizations such as the C.A.B., the C. E. Hooper Co. and others are constantly enabling advertisers to follow the trends of their programs, and making it easier to buy radio because it is the only medium so far in which there is a constant over-all check-up of *net,* or *actual,* circulation.

The primary function of the newspaper advertisement or the radio program is to attract attention and arouse interest. In the newspaper this is done by the proper combination of layout, art work and heading; in radio by a well-balanced, well-produced program of entertainment or service value. The size of the ad or length of the program has a bearing on the amount of *actual* circulation you get, and the favorable setting created for the selling copy.

In both media, selling copy must complete the job, because all media are only a means of contact between you and your prospect. You can influence your results by the effectiveness of what you say.

The one big advantage radio enjoys is the human voice. Since time began the voice has been the natural and most used form of communication, and now through the miracle of radio it reaches bigger audiences than were ever before possible by any means. Our educational system is based on it (what if we had to depend entirely upon correspondence schools?); most business is conducted upon exchange of ideas or agreements through the spoken word. You can complete arrangements for a loan with a man and his wife much easier in your office than you can by mail. Experiments by institutions such as Harvard and Ohio State College show that the ear gets information easier and retains it longer than the eye.

To advertise your product, which is money, first give plenty of attention to the subject of whom you wish to reach and the best way of doing it. Who are your prospects? What type of people are they? How do they live? Are they married or single?

Radio is an extremely elastic medium. You can build your program or select your time to reach any type of person, or any income group; by using the proper program content you can control your circulation to an amazing degree.

Borrowing or investing money is a serious concern in the business of running a home, decided nine times out of ten by the board of directors which consists of Mr. and Mrs. America. Here is another of radio's unique advantages; you have the family board of directors together, listening to your program. There is no competition from any other advertising at the time they are listening, no big or little advertisements playing around on all sides of it, vying for their attention—extremely important from a sales and public relations standpoint. *Radio's ability to deliver uninterrupted and undivided attention for your message in the homes of your prospects is definitely worth money to you.*

The Federal Home Loan Bank System, querying its 1200 members, learned that the average spent by each of these on radio advertising was $898 per year, but the most successful advertisers spent more than that. When expenditures were over $1000 the ratio of satisfied sponsors to dissatisfied sponsors was three to one; the average expenditure of those experiencing good or excellent results was $1518 per year, and the average duration of their campaign was 32.3 weeks per year. There is a great argument there for *consistency,* true of any advertising but particularly true of radio.

The most satisfactory unit of time was 15 minutes; next, 5 minutes; next, one minute, and next, 30 minutes. The most satisfactory frequency was a five-per-week schedule for programs; most announcement users were on the air either six or seven days per week. One-third of all campaigns consisted of spot announcements; music and News programs ranked next, and News sponsors reported the highest proportion of good or excellent results.

Answers to Questions

"Which is most effective, intensive broadcasting or periodic broadcasting?" Unless your short-time schedule is very sensational, it will probable not be as effective as regular, consistent, 52-week advertising, because of the habit-forming characteristics of radio, because constant repetition in selling is a strong factor, because of the economy of frequency discounts. Stop-and-go advertising is often expensive.

"What percentage of the budget should be devoted to radio?" That depends upon the size of the total appropriation, competition and other factors. To do a thorough, consistent job, in some cases it might require 90 percent, or 50 percent, or only 15 or 20 percent.

"What type of radio is most effective?" The Federal Savings and Loan report lists News and popular music programs as highly effective, but also shows a great variety including news commentators, five-minute talks, Musical Clocks, women's participating programs, man-on-the-street, historical, little-known facts about the city, etc. Let's put it this way: find a program with a built-up audience among the type of people you want to reach, at a time they are available, or build one which will create such an audience quickly. I suggest you put the burden of proof and selection on the radio station; all radio men I know are anxious to get results for their advertisers. Talk over your problems, the type of people who borrow or invest with you, determine your budget, and let him deliver the maximum on your investment.

"Do you recommend large stations and fewer announcements or programs, or small stations and more advertising for the same budget?" This depends on the coverage you want, relative station popularity, and whether or not your budget will buy a consistent, adequate service

"Is radio more effective in large or small cities?" There is practically no difference; radio success stories come from markets of all sizes.

"Is it effective for a small company in a large city?" Especially so; few people can compare one institution with another and tell which is bigger or more substantial, and very few care to look at financial statements to find out. To them the size of the company *is whatever they make it in their own minds.* In creating this mental picture of your business and the desirability of doing business with you, they depend upon your advertising. A small business, advertising creditably on a good radio station in association with leading advertisers, benefits from this association.

"How much commercial should a 15-minute News program contain?" This is a matter of judgment, of course, but generally not over 2½ to 3 minutes, preferably divided into two sales talks at approximately the 5-minute and 12-minute points, and with the commercials in the same tempo and mood as the program itself.

"What times and frequency are most effective for spot announcements?" Personally, we have had best results from spot announcements scheduled three or more times per day, seven days per week. A morning-afternoon-and-evening schedule gives you a very large circulation; otherwise, times should be selected to reach the type of audience you want.

"What length of campaign is most effective?" I would say that your first contract should preferably be for 52 weeks, with 26 weeks as a minimum. A large agency states that from its records it can usually gauge a program's success at the end of the 26th week. Their formula requires checks at the end of the 6th, 13th and 26th weeks; they say the 13-week response should double the 6th, and the 26th should double the 13th. Some programs draw immediate response; others require a longer build-up. I recall one large bakery which saw no sales increase at the end of 11 weeks, and almost cancelled the program which later the same year gave them increases up to 25 per cent of their monthly volume.

"Can 50-word announcements have real advertising pull?" Absolutely, if you have an interesting story to tell. The highlights can easily be told in 50 words.

"What type of bank clients are secured by radio advertising?" Mr. Pittman, president of the Morris Plan Bank of Philadelphia, says: "We were told before our broadcast started that radio would reach a lower income group mass audience; however, we found that many of our new customers came from a higher income group than our advertising had previously attracted. The size of our average loan increased 21 per cent in the first eight months of our radio campaign. Results not only kept pace but each succeeding month produced greater results than the previous one. During our first year on the air our loan volume increased 51.7 per cent over the same period the previous year; our savings increased by the unbelievable total of 152.9 per cent." This firm sponsors a daily evening News broadcast.

Let me add an evangelistic note. *More people are listening to more radio sets more hours every day than ever before, because radio is basically sound, is the most direct and fastest means of communication in existence today, and is one of the greatest social forces of our time.* In any business, such as yours, where public relations is such a vital factor, you must look to the future. Advertising, your chief means of public relations, is also communication, and communication changes. The jungle method of smoke fires and tom-toms seems ludicrous today. Who knows what the next ten years will bring, such as in the fields of frequency modulation and television? In other words, radio is of today and tomorrow. Every business firm which is in tune with progress and is looking to its future will do well to begin to use radio broadcasting, and find the most effective formula for its use today. It is something that will pay great dividends—immediately and in the years to come.

Per-Inquiry and Free Offers

Regnis Advertising, New York, is seeking per-inquiry deals for the **Nu-Phonic Corporation,** manufacturers of phonograph records.

Metropolitan Life Insurance Co., New York, offers a free "information service" to broadcasters.

Miami Beach, Fla., is reported by NAB members as securing considerable free radio time by promoting a contest to select the "Radio Queen of the South." In a newspaper publicity story the contest director boasts that last year's contest "produced some $7,000 in free radio publicity for Miami Beach." Comments an NAB member: "This prejudices the opportunity of selling resort advertising. Potential advertising from municipalities, chambers of commerce and individuals with resorts and vacation spots can constitute a sizeable amount of business, but if we give it away we have little chance of ever selling it."

Ringling Brothers Circus, through its advance man, is reported to be offering passes in exchange for time.

Correction in Dates

In the article on "Effective Retail Selling" by Bruff Olin published here in the June 6 issue, it was said that "a better-than-average half-page newspaper advertisement is read by less than 10 per cent of a newspaper's circulation" according to EDITOR & PUBLISHER of February 8, 1940. The date should be the issue of February 8, 1930.

Legislation

New Recording, Libel Laws

Florida legislation effective June 12 abolished any asserted common law rights to collect royalties on the recorded performances embodied in phonograph records and electrical transcriptions once the records and transcriptions are sold in commerce for use in Florida. This act, in effect, writes the holding of the court in *RCA* v. *Whiteman* into the statute law of Florida.

The act is as follows:

An Act to prevent claims for additional compensation, fees or payment after sale of phonograph records, transcriptions or any form of recorded music and entertainment, or collection of licenses for the use of same after sale, by any performing artist, manufacturer or organization representing such performing artist or manufacturer, and to protect the purchaser thereof in its or their use for any purpose whatsoever.

Be it enacted by the Legislature of the State of Florida:

Section 1. When any phonograph record or electrical transcription, upon which musical performances are embodied, is sold in commerce for use within this State, all asserted common law rights to further restrict or to collect royalties on the commercial use made of any such recorded performances by any person is hereby abrogated and expressly repealed. When such article or chattel has been sold in commerce, any asserted intangible rights shall be deemed to have passed to the purchaser upon the purchase of the chattel itself, and the right to further restrict the use made of phonograph records or electrical transcriptions, whose sole value is in their use, is hereby forbidden and abrogated.

Section 2. Nothing in this Act shall be deemed to deny the rights granted any person by the United States Copyright laws. The sole intendment of this enactment is to abolish any common law rights attaching to phonograph records and electrical transcriptions, whose sole value is in their use, and to forbid further restrictions or the collection of subsequent fees and royalties on phonograph records and electrical transcriptions by performers who were paid for the initial performance at the recording thereof.

Section 3. If any section in this Act or any part of any section shall be declared invalid or unconstitutional such declaration of invalidity shall not affect the validity of the remaining portions hereof.

Section 4. All acts or parts of acts in conflict herewith are hereby expressly repealed.

Section 5. This Act shall take effect upon its approval by the Governor.

Approved June 12, 1941.

Also on June 12, an amendment to the Florida libel law became effective. By this amendment a radio station has the right, but is not compelled, to require the submission of written script 24 hours before the time of broadcast. If submission of the script is so required, the station is freed from liability for any libelous or slanderous utterances broadcast which were not contained in the script.

The amendment is as follows:

> An Act to amend Section 1 of Chapter 19616 Laws of Florida, Acts of 1939 entitled "An Act in Relation to the Civil Liability of Owners, Lessees, Licensees and Operators of Radio Broadcasting Stations and the Agents and Employees of Any Such Owner, Lessee, Licensee or Operator, for Radio Defamation or Libelous Statements."
>
> Be it enacted by the Legislature of the State of Florida:
>
> Section 1. That section 1 of chapter 19616 laws of Florida, 1939, be and it is hereby amended to read as follows:
>
> "Section 1. The owner, lessee, licensee or operator of a radio broadcasting station shall have the right, but shall not be compelled, to require the submission of a written copy of any statement intended to be broadcast over such station twenty-four hours before the time of the intended broadcast thereof; and when such owner, lessee, licensee or operator has so required the submission of such copy, such owner, lessee, licensee or operator shall not be liable in damages for any libelous or slanderous utterance made by or for the person or party submitting a copy of such proposed broadcast which is not contained in such copy; but this Act shall not be construed to relieve the person or party, or the agents or servants of such person or party, making any such libelous or slanderous utterance from liability therefor."
>
> Section 2. If any section in this Act or any part of any section shall be declared invalid or unconstitutional such declaration of invalidity shall not affect the validity of the remaining portions hereof.
>
> Section 3. All acts or parts of acts in conflict herewith are hereby expressly repealed.
>
> Section 4. This Act shall take effect upon its approval by the Governor.
>
> Approved June 12, 1941.

National Defense

Radio Men in Service

KNX—Los Angeles

- George G. Carter, Company L. 53rd Infantry, Fort Ord, Cal.
- Robert T. Hall, Company A, 76th Infantry, Camp Roberts, San Miguel, Cal.
- Alden C. Packard, U. S. N. R., USS Albermarle, % Postmaster, New York, N. Y.
- George R. Haysel, Comm. 9, 3rd Student Training Bn. Officers, Infantry School, Fort Benning, Ga. After August at Fort Ord, Cal.
- Glenn Y. Middleton, Company D, 79th Infantry, Camp Roberts, Cal.
- Jack Clinton, Aviation Cadet, Class I-C, Room 106, Bldg. 24-6, Naval Air Station, Corpus Christi, Texas.
- Erle Frady, Headquarters Company, 17th Infantry, Fort Ord, Cal.

KFDM—Beaumont

- Al Donaldson, U. S. N. R., Charleston, S. C.
- Leon Taylor, Fort Sam Houston, San Antonio, Texas. Intelligence Service, Headquarters Troop, Third Army.

WCAO—Baltimore

- Captain Francis R. Dice, 175th Infantry—"C" Barracks, Room 20, Fort Meade, Maryland.
- Private Raymond R. Moffett. Company "B"—7th Engineering Training Battalion, Engineer Replacement Center, Fort Belvoir, Virginia.

War Department Transcriptions

It is understood that the FCC has approved War Department transcription programs containing incidental personal messages.

Gilbert Newsome

Edward E. Bishop, WGH, Norfolk, Va., asks for information as to the whereabouts of Gilbert Newsome, an announcer.

Father Burk

Father W. A. Burk, S. J., has had another serious heart attack which has made it impossible for him to return from St. Louis to Station WWL, New Orleans, as planned. Although the date of Father Burk's return to radio is now indefinite, the NAB and all its members join in hoping that it will be soon.

FEDERAL COMMUNICATIONS COMMISSION

FCC Refuses Stay

The FCC on June 12 refused to stay its decision of April 1, pending appeal by NBC, of an order permitting Station WHDH, Boston, to share a "clear channel" with Station KOA, Denver. Said Chairman Fly in his "specially concurring" opinion:

> For the reasons stated above and particularly since there is no real injury to Station KOA, and since Station WHDH moves forward with knowledge of any legal risks involved, I concur in the foregoing decision denying the stay. The Commission heretofore has arrived at a final decision upon the merits of this case, in which I did not participate, and I do not want by expressing any opinion on a procedural matter to be understood as expressing an opinion on the merits of the decision. At the same time I entertain no doubt as to its legality.
>
> Great waste results from the fact that clear channel stations whose *raison d'etre* is to serve over great distances and in vast rural areas of the country, have to a great extent been concentrated along the coasts and the borders of the country. The power is impacted into the lucrative markets of large metropolitan areas which are already fully served, if, in fact, not over served, while a great portion of the signal strength of the clear channel station is wasted upon the sea. Thus, while listeners in New York, Chicago, and Los Angeles may tune in on a dozen stations, there are vast rural regions in upper New England, in some areas of the South, and in the great trans-Mississippi area where the listening public has difficulty in receiving programs of even one station. The need for a studious, careful appraisal of this vital problem is apparent. If the clear channel wave lengths are to be further exploited, the plans for that exploitation ought to be made in the light of these dominant factors and as a result of a full study.

"Little Brooklyn Cases"

Though radio stations have "a recognized duty to present well rounded programs on subjects which may be fairly said to constitute public controversies of the day within the framework of our democratic system of government," the FCC "will not tolerate hostile propagandizing in the interest of any foregn government which has repeatedly and flagrantly expressed its enmity to this country and to the continued existence of its basic system of government."

The Commission so declared in adopting its decision and order in the so-called "Little Brooklyn cases," which involved 11 Brooklyn, N. Y., radio stations or applicants. The Commission has concluded on the basis of the record, and in view of the oral argument, to depart from its Proposed Findings of Fact and Conclusions (B-131), as announced February 5 of this year, and to leave the parties as it found them at the date of the oral argument.

Consequently, today's decision and order grants renewal of the license of WCNW, Arthur Faske, which the Proposed Findings and Conclusions would have denied.

The decision and order permits WWRL, Long Island Broadcasting Corporation, Woodside, Long Island, N. Y., to operate as now, but denies WWRL's request to assume the operating hours of WCNW, which had been proposed.

In modifying its proposed findings to permit the two stations to operate on the same time-sharing basis as now, the Commission comments:

> "In so doing the Commission is not to be construed as departing from its position that time-sharing stations "do not represent a healthy situation and are not to be encouraged. The Commission does feel, however, that there is nothing in the record to warrant the economic death penalty on either station at the instance of the other. The situation as it now exists will be permitted to continue but the Commission will be continually interested in the public service records which these two applicants may compile."

Commissioner Case voted for adoption of the proposed findings and conclusions as adopted February 5.

New York "FM" Congestion

Because applications for FM broadcast stations in New York City exceed the number of available frequencies for operation in that locality, the FCC is considering establishment of a North Jersey service area, meanwhile making certain reallocations to enable as many applicants as possible to engage in this new type of broadcast service.

There are six Class A, 22 Class B, and seven Class C frequencies set aside for FM broadcast. However, it is not feasible to use all of the FM channels in the same area, as operation of stations on adjacent channels would result in objectionable interference. Consequently, FM construction permits for the Manhattan area were held up pending solution of this local problem.

On the basis of engineering study, and as a result of conferences with New York applicants, the Commission is now enabled to issue permits pursuant to grants previously announced, except in the cases of the Frequency Broadcasting Corporation, Brooklyn, which is expected to shift from 45900 to 49900 kilocycles, and Pennsylvania Broadcasting Company, Philadelphia, which is expected to go from 44700 to 44900 kilocycles.

The Commission is notifying two applicants—Bremer Broadcasting Corporation and New Jersey Broadcasting Corporation—that establishment of a North Jersey FM service area is under consideration, and that they may request Class A frequencies for such service.

In view of these adjustments, the Commission is now able to announce the grant of three additional New York FM applications as follows:

Muzak Corporation, to use 44700 kilocycles (Class B channel), to serve 8500 square miles.

Interstate Broadcasting Company, Inc., to use 45900 kilocycles (Class B channel), to serve like area.

City of New York Municipal Broadcasting System, to use 43900 kilocycles (Class C channel), to serve 3900 square miles.

FCC Notice

Report No. 9—Actions on Rules and Regulations

The Commission en banc today modified the Rules Governing STL (Studio Transmitter Link) broadcast stations effective immediately as follows:

At each place in which the designation "STL" appears in Section 4.31-4.36 inclusive, of the Commission's Rules and Regulations, the designation "ST" is hereby stricken and the designation "ST" substituted therefor.

Footnote No. 1 appended to Section 4.31 of the Rules is hereby amended to read as follows:

[1] The abbreviation "ST" is derived from "studio-transmitter."

Order Amendment

The FCC adopted an amendment to the order in the matter of the applications of Hobart Stephenson, Milton Edge, and Edgar J. Korsmeyer, d/b as Stephenson, Edge and Korsmeyer, and Helen L. Walton & Walter Bellatti, all applicants for a new station in Jacksonville, Ill. (B-130).

The sixth paragraph of the Order of May 22, 1941, referring to grant of Stephenson, Edge and Korsmeyer application, was amended by inserting therein the following:

> "Prior to the issuance of a construction permit, the applicant shall obtain approval of the Commission of the exact transmitter location and antenna system to be used. Application for such approval shall be filed within two months after the effective date of this order. If for any reason such application canont be submitted within the time allowed, an informal request for extension of time must be submitted stating the necessity therefor."

897 Stations

During the month of May, 1941, the FCC issued operating licenses to thirteen stations and granted seven permits for the construction of new stations. One station was deleted. A comparative table by months follows:

	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1
Operating.........	783	791	799	806	810	816	825	831	835	836	837	836	849
Construction.......	53	56	58	57	54	52	51	51	46	54	54	55	48
	836	847	857	863	864	868	876	882	881	890	891	891	897

FEDERAL COMMUNICATIONS COMMISSION DOCKET

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

Monday, June 30

Broadcast

NEW—KNOE, Incorporated, Monroe, La.—C. P., **1420 kc.**, 250 watts, unlimited.

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, **920 kc.**, 500 watts night, 1 KW day, SH-KUSD.

Television-Broadcast

W2XD—General Electric Company, Schenectady, N. Y.—For license to cover C. P., **162000-168000 kc.**, 40 watts, emission A-5, Sec. 4.4(a).

W2XI—General Electric Company, New Scotland, N. Y.—For renewal of license, **162000-168000 kc.**, 10 watts, emission A-5, Sec. 4.4(a).

W2XB—General Electric Company, New Scotland, N. Y.—For renewal of license, **60000-86000 kc.**, aural 3 KW, visual 10 KW, Sec. 4.4.

Wednesday, July 16

Broadcast

Consolidated Hearing

NEW—Mid-America Broadcasting Corporation, Louisville, Ky.—C. P., **1040 kc.** (**1080 kc.** NARBA), 1 KW night, 5 KW day, unlimited time, DA-day and night.

WGRC—Northside Broadcasting Corporation, New Albany, Ind.—C. P., **1040 kc.** (**1080 kc.** NARBA), 5 KW, unlimited time, DA-night and day. Present assignment: **1400 kc.**, 250 watts, unlimited time.

Monday, July 21

Broadcast

KGO & Auxil.—National Broadcasting Company, Inc., San Francisco, Calif.—Renewal of license. Main: **810 kc.**, 7½ KW, unlimited time. Auxiliary: **810 kc.,** 2½ KW, unlimited time.

KOA—National Broadcasting Company, Inc., Denver, Colo.—Renewal of license. **850 kc.,** 50 KW, unlimited time.

WMAL—National Broadcasting Company, Inc., Washington, D. C.—Renewal of license. **630 kc.,** 5 KW, unlimited time.

Consolidated Hearing

KONB—MSB Broadcast Company, Omaha, Neb.—C. P., **1500 kc.,** 250 watts, unlimited time.

KONB—MSB Broadcast Company, Omaha, Neb.—Modification of C. P., **1500 kc.,** 250 watts, unlimited time, under C. P.

Thursday, July 24

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Renewal of license. **990 kc.,** 1 KW, daytime.

Friday, July 25

KORN—Nebraska Broadcasting Corporation, Fremont, Neb.—Renewal of license. **1400 kc.,** 250 watts, unlimited time.

KORN—Clark Standiford (Transferor), and C. J. Malmsten, A. C. Sidner, S. S. Sidner and Arthur Baldwin (Transferees), Fremont, Neb.—Transfer of control. **1400 kc.,** 250 watts, unlimited time.

Monday, July 28

KMA—May Broadcasting Company, Shenandoah, Iowa.—Renewal of license. **930 kc.,** 1 KW night, 5 KW day, unlimited.

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—C. P., **1310 kc. (1340 kc.** NARBA), 250 watts, unlimited.

Wednesday, July 30

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Modification of license. **1210 kc.,** 250 watts, unlimited. Present assignment: **1400 kc.,** 250 watts, unlimited.

Monday, August 25

Broadcast

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Bros., Sedalia, Mo.—C. P., **800 kc.,** 1 KW day, daytime. Present assignment: **1490 kc.,** 250 watts, unlimited.

Consolidated Hearing

KFJM—University of North Dakota, Grand Forks, N. Dak.—Renewal of license. **1440 kc.,** 500 watts night, 1 KW day, unlimited.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Modification of license. **1440 kc.,** 500 watts night, 1 KW day, S.H.-3 to 5 p. m. daily. Present assignment: **1440 kc.,** 500 watts night, 1 KW day, unlimited.

NEW—Dalton LeMasurier, Grand Forks, N. Dak.—C. P., **1440 kc.,** 500 watts night, 1 KW day, specified hours.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Standard Broadcasting Co., Los Angeles, Calif.—Granted construction permit for new high frequency (FM) broadcast station in Los Angeles to operate on frequency **45300 kc.** with a service area of 7,000 square miles (B5-PH-32).

Muzak Corporation, New York City.—Granted construction permit for new high frequency broadcast station (FM) to use **44700 kc.** (Class B channel), to serve 8,500 square miles (B1-PH-48).

Interstate Broadcasting Co., New York City.—Granted construction permit for new high frequency (FM) broadcast station to use **45900 kc.** (Class B channel) to serve 8,500 square miles (B1-PH-109).

City of New York Municipal Broadcasting System, New York City.—Granted construction permit for new high frequency (FM) broadcast station, to use **43500 kc.** (Class C channel) to serve 3,900 square miles (B1-PH-83).

WCBD—WCBD, Inc., Chicago, Ill.—Granted modification of construction permit (B4-P-2974) for decrease in power of station WCBD from 10 KW (under construction permit) to 5 KW and increase hours of operation from limited to daytime and until sunset at Fort Worth, Texas; extend commencement date to 1 day after grant and completion date to 10 days thereafter. Also adopted order granting dismissal of petition of Ohio State University (WOSU) for rehearing in the above entitled matter and dismissed said petition (B4-P-2974).

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—Granted construction permit to make changes in transmitting equipment and increase power from 100 to 250 watts on **1340 kc.** (B4-P-3155).

W2XB—General Electric Co., New Scotland, N. Y.—Granted modification of license of experimental television broadcast station, to change frequency assignment to **66000-72000 kc.** (Channel No. 3).

DESIGNATED FOR HEARING

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Application for modification of license to change frequency from **1230** to **1400 kc.,** increase power from 100 watts night, 250 watts day to 250 watts, and change time of operation from specified hours to unlimited time (B2-ML-1055).

James F. Hopkins, Inc., Ann Arbor, Mich.—Application for construction permit for new station at Ann Arbor, to be operated on **1600 kc.,** with power of 1 KW, unlimited time (B2-P-3073).

APPLICATIONS PLACED IN PENDING FILES

J. I. Sims, Orangeburg, S. C.—Placed in pending files pursuant to Order No. 79, application for new station to operate on **1450 kc.,** 250 watts, unlimited time (B3-P-3169).

Fort Smith Newspaper Publishing Co., Fort Smith, Ark.—Placed in pending files pursuant to Order No. 79, application for new station to operate on **550 kc.** with power of 1 KW, using directional antenna, unlimited time (B3-P-3117).

MISCELLANEOUS

WNAD—University of Oklahoma, Norman, Okla.—Granted modification of construction permit (for new antenna system, change in hours of operation, frequency and move of transmitter) for approval of antenna and transmitter site; **640 kc.,** 1 KW, daytime (B3-MP-1296).

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitter units to be installed and operated from the State-Lake Bldg., Chicago; Link Transmitter Type No. 50-UTX with 100 watts power for visual and Link Transmitter Type No. 25-UBX, 25 watts power for aural; temporary steel tower to be used on roof of said building, in order to conduct tests for the period June 18, 1941, to not later than July 17, 1941, in accordance with construction permit.

K45LA—Don Lee Broadcasting System, Los Angeles, Calif.—Granted extension of special temporary authority to operate frequency modulation station commercially on **44500 kc.,** 1000 watts, special emission for frequency modulation, with transmitter located on top of Mt. Lee, Los Angeles, Calif., and described as Western Electric type 503-A-1, maximum rated power 1000 watts and using a 4-bay turnstile antenna, for a period July 8, 1941, to not later than September 5, 1941, pending completion of construction pursuant to construction permit.

KFNF—KFNF, Inc., Shenandoah, Iowa—Hearing on application for renewal of license now scheduled for June 16, 1941, was continued two weeks.

KGEZ—Donald C. Treloar, Kalispell, Mont.—Ordered issuance of modification of construction permit for approval of directional antenna system for night use on **1460 kc.;** station operates on 100 watts (construction permit for 1 KW) (B5-MP-1173).

Cascade Broadcasting Co., Inc., Everett, Wash.—Ordered issuance of construction permit for new station to operate on **1460 kc.,** 500 watts, unlimited time, employing non-directional antenna system (B5-P-2008).

WNBI—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate international station WNBI on **17780 kc.** in order to permit simultaneous operations of Stations WNBI and WNCA on frequencies **17780 kc.** and **9670 kc.** for the period June 15, 1941, and ending not later than July 14, 1941.

WNBI—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to utilize the presently authorized WRCA **9670 kc.** power amplifier NRA50A Serial No. 1 for WNBI operation on **11890 kc.** for a period June 14 to not later than July 13, 1941.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate mobile relay station WADA licensed to Charleston Broadcasting Co., on June 13, 20 and 27, 1941, only.

KOA—National Broadcasting Co., Denver, Colo.—Denied petition for stay during appeal to the Court of Appeals for the District of Columbia, from the Commission's order of April 7, 1941, granting application of WHDH, Matheson Radio Co., Inc., Boston, Mass., for unlimited hours of operation on frequency **850 kc.** with power of 5 KW (B-121), and amending its rules accordingly. The Commission reaffirmed its order of April 7, 1941. (Chairman Fly and Commissioners Walker and Thompson voted for denial of petition; Commissioners Case and Wakefield against; Commissioners Craven and Payne absent.) The Chairman submitted a specially concurring opinion.

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Granted motion for leave to amend application to specify frequency **1060 kc.** and 50 KW power. Application directed be removed from Hearing Docket.

KDRO—Drohlich Brothers, Sedalia, Mo.—Granted motion to continue hearing to August 25, in re application for construction permit to change frequency from **1490** to **800 kc.;** power from 250 watts to 1 KW, and time of operation from unlimited to daytime only.

The Evening News Press, Inc., Port Angeles, Wash.—Granted petition to amend application to specify **1450 kc.** and 250 watts, unlimited time, instead of **1500 kc.,** 100 watts night, 250 watts LS.

KFNF—KFNF, Inc., Shenandoah, Ia.—Dismissed motion for postponement of hearing date on application for renewal of license.

KORN—C. J. Malmsten, S. S. Sidner, A. C. Sidner, H. A. Gunderson, E. J. Lee (Transferors) and John F. Palmquist and Paul Boyer, co-partners, d/b as Fremont Broadcasting Co. (Transferees), Freemont, Neb.—Granted request to withdraw without prejudice application for authority to transfer control of station KORN.

KONB—C. J. Malmsten, John K. Morrison and Arthur Baldwin (Transferors) and Ross C. Glasmann, Wm. W. Glasmann, Blaine V. Glasmann (Transferees), Omaha, Neb.—Application for transfer of control of station KONB dismissed; request for withdrawal without prejudice denied.

W2XD—General Electric Co., Schenectady, N. Y.; W2XI—New Scotland, N. Y.; W2XB—New Scotland, N. Y.—Granted motion for continuance of hearing to June 30 on application for license to cover construction permit for station W2XD, and for renewal of licenses for television stations W2XI and W2XB.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 9 to 10 p. m. DST on June 14, 1941, in order to broadcast the Convention Dinner held in Boston on Flag Day only.

KBUR—Burlington Broadcasting Co., Burlington, Ia.—Granted modification of construction permit (B4-P-1799, authorizing a new station), for approval of transmitter and studio sites at National Bank Bldg., Jefferson & Main Sts., Burlington, approval of antenna, and installation of new type transmitter; **1490 kc.,** 250 watts, unlimited time (B4-MP-1301).

WIS—The Liberty Life Ins. Co., Columbia, S. C.—Granted modification of construction permit (B3-P-2870) to make changes in directional antenna system and increase power to 5 KW day and night, for extension of commencement and completion dates to July 15, 1941, and Jan. 15, 1942, respectively (B3-MP-1304).

WALA—Pape Broadcasting Co.—Granted modification of construction permit (B3-MP-932, which authorized increase in power, installation of new equipment and directional antenna for night use, and move of transmitter), for extension of completion date to Sept. 29/41 (B3-MP-1312).

WBYN—Unified Broadcasting Corp. of Brooklyn, Brooklyn, N. Y.—Granted modification of license to change licensee's name from Unified Broadcasting Corp. of Brooklyn to WBYN—Brooklyn, Inc. (B1-ML-1073).

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted authority to determine operating power by direct measurement of antenna power on **1380 kc.** under NARBA (B5-Z-789).

WMUR—The Radio Voice of New Hampshire, Inc.—Manchester, N. H.—Granted modification of construction permit (B1-P-2897, for new station) authorizing extension of completion date to July 1, 1941 (B1-MP-1320).

KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—Granted modification of construction permit (B5-P-2920, which authorized increase in power and installation of directional antenna for night use), for extension of completion date to July 13/41 (B5-MP-1319).

WNAB—Harold Thomas, Bridgeport, Conn.—Granted modification of construction permit (B1-P-2410, authorizing new station) for extension of completion date to September 30, 1941; **1450 kc.,** 250 watts, unlimited time (B1-MP-1310).

WENE—WJIM, Inc., Portable-Mobile, Area of Lansing, Mich.—Granted modification of construction permit (B2-MRE-368, which authorized changes in equipment and increase in power to 50 watts in relay station), for extension of commencement and completion dates to 30 and 180 days respectively, after grant (B2-MPRE-51).

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-910).

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-849).

WJR—WJR, The Goodwill Station, Detroit, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-973).

WMIN—WMIN Broadcasting Co., St. Paul, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-924).

WSVS—Board of Education, City of Buffalo, Buffalo, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1012).

KJBS—Julius Brunton & Sons Co., San Francisco, Cal.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1035).

WBBZ—Adelaide Lillian Carrell, Executrix of Estate of Charles Lewis Carrell, Deceased, Ponca City, Okla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1008).

KYSM—Southern Minn. Supply Co., Mankato, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1031).

KMOX—Columbia Broadcasting System, Inc., St. Louis, Mo.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-926).

KEUB—Eastern Utah Broadcasting Co., Price, Utah—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1009).

KSAN—Golden Gate Broadcasting Corp., San Francisco, Cal.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-991).

KGNF—Great Plains Broadcasting Co. (a Corp.), North Platte, Neb.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-997).

WOMT—Francis K. Kadow, Manitowoc, Wis.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-951).

KUOA—KUOA, Inc., Siloam Springs, Ark.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-984).

KWG—McClatchy Broadcasting Co., Stockton, Cal.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-927).

KGFJ—Ben S. McGlashan, Los Angeles, Cal.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1030).

WJBC—Radio Station WJBC, Bloomington, Ill.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-946).

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1003).

KPO—National Broadcasting Co., Inc., San Francisco, Cal.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-979).

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-980).

WTAM—National Broadcasting Co., Inc., Cleveland, Ohio—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-981).

WJZ—National Broadcasting Co., Inc., New York City—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-978).

WSM—The National Life and Accident Ins. Co., Nashville, Tenn.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1001).

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1002).

KOME—Oil Capital Sales Corp., Tulsa, Okla.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-905).

KPOF—Pillar of Fire (a Corp.), Denver, Colo.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-952).

WAWZ—Pillar of Fire, Zarephath, N. J.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1032).

KPMC—Pioneer Mercantile Co., Bakersfield, Cal.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-983).

WEEU—Berks Broadcasting Co., Reading, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-917).

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-913).

KMED—Mrs. M. J. Virgin, Medford, Ore.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-943).

WGL—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-985).

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-967).

WRAW—Reading Broadcasting Co., Reading, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-916).

KFIZ—The Reporter Printing Co., Fond du Lac, Wis.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-941).

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-968).

WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-937).

WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-963).

KVOL—Evangeline Broadcasting Co., Inc., Lafayette, La.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-912).

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-964).

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-965).

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-920).

KMMJ—KMMJ, Inc., Grand Island, Neb.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-919).

WKBV—Knox Radio Corp., Richmond, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-896).

KFAC—Los Angeles Broadcasting Co., Los Angeles, Cal.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-899).

WWL—Loyola University, New Orleans, La.—Granted authority to determine operating power by direct measurement of antenna power on **870 kc.** under NARBA (B3-Z-738).

KMAC—W. W. McAllister and Howard W. Davis, d/b as Walmac Co., San Antonio, Tex.—Granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA (B3-Z-774).

KGO—National Broadcasting Co., Inc., San Francisco, Cal.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-982).

WJAC—The Norfolk Daily News, Norfolk, Neb.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-966).

W8XWI—Guy S. Cornish, Portable-Mobile, area of Cincinnati, Ohio.—Granted license to cover construction permit (B2-PARE-1) for new Class II experimental public address relay station on an experimental basis only; frequency **310000 kc.,** 1 watt; to be used to provide a means of relaying to a public address system, aural signals from locations where wire facilities are not available (B2-LARE-1).

WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla.; WDLP—Panama City Broadcasting Co., Panama City, Fla.—Amended Commission order of April 8, 1941, designating the place of hearing in re revocation of licenses of WTMC and WDLP for Pensacola, Fla., and thereafter at Panama City and Ocala, Fla., to specify that the said hearing shall be held on June 16, 1941, at Jacksonville, Fla., and thereafter at Ocala, Panama City, and Pensacola, Fla., as directed (Docket Nos. 6000 and 6001).

KWLC—Luther College, Decorah, Iowa—Granted special temporary authority to operate from 10:45 to 11:30 p. m. CST on June 18 and 25, and July 2, 1941, in order to broadcast the Luther College summer session convocations only.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from sign-off time (June 7:45 p. m.) until 10 p. m. on June 14, 1941, only, in order to broadcast special Flag Day Celebration.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to remain silent for the period August 1, 1941, until not later than September 14, 1941, in order to observe College summer vacation only.

WCNW—Arthur Faske, Brooklyn, N. Y.—Denied request for special temporary authority to operate from 12 midnight to 1 a. m. for the period June 15 to not later than July 14, 1941, in order to conduct a non-commercial experimental program consisting of Associated Press News, music and Americanization talks.

WBPA—National Life and Accident Insurance Co., Nashville, Tenn.—Granted special temporary authority to use an experimental 20 watt FM transmitter on the I group of frequencies as a relay broadcast station in order to broadcast the second Army Maneuvers from the vicinity of Manchester and Tullahoma, Tenn., for the period June 14, 1941, to not later than June 30, 1941.

WABA—Agricultural Broadcasting Co., Chicago, Ill. (WLS).—Granted special temporary authority to operate a special laboratory transmitter as a relay broadcast station on **37980 kc.** with a power of ½ watt in order to record on the ground and to rebroadcast over WLS the human voice and the rate of the heart beat, and other scientific data during a free fall in the air prior to the opening of a parachute, for the period June 12 to not later than July 11, 1941.

WMAL—National Broadcasting Co., Washington, D. C.—Adopted order canceling license dated March 24, 1941, issued to NBC, authorizing use of an auxiliary transmitter in connection with operation of WMAL; canceled hearing, and dismissed application for renewal of auxiliary transmitter license (B1-R-142, Docket 6071).

WKZO—WKZO, Inc., Kalamazoo, Mich.—Adopted order granting petition of WKZO to vacate the order of April 8, 1941, designating for hearing application for construction permit; vacated Commission action of April 8, and canceled hearing, and granted application of WKZO in part, for construction permit to install new transmitter and increase daytime power from 1 to 5 KW (B2-P-2898, Docket No. 6055).

W2XD—General Electric Co., Schenectady, N. Y.; W2XI—New Scotland, N. Y.; W2XB—New Scotland, N. Y.—Adopted order granting petition to reconsider and grant without hearing the applications for renewal of licenses of stations W2XI and W2XB and for license to cover construction permit for station W2XD; canceled hearing heretofore scheduled, and granted said applications (B1-LVB-24; B1-RVB-26, and B1-RVB-25).

W2XBS—National Broadcasting Co.—Adopted order granting application for construction permit for commercial television broadcast station pursuant to Commission's Order of April 30, 1941, together with license to cover said construction permit (B1-PCT-1 and B1-LCT-1).

APPLICATIONS FILED AT FCC

550 Kilocycles

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and Other States, Clayton, Mo.—Modification of construction permit (B4-P-2882) for installation of new transmitter and vertical radiator, increased power to 5 KW day and night, requesting extension of completion date from 7-13-41 to 8-13-41.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit to change frequency from **550** to **940 kc.,** increase power from 1 KW night, 5 KW day to 50 KW day and night, install new transmitter and new directional antenna for night use, and change transmitter location, requesting WTAD be transferred from **930** to **550 kc.,** unlimited time.

570 Kilocycles

WOSU—Ohio State University, Columbus, Ohio.—Modification of construction permit (B2-P-3138) for change in frequency, increase in power, change in hours of operation, and installation of new transmitter, requesting authority to install new transmitter and extension of commencement and completion dates to 30 days after grant and 90 days thereafter, respectively.

910 Kilocycles

WFDF—Flint Broadcasting Co., Flint, Mich.—License to use old Collins 300B-100-watt main transmitter as an auxiliary transmitter with power of 100 watts .

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Authority to determine operaitng power by direct method (Auxiliary transmitter).

WQAN—The Scranton Times (Co-partnership), E. J. Lynett, Wm. R. Lynett, Elizabeth R. Lynett and Edward J. Lynett, Jr., Scranton, Pa.—Authority to determine operating power by direct method.

960 Kilocycles

WSBT—The South Bend Tribune, South Bend, Ind.—Authority to determine operating power by direct method.

WSBT—The South Bend Tribune, South Bend, Ind.—License to cover construction permit (B4-P-900) as modified, to install directional antenna, change frequency and hours, and move transmitter.

970 Kilocycles

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Authority to determine operating power by direct method.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—License to cover construction permit (B1-P-2704) as modified, to install new transmitter, directional antenna for night use, change hours of operation from daytime (to 6 p. m.) to unlimited time, increase power from 500 watts to 1 KW day and night and change transmitter site.

980 Kilocycles

WHAL—Harold F. Gross and Edmund C. Shields, Saginaw, Mich. —Modification of construction permit (B2-P-936) as modified, for a new station, requesting additional time for commencement and completion of construction from 1-14-41 and 7-14-41 to 10-14-41 and 180 days thereafter, respectively.

990 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Construction permit to install new transmitter, direction antenna, day and night use, increase power from 1 to 10 KW, time from day to unlimited, move transmitter and move studio.

1120 Kilocycles

WCBD—WCBD, Incorporated, Chicago, Ill.—Modification of construction permit (B4-P-2974) to change frequency, increase power and change hours of operation; requesting decrease in power from 10 to 5 KW, change hours of operation from daytime to limited to sunset at Fort Worth, Texas, change transmitting equipment and extension of commencement and completion dates from 6-30-41 and 12-30-41 to 1 day after grant and 10 days thereafter, respectively.

1210 Kilocycles

Contra Costa Broadcasting Co., Richmond, Calif.—Construction permit for a new broadcast station to be operated on **1210 kc.,** 500 watts, limited time, and for changes in antenna. Amended: To change proposed transmitter location.

1240 Kilocycles

KBIZ—J. D. Falvey, Ottumwa, Iowa.—Modification of license for increase in power from 100 watts to 250 watts.

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Authority to determine operating power by direct method.

KOVO—Clifton A. Tolboe, tr. as Citizens Voice & Air Show, Provo, Utah.—Authority to determine operating power by direct method.

WGCM—WGCM, Incorporated, Gulfport, Miss.—Authority to determine operating power by direct method.

WJIM—WJIM, Incorporated, Lansing, Mich.—Authority to determine operating power by direct method.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), Rochester, N. Y.—Authority to determine operating power by direct method.

1260 Kilocycles

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Authority to determine operating power by direct method.

1290 Kilocycles

KRGV—KRGV, Incorporated, Weslaco, Texas.—Authority to determine operating power by direct method.

1320 Kilocycles

KLCN—Fred O. Grimwood, Blytheville, Ark.—Authority to determine operating power by direct method.

1340 Kilocycles

Birney Imes and Robin Weaver, d/b as Imes-Weaver Broadcasting Co., Columbia, Tenn.—Construction permit for a new broadcast station to be operated on **1340 kc.,** 250 watts, unlimited time.

KFPL—C. C. Baxter, Dublin, Texas.—Authority to determine operating power by direct method.

KVSF—New Mexico Broadcasting Co., Santa Fe, N. Mex.—Authority to determine operating power by direct method.

WGAA—Northwest Georgia Broadcasting Co., Cedartown, Ga.—Modification of construction permit (B3-P-3029) for a new broadcast station, requesting changes in transmitting equipment.

WSGN—The Birmingham News Co., Birmingham, Ala.—Authority to determine operating power by direct method.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Authority to determine operating power by direct method.

1350 Kilocycles

WORK—York Broadcasting Co., York, Pa.—Construction permit to install new directional antenna system for night use only.

1390 Kilocycles

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Authority to determine operating power by direct method.

1400 Kilocycles

WCBM—Baltimore Broadcasting Corp., Baltimore, Md.—Authority to determine operating power by direct method.

WMGA—Frank R. Pidcock, Sr., Moultrie, Ga.—Authority to determine operating power by direct method .

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Authority to determine operating power by direct method.

1450 Kilocycles

Dyke Cullum, Washington, D. C.—Construction permit for a new station to be operated on **1450 kc.,** 250 watts with 100-watt amplifier, unlimited time, facilities of WWDC. Amended: To change requested location of amplifier.

Utica Broadcasting Co., Inc., Utica, N. Y.—Construction permit for a new broadcast station to be operated on **1450 kc.,** 250 watts, unlimited time.

KGIW—E. L. Allen, Alamosa, Colo.—Construction permit to increase power from 100 watts to 250 watts and install new transmitter.

WACO—Frontier Broadcasting Co., Inc., Waco, Texas.—Authority to determine operating power by direct method.

WGOV—E. D. Rivers, Valdosta, Ga.—Authority to determine operating power by direct method.

WHFC—WHFC Inc., Cicero, Ill.—Authority to determine operating power by direct method.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Authority to determine operating power by direct method.

1470 Kilocycles

KELA—Central Broadcasting Corp., Centralia-Chehalis, Wash.—Authority to determine operating power by direct method.

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Modification of construction permit (B2-P-2637) for new transmitter, directional antenna for day and night use, increase in power, and unlimited time, requesting change in frequency to **1470 kc.** under NARBA and changes in directional antenna system and type of transmitter.

1480 Kilocycles

KGCX—E. E. Kresbach, Wolf Point, Mont.—Modification of license to move studio to transmitter location.

1490 Kilocycles

R. M. Wallace & G. E. Schnibben, d/b as Norfolk County Broadcasting Co., Norfolk, Va.—Construction permit for a new broadcast station to be operated on **1490 kc.,** 250 watts, unlimited time, contingent on WBOC going to **1230 kc.**

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Authority to transfer control of corporation from Thomas S. Lee and R. D. Merrill, Executors of Estate of Don Lee, deceased, to Don Lee Broadcasting System.

KSAM—Sam Houston Broadcasting Ass'n., H. G. Webster, Pres., Huntsville, Texas.—Authority to determine operating power by direct method.

WMIS—Natchez Broadcasting Co., Natchez, Miss.—License to cover construction permit (B3-P-2999) for a new broadcast station.

WMIS—Natchez Broadcasting Co., Natchez, Miss.—Authority to determine operating power by direct method.

1590 Kilocycles

KITE—First National Television, Inc., Kansas City, Mo.—Authority to determine operating power by direct method.

WALB—The Herald Publishing Co., Albany, Ga.—License to cover construction permit (B3-P-2774) as modified, for a new broadcast station.

FM APPLICATIONS

W6XEA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification of construction permit (B5-PVB-26) for a new television station, requesting extension of commencement and completion dates from 1-15-41 and 7-15-41 to 7-15-41 and 1-15-42, respectively.

W45BR—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—License to cover construction permit (B3-PH-4) for a new high frequency broadcast station, and change studio site.

W47C—WJJD, Inc., Chicago, Ill.—Modification of construction permit (B4-PH-17) for a new high frequency broadcast station, requesting change in type of transmitter, antenna changes, and change population from 4,051,000 to 4,750,000.

MISCELLANEOUS APPLICATIONS

KEHT—The KANS Broadcasting Co., Portable-Mobile.—License to cover construction permit (B4-PRE-388) for a new relay broadcast station.

WAUR—University of Illinois, Farm Area, South of Champaign, Ill.—Reinstatement of construction permit (B4-PRY-226) for a new relay broadcast station to be operated on **1646, 2090, 2190,** and **2830 kc.,** 20 watts, A3 emission.

Bay County Publishers, Inc., Panama City, Fla.—License for a new broadcast station to be operated on **1230 kc.,** 100 watts night, 250 watts day, unlimited time, facilities of WDLP. Amended: Re Section 15(a).

Birney Imes & Robin Weaver, d/b as Imes-Weaver Broadcasting Co., Cleveland, Tenn.—Construction permit for a new broadcast station to be operated on **1450 kc.,** 250 watts, unlimited time. Amended: To specify transmitter site as site to be determined, Cleveland, Tenn.

The Metropolis Co., Ocala, Fla.—License for a new broadcast station to be operated on **1490 kc.,** 100 watts, unlimited time, facilities of WTMC. Amended: Re Section 15(a).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Construction permit to increase power from 500 watts night, 1 KW day, to 5 KW, move transmitter, change hours from specified to unlimited, and request **690 kc.** under NARBA. Amended: To increase power from 500 watts night, 1 KW day, to 1 KW, change transmitter, and make changes in directional antenna for night use.

Bernard N. Walker, Concord, N. C.—Construction permit for a new broadcast station to be operated on **1400 kc.,** 250 watts, unlimited time.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why a cease and desist order should not be issued against them.

Harper Manufacturing Co.—Alleging misrepresentation in the sale of men's clothing, a complaint has been issued against J. Fred Malone and Joe P. Malone, Rome, Ga., who are in business under the names of Harper Manufacturing Co., Malone Clothing Manufacturing Co., Gray-Dickson Clothing Co., and Piedmont Clothing Co.

The complaint alleges that the respondents' sales representatives, in promoting the sale of men's clothing, represent that The duPont Company is back of or associated with the respondents in their business; that the material used in their suits is manufactured by The duPont Company, and that The duPont Company furnishes free the goods to be used in the making of the garments sold, the customer paying only for the labor involved, when in fact The duPont Company is in no manner associated with the respondents and does not manufacture the material used in the respondents' garments, and the customer pays not only for the labor involved in making a suit but for the material used and for a profit to the respondents.

According to the complaint, the respondents' agents also represent that garments will be made-to-order or measure and be of a certain material, color, design, weave or pattern, as per sample shown; that the customer will have opportunity to inspect and try on the garments before accepting them, and that the respondents manufacture all of such garments and ship them to the customer direct from their own factory.

The complaint alleges that the garments delivered by the respondents to such customers are not made-to-measure or made-to-order but are of the ready-made variety or stock type of clothing, altered by the respondents when deemed necessary partially to conform to the measurements shown on order blanks; that in many instances the garments as delivered are made of materials inferior to and different from the samples selected by purchasers; that the respondents in many instances have failed and refused to return the purchase price received from the customer or deliver a garment made from the material he selected; that customers do not have an opportunity to inspect or try on garments before accepting them and paying the C. O. D. balance due, and that the respondents neither manufacture all the garments they sell nor ship them direct from their factory. (4516)

Horton Fifth Avenue Jewelers—Frackman Diamond Corporation, and Morton Frackman, Joseph Frackman, and Gilbert E. Horton, doing business under the name Horton Fifth Avenue Jewelers, all of 545 Fifth Avenue, New York, sellers and distributors of jewelry locally and who also conduct a retail mail order business in jewelry, are charged in a complaint with misrepresentation.

In catalogs distributed through several States, the respondents are alleged in the complaint to have represented that diamond and precious stone jewelry was available "at authentic manufacturers' wholesale prices." Among other representations were:

> "SOLITAIRE ENGAGEMENT RING,
>
> yellow gold; 1 large round white center diamond,
> and 1 round white diamond on each side.
> Customary retail price: $50
> Our net cost to you: $23"

The complaint alleges that these representations are false and misleading in that the prices designated by the respondents as the "customary retail prices" are inflated and fictitious. In truth, the complaint alleges, the prices quoted are those at which the respondents customarily sell their jewelry at retail to the purchasing public and are substantially the same as, or higher than, the customary retail prices of the same or similar articles of jewelry of comparable quality and value offered by other retailers.

The complaint also alleges that in the respondents' catalogs descriptions of many of the rings offered for sale include representations and statements as to the carat weight of the diamonds in the rings in such a manner as to mislead the purchasing public and cause it to believe that the carat weight so set forth is the weight of the largest diamond in the ring, when actually the carat weight given is the combined weight of all the diamonds in the ring. (4518)

Kol-Tone Manufacturing Co.—A complaint has been issued charging Gus. H. Cohn, trading as Kol-Tone Manufacturing Co., 7516 Delmar Blvd., St. Louis, with misrepresentation in the sale of chemicals mixed to form the product "Kol-Tone," formerly called "Koltreat," designed for use when mixed with water as a treatment for bituminous coal and bituminous coal products, and in the sale of such product and a bituminous coal product treated with "Kol-Tone."

The complaint alleges that in newspaper and periodical advertisements circulated in various States the respondent has represented and implied that "Kol-Tone" or "Koltreat," when used in treating or processing bituminous coal or bituminous coal products, accomplishes a material reduction in soot and smoke, a saving in fuel, and increased efficiency with less combustibles remaining in the ash, and that it gives the purchaser more for his money than would be received through the use of such coal or coal products not so treated or processed.

The complaint further alleges that the respondent's product is a chemical mixture consisting largely of common salt, with a small percentage of metallic salts, and has no material or appreciable beneficial effect when used in treating or processing bituminous coal and bituminous coal products. According to the complaint, neither the respondent's product "Kol-Tone," nor its bituminous coal product treated with "Kol-Tone," will accomplish the results claimed. (4515)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

Consolidated Cigar Corporation, 730 Fifth Ave., New York, stipulated to cease certain representations in the sale of its "Harvester Cigars." The respondent agrees to cease advertising that these cigars depend entirely for their flavor upon Havana tobacco, or by the unqualified use of the phrase "Heart of Havana," or in any other manner, that the filler of its cigar is composed predominantly of tobacco grown in and imported from Cuba, or otherwise describing the source of the tobacco content of these cigars unless in all such descriptive matter the country of origin of each of the tobaccos used is set forth with equal emphasis in the order of their predominance by weight. According to the stipulation, the filler of Harvester Cigars is not composed predominantly of tobacco grown in Cuba but consists in comparatively small part of genuine Havana tobacco blended with much greater amounts of tobaccos originating from other sources. (02804)

W. H. Kirkland Co.—A stipulation was accepted from an Anniston, Ala., co-partnership to cease certain representations in connection with the sale of cast iron soil pipe, pipe fittings and other allied products. The respondents are W. H. Kirkland, Almeda H. Kirkland and Elsie K. Weatherly, who, from 1934 to 1940, engaged in the sale of such products under the firm name of W. H. Kirkland Co.

The respondents agree to cease employing in their advertisements the words "Manufacturers" or "Manufactured" to identify the business conducted by them, and to desist from use of these words or other words of similar import which imply that they manufacture the products they sell or own, operate or control the factory in which they are made. (3130)

National Woolen Co.—Chester Krone, trading as National Woolen Co., 15 East 17th St., New York, entered into a stipulation to cease representing as the customary or regular prices or values of men's suits prices or values which are in fact fictitious and in excess of the customary prices. According to the stipulation, the respondent's agents represent that the regular price of certain suits is $35, but that they are being sold at a special price of $23.95, when in fact the customary price is not $35 but $23.95. (3129)

Nutty Brown Mills—C. A. Sears, trading as Nutty Brown Mills, Houston, Tex., entered into a stipulation that the respondent will cease advertising "Nutty Brown Bread" as being beneficial in reducing or maintaining body weight, unless used as an integral part of a diet intended for that purpose. The respondent also agrees to cease representing that this bread contributes less fat-producing substances than ordinary breads, gives one the assurance of Vitamin B adequacy, or is low in assimilable carbohydrates. The respondent further agrees to cease representing that the protein of Nutty Brown Bread products is complete in its biologic value and supports normal growth; that the average thin slice contains only 20 calories, and that the respondent's bread is essentially a protein food. (02805)

Walter-Lewis Woolen Corporation, 450 Seventh Ave., New York, entered into a stipulation to cease certain representations in the sale of textile fabrics.

The stipulation points out that the Wool Products Labeling Act of 1939 defines the term "wool" as meaning the fiber from the fleece of the sheep or lamb or hair of the Angora or Cashmere goat (and may include the so-called specialty fibers from the hair of the camel, alpaca, llama and vicuna) which has never been reclaimed from any woven or felted wool product.

In the sale of textile fabrics composed predominantly of fibers other than camel's hair, the respondent agrees to desist from the use in its brands, labels, or other trade indicia, of the words "Camels" or "Camels Hair" or a depiction of a camel, or of other words of similar meaning so as to imply that camel's hair constitutes a substantial proportion of the fiber content of such fabric.

The stipulation provides, however, that the words "Camels Hair" or other words properly descriptive of the so-called specialty fiber content of the fabric may be used to describe the so-called specialty fiber content when immediately accompanied in equally conspicuous type by accurate designations of each constituent fiber or material in the order of its predominance by weight and specifying the proportion or percentage of such so-called specialty fiber as, for example, "Wool and Camels Hair, Camels Hair 1%." (3127)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Von Schrader Manufacturing Co.—H. D. Rench and Francis U. Von Schrader, trading as Von Schrader Manufacturing Company, 1600 Junction Ave., Racine, Wis., engaged in the sale and distribution of electrically operated portable carpet washing machines, have been ordered to cease and desist from misrepresentations concerning the machines.

The Commission finds that the respondents, in magazines and other publications, represented to prospective purchasers and operators that the "Von Schrader Carpet Washer" removes "the deeply imbedded grime and the microbes of disease which are carried into the home by every shoe that crosses the threshold," and "When you are getting started, naturally your profits depend on how diligently you go after business, but $200 to $400 a month is an easy average."

The Commission finds further that the soap solution used in the machines sold by the respondents, which perform their cleaning function by means of rapidly oscillating rubber brushes, is not a germicide and will not "destroy every vestige of germ" or remove "the microbes of disease," as represented. The cleansing action of the machine is limited to the removal from rugs and carpets of such dirt and other foreign material as may be loosened by the scrubbing action of the machine and incorporated in the lather which is then removed.

The Commission finds that $200 to $400 a month profit is not an "easy average" for operators of the respondents' machines, nor in fact an average of any kind of such operators' earnings. Because of the seasonal nature of the rug cleaning business, the findings continue, representations as to large gross amounts that may have been earned by individual operators in their best day, week, or month are misleading in that they represent exceptional rather than normal conditions.

The respondents are ordered to cease and desist from representing or implying:

(1) That the Von Schrader rug and carpet washer, or any substantially similar machine, will in any way or to any degree restore the original color or colors of rugs or carpets;

(2) That the Von Schrader rug and carpet washer, or any substantially similar machine, will destroy germs or other microorganisms in, or otherwise sterilize or substantially sterilize, rugs and carpets;

(3) That the profits of operators of the Von Schrader rug and carpet washer, or any substantially similar machine, average $200 or $400 per month, or any other sum in excess of the actual average net profits of such operators over a sufficient period of time to give effect to the seasonal nature of such business, or using statements of specific sums earned by any particular operator or operators in any stated periods of time in a manner which imports or implies that any unusual or exceptional earnings represent the usual and ordinary course of business. (3924)

Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 25, June 27, 1941

White Hearing

The Senate Interstate Commerce Committee's hearing on the White Resolution recessed Friday, June 20, probably to reconvene after July 4. Here are some excerpts from the last two days of the hearing:

D. M. Patrick. When Chairman Fly appeared before your committee he placed certain interpretations upon these rules with which I am unable to agree and with which Commander Craven stated he was unable to agree. On June 13, 1941, the Commission made public a telegram sent to a licensee by the chairman on May 24, 1941, which shows a different interpretation of the rules than that which I am able to place upon them having regard for the language employed by five members of the Commission on May 2, 1941.

Now, it is also true that since the sending of that telegram Chairman Fly sent a letter over here, which the chairman of this committee read into the record, and in which he said he had the approval of his colleagues for the interpretation placed upon it. But I submit that you cannot make what he said in that letter out of the language employed by five members of the Commission on May 2, 1941.

On June 14th the Commission itself amended its order in certain respects. If the Commission has power to promulgate these regulations it also has power to further amend them in other material respects either before or after the institution of any judicial action. In other words, we are shooting at a moving target, if you please, and the target can be further moved.

Under such circumstances there is no way in which I or any other lawyer can now correctly evaluate either the procedural problems involved in or the possible outcome of judicial action, and I say that in all sincerity. But I do know that if it be the decision of this committee that all legislative action be abandoned and that the industry be left with recourse only to the courts, the remedy is more apparent than real. Aside from the procedural problems involved questions of the wisdom, propriety and long-term effect of these rules upon the industry cannot be adequately dealt with in any judicial proceeding.

But there are other reasons why judicial relief cannot afford an adequate remedy. I disagree with the distinguished counsel for Mutual who stated in effect that no major amendments of the Act are needed. I believe, and submit that it has already become apparent as a result of this hearing, that major changes are needed. The question is, when? The questions presented and emphasized here constitute only one phase of the problem which confronts the industry and the Commission.

Questions of procedure before the Commission and judicial review of Commission orders urgently need attention and solution by the Congress. The question of a stay order is only one part of it. The question of who can operate and under what circumstances is another part. And there is the question of a procedure before the Commission itself, and who can intervene, and whether he may intervene as a matter of right or merely as a matter of grace.

Senator Andrews. You are, then, opposed to the regulations?

Mr. Morency. We are opposed to the regulations as in their present form; yes.

The next day, May 14, 1941, in accordance with views expressed by the convention, the board of directors of IRNA adopted the following resolution (reading):

> "The Officers are directed to prepare and submit a plan for approval by the Board for IRNA to support such efforts as will be organized by any and all agencies in the industry to endorse the White Senate resolution and endeavor to obtain its passage."

For the purpose of report to the Interstate Commerce Committee of the Senate, letters were sent to all Affiliates on all national networks asking if they approve or disapprove the foregoing convention resolution regarding the new regulations. Replies were received from a total of 232 stations, of which 62 are affiliated with Columbia, 53 with National Red, 66 with National Blue, and 51 with Mutual. On the convention resolution on the Affiliates who replied are recorded as follows:

Columbia, 61 approved and 1 disapproved.
National Red Network, 52 approved and 1 disapproved.
National Blue Network, 66 approved and none disapproved.
Mutual System, 37 approved and 11 disapproved; making a total of 216 approvals and 13 disapprovals.

Of the Mutual affiliates replying, 17 also have affiliations with other networks: 3 with Columbia, 10 with National Blue, 1 with National Red, and 3 with both Red and Blue.

In the same letter IRNA asked the opinion of Affiliates regarding the resolution adopted by the directors to support the White Senate resolution. On this subject the replies were as follows:

Columbia, 60 approved; 1 disapproved.
National Red, 49 approved; 2 disapproved.
National Blue, 65 approved; none disapproved.
Mutual, 36 approved; 12 disapproved.
Making a total of 210 for approval and 15 for disapproval.

In the same letter IRNA asked three other questions on which the replies are as follows: They are (reading):

> "3. The IRNA directors interpret the attitude of affiliates to be that while there are a number of points in which there is dissatisfaction among affiliates with network operating practices, nevertheless affiliates believe it is in the best interest of the industry and the public for such questions to be settled by business negotiations between affiliates and networks and not by government regulation. Do you approve or disapprove this view?"

On this question the replies were as follows:

Columbia, 60 approved; 1 disapproved.
National Red, 51 approved; 1 disapproved.
National Blue, 60 approved; 4 disapproved.
Mutual, 34 approved; 12 disapproved.
Making a total of 205 for approval and 18 for disapproval.

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

WHITE HEARING

(Continued from page 559)

The next question asked was this (reading):

> "4. A number of affiliates including many Mutual affiliates, feel that it is necessary to accomplish needed changes by government regulation, and therefore they are prepared to accept the regulations in their present form, even though they may not agree with them entirely. Do you approve or disapprove this view?"

On this question the replies were as follows:

Columbia, none approved; 58 disapproved.
National Red, 1 approved; 51 disapproved.
National Blue, none approved; 64 disapproved.
Mutual, 10 approved; 37 disapproved.
Making a total of 210 who disapproved and 11 who approved.

The last question was this (reading):

> "5. Finally, we are informed there are some affiliates who believe the changes they want can only be accomplished by government regulation but they think the new network regulations go entirely too far and believe some middle ground should be found by negotiation. Do you approve or disapprove this view?"

On this question the replies were as follows:

Columbia, 13 for approval; 46 disapproved.
National Red, 15 approved; 37 disapproved.
National Blue, 16 approved; 47 disapproved.
Mutual, 17 approved; 30 disapproved.
Making a total of 61 for approval and 160 for disapproval.

Senator Brooks. Do you hold any office in IRNA?

Mr. Gillin. No, sir; I do not.

Senator Brooks. Do they pretty effectively represent the independent stations?

Mr. Gillin. I think that they effectively present our views to the networks; but whether they have accomplished the results desired by the members of the Independent Radio Network Affiliates is another question.

Senator Brooks. What is their major function as it relates to your station?

Mr. Gillin. The major function as it relates to WOW or any other station is to try to work out the problems that the affiliates have with the networks. For instance, the affiliates believe that we should have the opportunity to place after each special program or each specified program a commercial announcement and station break. As you know, the Federal Communications Commission's rules specify that you must identify your station each half hour. Because of that particular rule it is the assumption on the part of the advertiser that we should not put a station break on the quarter hour. The Chesterfield program, on the basic Red, runs 14 minutes, and then they have an announcement of a different product made by the same company; in other words, to have two products advertised on the same program. Those are things that we are trying through this organization to work out with the network.

Senator Brooks. Do you have any specific examplpe of problems that have been successfully worked out through that organization, where complaints have been made and results have been obtained by virtue of that organization's existence?

Mr. Gillin. Well, I believe that one thing that a number of us were concerned about was the fact that the advertiser was calling upon stations to place commercial announcements, live announcements, so to speak, on a network program at the end of every program with no cut-in charge. A number of us complained to the National Broadcasting Company and they took the matter up and protected us. I say they protected us, because of the fact that the client was large enough to demand that cooperation from the station. That extra kind of announcement is now being paid for.

Senator Tunnell. What I was trying to find out was if the network or the station cannot make a contract for longer than a year it was going to result in their having a gentlemen's agreement for a five-year contract.

Mr. Cook. As I understand the situation, if there is any implication that you have a gentlemen's agreement, under these regulations you may be subject to the loss of your station. If a fellow came in and said, "Here, I want that time," could you refuse him? If you do, isn't somebody going to come around a month or two later and say, "You refused him. That time was not sold. You must have something in the back of your head about somebody else." It is going to be very dangerous.

Senator Tunnell. The question is whether there is a gentlemen's agreement.

Mr. Cook. Yes. The question is whether somebody may have described it as a gentlemen's agreement, whether or not it is.

Senator Tunnell. It would not be criminal or subject to punishment if it were not there.

Mr. Cook. How are you going to prove it is not there? That would be my trouble. I do not know whether I would be able to prove it was not there.

As to this matter of exclusivity, our contract gives WFBL first call on all Columbia programs, and we have always been able to take care of the business Columbia has sent to us. In the instance of the American Oil Company's program, featuring Mr. Edwin C. Hill, and scheduled for 6 p. m., where we have had and now have the Socony Vacuum program, it appeared for a time that Columbia would have to place this program on another station. If that had to be done, it was all right with us. But we, of course, did not like to have a well-known Columbia artist building up a listening audience for a possible competitor of ours, so we found a place on our program equally desirable, and by transcribing we were able to give that program to the public.

Clarence Wheeler. I am fearful that the agencies who handle the larger programs of the national advertisers will scan the new possibilities offered to them under the new rules and it could easily come about that the Ford Hour we have carried since its inception because we were on Columbia, might migrate to the 50-kilowatt clear channel competitor as the agency might find it in their interest to do so because that would give them a larger audience.

It could easily work out that the agency and the sponsor could pay the higher rate and make such a change, in which case I would have to seek programs from other networks to fill in that hour or originiate local programs.

If this took place throughout the country the clear channel stations would be so crowded with national programs that they

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SOLVED!

THE MYSTERY OF THE VANISHING RADIO AUDIENCES

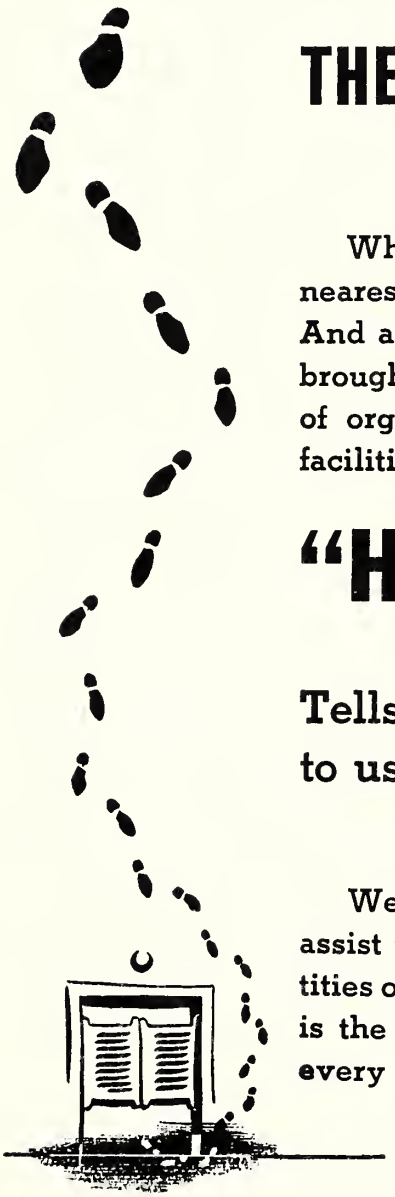
When radio listeners plug up their ears and head for the nearest swinging doors, my dear Watson, there's a reason. And as likely as not that reason is an acute case of boredom brought on by the well meaning, but badly planned programs of organized groups to whom broadcasters have given their facilities.

"HOW TO USE RADIO"

(*Second Edition*)

Tells the public groups that ask for time how to use that time effectively from an audience-building standpoint

We sent you a copy earlier this week. We have a plan to assist you and your fellow broadcasters in placing large quantities of this valuable book in the hands of your listeners. Now is the time to act. Write us. We will cooperate with you in every way.



NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C.

WHITE HEARING

(Continued from page 560)

would have no time to devote to the job they were set up for, to cover the rural areas of the nation with a view of keeping them informed on market information, agricultural reports, and all sorts of information necessary to the rural areas.

We have found in practice that long-term contracts with Columbia work to our advantage. If we did not feel reasonably secure that we were going to continue as their affiliate we would not have expended these large amounts for local improvements; in fact, we would not have had it to spend except for our affiliation with Columbia. We have found them very cooperative in meeting problems which at times came up when we were asked to clear time for a national network program.

Mr. Weiland. I have been the owner of Radio Broadcasting Station WFTC, at Kinston, North Carolina, for six or seven years; at least I have owned that station for the past five years.

When I established that station in Kinston it was one of the first to be established in a small community.

I am also a partner in the ownership of a station at Martinsville, Virginia; and have had an interest in a station at Goldsboro, North Carolina. I am also president of a station to be established in Newbern, North Carolina. These are all small markets. All of my experience in broadcasting practically has been in small markets.

I fell that the value of network affiliation is very great to a small station. I operated the station in Kinston for two or three years without any network affiliation. After the first two years of operation the novelty of the station wore off and people started to get tired of home talent, hill billies and the type of programs we could produce with our means.

So I looked around for a network. Eventually I was fortunate enough to get an affiliation with the Mutual Broadcasting System. That was about a year and a half ago.

I fell that network affiliattion is very important, especially to a small station. First of all, because of the sustaining programs we are able to bring to our communities, such as in eastern North Carolina, the type of programs that people in large cities are able to get; the type of programs that are of great interest so far as sustaining value is concerned.

For instance, we have had President Roosevelt as well as almost every other national figure any listener would like to hear, whereas prior to our network affiliation our people could not hear such national programs. That was because of the fact that there was only a secondary coverage in our market.

We are rather isolated, and if we do not give listeners the type of program they want there is not very much we can do, for we cannot give them very much of a choice otherwise.

Conditions are a lot better now. We feel that network commercial programs are very important because their quality is generally high; in fact, I might say that we have carried commercial network programs sometimes even though we were not paid for carrying them, and we did it because we felt it was in the public interest to do so.

We had our Mutual network service up until June 1st of this year——

Senator Tunnell (interposing). Do you mean that you carried network programs before you had your contract with the Mutual Broadcasting System?

Mr. Weiland. No.

Senator Tunnell. You said you carried network programs at times when you were not paid for them because it was for the public good. What did you mean by that statement?

Mr. Weiland. That was even during the time when we had a network contract. I do not think the advertiser thought our market was important enough to him to purchase time, but there were various programs sent out over the network and that were not sold there, and we did get permission to carry them because we thought they were of great enough interest to our listeners.

In the first place, the most of the national advertisers are not sufficiently interested in our market because we are secondary; that is, those who buy network time.

I will say that while we were getting Mutual's service there was another station, in Wilson, North Carolina, and that station and my station were sharing the line cost to Raleigh, where Mutual had a line. But on June 1st the station at Wilson which was sharing that line charge with us, cancelled its arrangement based upon the fact that the present rules would seem to necessitate it; and we were sitting right down at the end of the line, without any network service available to us.

I tried to make an arrangement with the telephone company on a temporary basis, but was not able to do it; and we could not afford to pay the whole of the line charge from Raleigh to Kingston.: I believe that charge was in the vicinity of $500 a month.

That left our listeners without any network service. I then got in touch with the N. B. C. blue network, which has a line running down our way. I believe they have a line that passes directly through our town. I do not know how the line actually runs from the mileage standpoint but at least it runs through our community. And so it was that N. B. C. blue network was willing to accept our station as an affiliate.

However, that contract is in violation of these new F. C. C. Rules. I applied to the Federal Communications Commission for permission to sign the contract. They advised me that the present rules are in operation. So we are right in the middle of a lot of trouble, and that comes right on top of losing our power because in a wind storm it blew down. And right the next week we lost our network affiliation, and now we do not seem able to get one.

Senator Bone. I would rather own one telephone line and hire a few men to keep it up than run a radio station. You fellows ought to get out of the radio business and go into the telephone business.

Mr. Hasbrook. Perhaps many of us have thought of that in recent months.

Senator Bone. I just pass it on to you as a happy thought for today. I am astonished that you gentlemen have overlooked that.

Mr. Hasbrook. If you will permit me to say so, Senator, they got there ahead of us. (Laughter.)

I should like to say something, however, about the network program advantage as it has affected us. We are, for instance, the primary voice of the University of Vermont. It is their one way of reaching these back-hill farmers and telling them something about modern agricultural processes, and so forth.

Without the educational, religious, and governmental programs that come to you through a network connection such as Columbia's School of the Air, which now operates in practically every one-room schoolhouse in northern Vermont, because they are able to hear it for months, you would not have your public interest; they would not listen to your station; consequently, they would not absorb the local information that the authorities wish to bring to them.

So, it has very widely improved our ability to serve our community by having this network connection. Of course, you gentlemen understand the tremendous necessity, if not advantage, in those times, for people back home to know something about what you are thinking about here in Washington. The only way in which I could broadcast a statement by Senator Austin, for instance, was to get him to come to the Columbia station in Washington, put it on the wax, as they say, and mail it to me first class, special delivery, and then I could come along as the 48th state 24 hours after the other 47 had heard him make his speech on this network, without going under. It was a definite handicap, bringing government information, and ecen controversial information, to the people. The network has enabled us to offset that.

Senator Tunnell. I noticed you did not say anything about the political broadcasts in Vermont.

Senator Bone. They have only one party up there, Senator.

Mr. Hasbrook. If I might leave radio for a moment, it might surprise you, Senator, to know that we perhaps were extremely active in the newspaper end of our business in electing a Democratic mayor in our city. So, we have more of a political interest in Vermont than I think the public sometimes realizes.

Senator Tunnell. I am glad to hear that.

Mr. Hasbrook. There is another aspect of this network contractual arrangement that is very important from my standpoint. That is the straight aspect. People have spoken of the necessity for option time in order to protect the local businessman in his desire to sell his own products. Well, actually practically every network advertising program is a local program. When they are promoting the sale of coffee, for instance, there are in our area some five or six hundred grocers who are very vitally interested in the sale that that program it is hoped, at least, will produce, and it trickles back into the public pocket in taxes, payroll, and the other normal things.

I do not look upon network advertising as something that has come to us from outside designed to take some of our money out of our pockets and out of our city and hand it to someone else. It is a very definite part of the merchandising system as it is now operated; and that goes for the wholesaler as well as the retailer. The local advertiser, who might perhaps come into opposition with the national program, usually wants daytime hours; at least he does in our area. I have never at any time checked up with our local men—of course it may occur but it has not occurred with us yet, because they seem to want two different things, and are perfectly delighted to have New York money come up there and help them in their business.

New Mutual Contract

The Mutual Broadcasting System has informally submitted to the FCC a form of a contract between that network and its affiliates. The contract form, which has been approved by the stockholders of Mutual, the FCC says, is non-exclusive, contains no provision for option time, makes it possible for the stations to determine their network affiliation at yearly intervals, and insures station responsibility in the selection and rejection of programs.

The Commission has not formally passed upon the validity of the contract form, and will give continuing study, the FCC says, to the development of network-station relations under such contracts. The Commission believes that the new Mutual network form of affiliation contract, as it understands the operations intended thereunder, will be in compliance with the letter and spirit of the regulations.

Commissioners Case and Craven dissented.

MPPA Notice

A notice dated June 17, 1941, was sent to broadcasting stations by Harry Fox of the Music Publishers' Protective Association, an organization made up almost entirely of ASCAP publishers. The notice is reprinted herewith.

HARRY FOX
Agent & Trustee
International Building
45 Rockefeller Plaza
New York

June 17th, 1941—No. 4194.

Notice to Radio Stations

To correct any confusion or misconception on your part which may have arisen from a bulletin recently issued by Standard Radio, of 6404 Hollywood Boulevard, Hollywood, California, and in order that you may avoid the possible commission of copyright infringements, I am herewith giving you notice, on behalf of the principals and copyright owners listed on the enclosed schedule, for whom I act as agent and trustee, that the broadcast reproduction of copyrighted musical compositions through such infringing instrumentalities as unlicensed electrical transcriptions constitutes an infringement for which all contributing parties, including the radio station, are liable.

This notice concerns itself only wth presently unlicensed electrical transcriptions manufactured for the purposes of broadcasting and *not* with ordinary phonograph records.

Lest you infer from tlhe aforementioned Standard Radio Bulletin that you may, with impunity, broadcast presently unlicensed electrical transcriptions of copyrighted musical compositions by merely holding the ordinary performing rights license, such as issued by the American Society of Composers, Authors and Publishers, you are herewith forewarned, upon advice of counsel, that such is not the case and that no such instrumentality which, in itself, is an infringing device, can be utilized for the purposes of broadcasting. The electrical transcriptions of Standard Radio presently constitute such unlicensed instrumentalities or devices as a result of the failure of Standard Radio to renew the licenses which it has held from my principals for many years past.

In the event that any radio station broadcasts such electrical transcriptions in disregard of this notice given for preventive reasons, a suit for injunction and damages under the Copyright Law will be instituted.

Very truly yours,
hf/jdf HARRY FOX,
enc *Agent and Trustee.*

The attention of broadcasting stations is called to the significance of the claim contained in the notice. Briefly, it is that a station *with an ASCAP license* cannot play ASCAP music in recorded form unless the recording has been specially licensed by the ASCAP publisher. The notice is limited to electrical transcriptions. However, the claim would apply equally well to phonograph records, and it may be noted that the communication says that the notice "concerns itself" only with electrical transcriptions but does not say that the claim may not be made with respect to phonograph records.

The immediate cause of the notice appears to be the practice of Standard Radio of relying upon the provisions of Section 1(e) of the Copyright Law which provides that once the owner of a musical work has permitted the use of the work upon a mechanical instrument "any other person may make similar use of the copyrighted work upon payment to the copyright proprietor of a royalty of two cents on each such part manufactured, to be paid by the manufacturer thereof . . ."

We are informed that Standard Radio is paying the two cents. The ASCAP publishers, as represented by MPPA, however, have contended that they are entitled to sums in excess of two cents, and in the past they have threatened to restrict performances of works electrically transcribed in the event that the payment was not made. This practice is now expressly forbidden by the ASCAP Consent Decree.

The consequences of the claim, if supported, however, would be much more far reaching than the individual situation involved. In its widest sense the claim is that a broadcasting station is liable for the $250 minimum damages for playing an ASCAP tune, even though it has an ASCAP license, unless the manufacturer of the transcription has a special license calling for additional payment above that provided in the Copyright Law. The notice applies to "unlicensed instrumentalities." Even on the claim as now made, if a phonograph manufacturer made records and then went bankrupt before payment of royalties was made (as recently happened in one instance), broadcasting stations are alleged to be liable for $250 for each infringing performance of tunes published by MPPA publishers. The claim also leaves the door open for a contention that more than the two cent charge can be made by MPPA publishers for ordinary phonograph records.

Broadcasters who intend to play ASCAP music from recorded sources should, therefore, keep this claim in mind in order to protect themselves from suit.

It will, of course, be recollected that BMI is licensing all recordings, including transcriptions, at the standard two cents required by the Copyright Law, or less.

New BMI Contract

BMI sent to all its subscribers a new contract form in line with the consent decree signed last winter. Any subscriber who has not yet received the new contract form should advise BMI immediately. Any other broadcaster who is interested may obtain the form from BMI.

CBS Counter-Proposal

CBS last week submitted a counter-proposal to ASCAP. A spokesman for CBS said:

"Columbia has consistently taken the position that it desires to have ASCAP music available for all its programs at a fair price and under conditions which are economically feasible.

"In preparing this counter-proposal, Columbia has consulated with three of its affiliates, spokesmen for which said they believed these terms are fair and would be accepted by them if licenses on these terms were made available by ASCAP.

Terms of CBS's proposal to ASCAP follow:

Since the Columbia Broadcasting System operates both a network and individual stations, this proposal is for a complete deal covering both network and station operations.

It is also our belief that the deal should be made as comprehensive as possible to eliminate all possible causes of future friction. Therefore, in broad outline, our counter-proposal is as follows:

Blanket Network License

For the Columbia Broadcasting System Network operations as now constituted, we propose to pay 2% of the entire network net receipts (defined as gross sales from the sale of time less time discounts and advertising agency commissions actually allowed) after deducting the cost of permanent lines of the Columbia network as now constituted, or as constituted in the future (including the cost of operation of any delivery methods other than lines—such as, frequency modulation transmitters and booster stations, or such other developments as may occur) and with deduction for expenses calculated as follows:

15% on the first $15,000,000 of net receipts as defined above
25% on the next $5,000,000
35% on the next $5,000,000
45% on all over $25,000,000.

If during the term of the contract, Columbia Broadcasting System no longer operates eight stations but operates any lesser number down to and including a minimum of three, an additional amount of $500,000 per annum shall be added to the network expense deduction stated above for each station less than eight. If the number of stations owned and operated by Columbia shall be reduced below three, then Columbia and ASCAP shall re-negotiate the terms of this contract and in the event of their failure to arrive at an agreement, the matter shall be submitted to arbitration, the results of which shall be binding upon both parties.

Local Station Blanket License

For local station blanket license for its owned and operated stations, Columbia proposes fees as follows:

2% on the net receipts (defined as gross from the sale of time less discounts and advertising agency commissions actually allowed) from local and national spot sales over its stations as averaged for the years 1936 to 1939, inclusive.

1½% on the excess of such net receipts over this average.

In figuring sales during the term of the license, any programs cleared and paid for at the source shall be excluded, in the same manner as network programs are excluded.

A sustaining fee of $12 for any station which has net receipts (as defined above) of less than $50,000, from the sale of local and national spot business, in any year, or a sustaining fee of 8 times the highest half hourly card rate for stations which have such net receipts of between $50,000 and $150,000 per year, or a sustaining fee of 12 times the highest half hourly card rate for stations which have such net receipts in excess of $150,000 per year.

Alternative Local Station Per Program License

For commercial programs using substantial ASCAP music—6.66% of net receipts (as defined above).

For commercial programs making only incidental use of ASCAP music (such as single theme or signature, bridge or background music, arrangements of public domain music and incidental music in connection with public events or sports broadcasts)—1.2% of such net receipts.

For sustaining use—1% of net revenue which would have been received if sustaining program had been sold at card rates for maximum number of weeks and times per week with allowance of maximum discounts and advertising agency commissions—but not exceeding 1½ times sustaining fee paid by the station in 1940.

In computing net receipts, whether for commercial programs or as assumed for sustaining programs, any program cleared and paid for at the source shall be excluded, in the same manner as network programs are excluded.

Foregoing percentage rates (both blanket and per program) apply so long as stations have net receipts as defined above from local broadcasting of over $100,000 per year. If net receipts for any station fall below this figure, the payments to be made to ASCAP for commercial use under blanket licenses and for the various uses under per program licenses will be reduced as follows:

Station Net Receipts	*Reduction*
$80,000 to $100,000	7½%
$60,000 to $ 80,000	16%
$40,000 to $ 60,000	29%
$25,000 to $ 40,000	39%
$15,000 to $ 25,000	46%
Under $15,000	50%

Conditions

This proposal is subject to the following conditions:

1. All contracts to be for term expiring Dec. 31, 1949, subject to a five-year extension at option of licensees, at rates and terms to be fixed by arbitration.
2. As under the Consent Decree and this proposal there is complete clearance at the source on network programs, it is obvious that this entire burden cannot be borne by CBS without assistance from stations. Accordingly, it is a condition that substantially all of the CBS affiliated stations shall agree to reimburse CBS that portion of the 2% payment on network net receipts made to ASCAP by CBS which is equal to 2% of network payments to stations. The balance of this 2% payment to ASCAP will be borne by CBS.
3. ASCAP shall agree in its contract with CBS that no payment would be made in respect of network revenue represented by the sale of broadcasting time over stations in states with laws which prohibit operations as contemplated or payment by stations of license fees or reimbursements to the network. (This condition, subject to agreement on language to be incorporated in the contract has already been agreed to by ASCAP negotiators.)
4. Licenses shall be available to television, frequency modulation, short-wave and experimental stations owned by a regular station licensee—such licenses to be at a nominal fee until such time as revenues from such stations are equal to operating expenses and thereafter the license fee to be upon the same basis as for regular broadcast stations.
5. All claims of any nature of ASCAP and its members against licensees to be released.
6. Acceptance of a mutually satisfactory form of contract in each case. In that connection we have not seen a draft of network blanket license since the draft promulgated in the spring of 1940 and subsequently withdrawn, but attached hereto is a memorandum of partial comments on the June 6, 1941 draft of single station blanket license, which will indicate generally some of the questions to be decided.
7. No deal will be considered made until all points are resolved and acceptable contracts actually signed or tendered.

Also attached to CBS's counter-proposals is a "Memorandum of Partial Comments" anent the single station blanket license. These contain changes desired, and objections to certain paragraphs or clauses.

BMI

ASCAP Writers to Publish Through BMI

Several prominent ASCAP writers have entered into contracts with Broadcast Music, Inc., for the publication of their songs. Performing rights on these songs will be licensed directly to the broadcasters without payment of any fee. Music by leading ASCAP writers will, as a consequence, form part of the broadcasters' repertory. BMI will control the publication and mechanical rights in this music.

Comment on Marks Suit

Widely divergent opinions as to whether the performing rights in compositions are basically owned by writers, by publishers, or by both jointly, were expressed following the commencement of a suit by BMI and Edward B. Marks against ASCAP for a declaratory judgment. ASCAP has never taken a definite stand on this matter and the question has been a frequent bone of contention between ASCAP writers and ASCAP publishers. It is not yet known what stand ASCAP will ultimately take in the suit. All of this confusion indicates that it is necessary to clarify ownership of performing rights so that the rights of all concerned may be determined.

BMI FEATURE TUNES

June 30 - July 7

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. MY SISTER AND I
5. WISE OLD OWL
6. WALKIN' BY THE RIVER
7. BECAUSE OF YOU
8. G'BYE NOW
9. WHAT D'YA HEAR FROM YOUR HEART
10. HERE'S MY HEART
11. WITH A TWIST OF THE WRIST
12. THE RELUCTANT DRAGON

A BMI Success Story

Hy Zaret is celebrating his first anniversary with BMI, and in looking back over the year finds that the sale of sheet music of songs in which he has been a co-writer have averaged about 10,000 a week. The first big success was *There I Go* of which Hy wrote the lyrics and Irving Weiser the music. This tune, now enjoying popularity in England, ran for twenty-one consecutive weeks on the Hit Parade establishing a new high record for performance on that program. Following *There I Go,* Hy joined Joan Whitney and Alex Kramer in writing *So You're the One, It All Comes Back to Me Now* and *My Sister And I.* At one time he was identified with three and one-half songs on the Hit Parade, the half being the theme song at the end of the program, *So Long For A While.*

Asked to comment, Hy contributes the following:

"The task of a popular song writer is to express the feelings of all the people, not just one section of them, such as jitterbugs, long hairs, music critics or debs. A song can be good and be popular. Every song writer with a reasonable amount of ability expresses his personality in his songs. The sooner a writer finds out what his contribution is, the more consistently he expresses it, and the more assured is his position in the song world, provided, of course, that his craftsmanship is good enough and his personality strong enough. I believe that inspirational song writers who never have to sweat to write good songs are a species that doesn't exist."

My Sister And I jumps from fourth place to first place this week among national best selling retail records. *The Hut Sut Song* follows closely, and *Daddy* and *Maria Elena* occupy the third and fourth positions. Among the regional best sellers, the *Hut Sut Song* leads in the west and mid-west; *Maria Elena* in the east and *Daddy* in the south. In the sheet music best sellers, *Hut Sut* grabs the top spot nationally, in the east, in the mid-west, on the west coast, and is second only to *Intermezzo* in the south. *G'bye Now,* the favorite from *Hellzapoppin',* is going strong for the fifth week and now holds third place among the leading music machine records. It is interesting to know that Jimmy Davis' *You're My Sunshine,* hillbilly tune, which does not show at all in the east, holds eighth place in the sheet music best sellers in the south, fifth place in the mid-west and eleventh place nationally.

Hut Sut Song

Strangest fluke to hit the music business in a long time is *The Hut Sut Song* which, from all indications, threatens to become the smash hit of the year, what with 10 recordings having been made of the number and practically every program listing it.

It all started with a line of gibberish dreamed up by a young attorney named Leo V. Killion. Incidentally, Killion insists on having the initial "V" in his name, although he refuses to divulge what it stands for. With the exception of this particular ditty, Killion never wrote a song in his life, preferring to save his line of chatter for the courtrooms. However, one fateful day he sat himself down and rattled off an unintelligible but catchy bunch of phrases and took the stuff over to his chum of high school days, Ted McMichael who, by that time, had become one of the famed Merry Macs. Ted thought there was something intriguing about the lyric, although he couldn't understand a word of it. But then, neither could Killion, so they were even on that score. Ted called up his friend Jack Owens, lyric and song writer, and asked him to come over. Jack did, and he hasn't been the same since. The song, at that time, wasn't anywhere near its present form, but it had the nucleus of the tuneful germ that has infected the nation. The three boys put their heads together and knocked out *The Hut Sut Song.*

Before the song became a hit, Killion and Owens were doing nicely in a modest, unknown sort of way, but McMichael was hitting on all cylinders in the radio world. Now, all three of them are basking in the light of Dame Fortune. Leo has become the "piece de resistance" of the town of Sacramento, where he lives. He's a lawyer of the Sacramento State Legislature, and they're so proud of him they accept his word as law . . . which helps his political position no end. Not that he needs help. He's a good lawyer. Jack Owens had a song accepted by BMI, *You Didn't Steal That Kiss,* before the *Hut Sut* number made its debut, but since then he's had five accepted by publishing firms in rapid order. Jack is a handsome lad with about six feet of personality. He has a way of presenting a song that makes you tap your feet in rhythm when you listen to him sing. He's been in and out of show business for years, but show business hasn't cared much either way. Now, he's becoming so famous that there's a good chance of his getting a two weeks' engagement at the Paramount Theatre in New York, at a mighty healthy sum on condition, of course, that he plays and sings *The Hut Sut Song.*

How the boys got the song published is one of those things. Jack took it to two publishers who turned it down for the very legitimate reason that it was a —quote— silly song—unquote. Then Jack took it to Alan Ross, music contact man in Los Angeles; Alan took it to Walter Schumann, music contact man in Lon Angeles. Walter Schumann got bitten by the *Hut Sut* bug and considered going into the music publishing business on the strength of this one song. He did, and has never regretted it. The boys took the song over to Freddie Martin, who became Hut Sut conscious and introduced the song on his broadcasts from the Cocoanut Grove. Freddie hasn't regretted it. Neither has Ted McMichael. Neither has BMI, through whom the brand new Schumann Music Publishing Company releases the number. About the only people who regret are those who start singing it and can't, for the life of them, get the catchy tune and garbled words out of their minds.

As for the phrases being Swedish, about the only resemblance they have to Swedish is this—the "Rillerah" is a stream that runs through some Swedish colony in a town in the Middle West . . . the boys think it's Minnesota. From there on, the gibberish is on its own . . . and doing mighty well!

"With Me, It's You"

Miss Jane Crenshaw, dancing teacher of North Bergen, New Jersey, has won first prize for her title and lyric idea submitted in the contest held by Song Parade Magazine. The title, *With Me, It's You,* is based on the idea that "everything comes in pairs". The song will be heard for the first time on the sustaining programs of the Columbia Broadcasting System this week (June 29-July 5). The music and lyric based on the idea submitted by Miss Crenshaw were written by Henry Manners and Jimmy Shirl who wrote *Braggin'* and other BMI hits.

Miss Crenshaw's letter to Song Parade Magazine follows:

> "Dear Sir:
>
> I wish to submit the following title for your contest:
>
> 'With Me, It's You'.
>
> This title occurred to me while I was thinking of my boy friend. Everything comes in pairs—bacon and eggs; house and lot; preacher and marriage; etc.—and as I tried to put into words my thoughts about him, I thought, 'With Me, It's You!' It seems to me that this is the idea everyone has in connection with the one they like a lot.
>
> I like your magazine so much.
>
> Well, here's hoping!
>
> Sincerely,
>
> JANE CRENSHAW (signed)"

New BMI Publishers

Broadcasting and television rights in the music of twelve new publishing companies are now available to all BMI subscribers. The new publishers are: American Melodies; Block Publishing Co.; Eugene Casivant; Fine Songs; Freeman Music Company; Graham Music Company; Greater New York Music Corporation; Reid and Singer Music Publishing Company; Sheppard Music Corporation; Stark Music Printing Company; Urban Publications and Worldwide Music Publishers.

Martin Block, conductor of WNEW's "Make Believe Ballroom" program, is the head of Block Publishing Co., which opened offices in New York early this week. Mr. Block's newest song, *I Guess I'll Have to Dream the Rest* is in the Block catalogue.

Music Programs Popular

Listening to musical radio programs has increased since January 1.

The "vested interests" of the musical world said it couldn't be done. They said that after January 1st, 1941, the public would stop listening to musical programs on the radio. They said their music was indispensable.

What actually happened? Let's look at the record.

Average C. A. B. Rating	*Popular Music*	*Concert Music*
Jan. 1940 to April 20, 1940	10.0	9.6
Jan. 1941 to April 20, 1941	10.2	10.2
Percent of Increase 1941 over 1940	2.0%	6.2%

Listening to musical programs went up. This increase ran against the general listening trend. More network programs of popular music are being sponsored. The Hooper analysis shows an increase of 9% in the number of hours devoted to sponsored popular music on networks.

The music supplied for broadcasting by BMI and the 191 music publishers associated with us has met the public taste. It has brought more listeners to musical radio programs. Here at BMI we are proud of this record. With our associated publishers we dedicate ourselves to supplying America with an ever-increasing flow of music everyone likes to play and hear.

Sales

Handling Mail Accounts

How stations should handle mail containing money from listeners in response to an advertiser's offer is a problem submitted to NAB by WCAU, Philadelphia. Early this spring a package of such mail was lost in being forwarded by the station to the advertiser, the Standard Vitamin Co., makers of Candicod, who are now bringing suit against WCAU for $11,000, which includes about $20 for the lost dimes and the balance for what is termed "loss of prestige" and similar grievances.

In discussing the general problem during the St. Louis convention, the Sales Managers Division recommended that on mail accounts stations first get explicit instructions from the advertiser on how the mail is to be handled; that they follow such instructions carefully, and that the station and advertiser agree that upon delivery of the mail to a common carrier, to be forwarded to the advertiser, the station's responsibility ceases.

As a result of this experience WCAU has prepared a form which it requires mail advertisers to sign, containing spaces for information on the account, date, time, offer, duration of offer, when mail is to be forwarded, where to be sent, and to whom, as well as space for additional instructions or remarks. The form carries the statement "It is agreed that the above services are rendered gratuitously by WCAU Broadcasting Company and that it shall in nowise be responsible for any losses however they may occur."

It is doubtful if such a form would constitute a legal waiver of responsibility, since it is not a part of the contract, and the "gratuitous" rendering of such service might also be questioned since it might be argued that in accepting the contract and remuneration therefore, it was understood that services in regard to the handling of mail would have to be rendered.

As an alternative, it has been suggested that some waiver be incorporated into the contract, by means of a rubber stamp or by writing in a phrase such as

> "Advertiser agrees that mail addressed in care of the station in response to any offer of advertiser shall be handled in accordance with advertiser's instructions, and at advertiser's sole risk."

Stations are advised to consult their attorneys in handling such problems, and any that have arrived at a solution are invited to send details to the NAB Department of Broadcast Advertising for the benefit of other stations.

Delay in Filling Orders

WCAU also presents the problem of what to do in the case of advertisers who offer merchandise or premiums, and who fail to handle orders promptly. The station writes:

> "For instance, an agency requests the station to make a premium offer which is to be available to the listener for only a limited time. Therefore, we are requested to urge our listeners to act at once. After numerous letters are received and promptly forwarded to either the advertiser or his designated agent, weeks go by (sometimes more than four), numerous complaints are received, and considerable ill-will results for the station.

"I believe that a uniform method of handling these situations could be adopted on the part of stations. Do you feel that it would be asking too much for the advertiser to furnish some assurance to the station that all mail responses will receive prompt and proper attention? Do you think this could be incorporated in our present mail form?"

Any station which has a solution or suggestion regarding this problem is asked to write to NAB.

Free Time for Circus Denied

Ever since "Editor & Publisher" printed a statement this spring that the circus would spend $300,000 in paid newspaper advertising this season, radio stations have stiffened in their attitude towards giving free time for circus promotion. The following letter from S. A. Cisler, general manager of WGRC, Louisville, Ky., is worthy of the attention of every station and sales manager. He writes to NAB:

"The famous theory of P. T. Barnum that 'one sucker is born every minute' evidently continues with the Ringling Brothers, Barnum & Bailey circus which is now passing through Louisville.

"WGRC was approached by one of these circus 'radio contacts' and implored to run as an 'educational' broadcast one or more transcriptions the circus man had under his arm.

"We asked if the circus fed Mr. and Mrs. Gargantua, the zebras, the trapeze artists, and Mr. John Ringling North himself on 'education.' Further, if the circus was so educational why not have a free show for everybody while in Louisville?

"He mumbled something about a circus being news and a very special event, then offered to trade tickets to the equal of time costs. . . .

"No doubt this big show will try to chisel other stations on the swing around the country. I sincerely hope more and more stations stand their ground and insist on paid advertising.

"Lest we confuse all circuses with the so-called 'greatest show on earth' let me say that Cole Brothers Circus began its spring tour in Louisville with liberal purchases of radio time at regular card rates without any of the chiseling or stooping to label obvious plugs 'educational.' If one of the small shows like Cole Brothers can pay why not the 'biggest show on earth'?

"Let me urge every station to cooperate with Cole Brothers in their honest effort to *pay their way* and to give this enterprise 100% value in announcement or program positions on your station.

"Our power company has always wanted to pay cash for its power. Our announcers have never been paid off in 'education.' But we will never discourage the Barnum & Bailey boys until they go through a season with a procession of 'no . . . no . . . no . . . no.'"

Although paying for newspaper space, posters and other forms of advertising, the circus has adopted a radio policy of "time for talent," offering to furnish circus talent free for interviews or other programs if the time is donated. In reply to a letter from F. Beverley Kelley of the circus, Mr. Cisler wrote:

"I can't blame you for taking free time if stations want to give it. That is good business for you and poor business for those stations who give away the only merchandise they have to sell. . . .

"Your circus is a business enterprise, operated not as a public service but to make money. If you use radio to attract customers you should pay for the time, even though you are providing your own talent as a means of making that time productive and interesting.

"I fear for the fate of radio if the sponsors of Jack Benny, Bing Crosby, Major Bowes, Kate Smith, etc., had the same idea as your circus. They pay for talent and time and the combination is paying a profit. What's so different from selling Jell-O by the package and a peek at Gargantua for 50 cents? . . .

"I do not question the listener interest of your transcriptions. But how on earth do you expect a station to sell a platter when the circus man arrives in the late morning and tries to get time that afternoon? Evidently there was no expectation that a station would or could sell your platter locally in order to obtain regular revenue from promotion that would be practically 100% for the circus. . . .

"So far as the circus not having anything to offer newspapers comparable to the platter or live talent programs you want to give free to radio stations—brother, let me have some of that cash money you pay to the newspapers and you can have all your wonderful platters and interviews.

"I am sending a copy of your letter to NAB with a request that it be published in our weekly bulletin, along with my letters on the subject. For your information, the NAB has now changed and seems a bit more active in rooting out chiseling practices and urging stations to stand firm in resisting free time deals from enterprises that do have cash advertising budgets.

"Let me ask one question which I hope you will answer: Would the circus buy radio time if they could not get it free?

"And in parting, I still am glad Cole Brothers Circus *pays* its way even though the 'greatest show on earth' tries to get the same radio time free or for some passes.

"We will buy our tickets to your circus and your circus must buy its way to our audience."

Permission to print Mr. Kelly's letter was not received, so it cannot be quoted here.

Per-Inquiry

The Sign, Union City, N. J., a religious publication, is seeking per-inquiry deals on a subscription campaign, offering 5-minute transcriptions entitled "The Sign and the Times" to be broadcast without charge, the station to retain a percentage of subscriptions received. Publishers of the magazine have been invited to use radio on the basis of established rates.

International Advertisers Report

Some radio stations did not receive payment for broadcasting services rendered to International Advertisers, Niagara Falls, N. Y., on behalf of Father Hennepin's Ointment (Grand Island Distributing Co.)

A report on this agency from the National Better Business Bureau, Inc., states:

"This firm was operated by Roderick G. Manson, whose present whereabouts are unknown to us.

"Apparently the whole thing was a fictitious setup, not entirely rational. The incident occurred in January, and Manson apparently sent announcements to radio stations all over the country without any intention of paying for them. He lived in a rooming house from which he was ejected for non-payment of rent."

Incidents like these should serve to impress upon all stations the absolute necessity of checking beforehand on agencies or accounts of doubtful credit, or of requiring cash with contract.

National Defense

WJSV telephoned that beginning with Wednesday night (June 25) "Keep 'em Flyin'" would be incorporated in the regular sign off. In the new sequence "Keep 'em Flyin'" immediately precedes the playing of the national anthem.

What is believed to be an unfortunate trend in programming is apparently being reversed. One time a number of stations set aside a definite period each day to carry various types of national defense announcements. This was undoubtedly done as a result of the unprecedented number of requests for time but the procedure did not work out successfully for many types of national defense announcements. Audience availability was sometimes at a low ebb so far as particular announcements were concerned.

For example, it was felt that 3:00 p. m. was no time to broadcast recruiting announcements for highly specialized young men who can qualify for Army or Navy flyers.

All in all the program managers are doing an exceptionally fine job. Results are more effective than in the past because they are using extreme care to spot announcements at the most appropriate available periods.

Seven hundred twenty-nine (729) stations have reported cooperation in the campaign to recruit 120,000 Flying Cadet applicants for the Army.

Station WIOD, Miami, has established a "Defense Activities Department." Frank Jaffe is director.

Patriotic Announcement

Dr. Frank Kingdon has made the suggestion that radio stations across the country insert a single sentence at a certain time each day, emphasizing the unity of their communities and the United States. For example:

1. This is Station XYZ in Los Angeles where a million and a half people of all races and religions are united in devotion to freedom and democracy.
2. This is Station XYZ in Los Angeles broadcasting in a land pledged to liberty and justice to all.

We pass this on to members for consideration in the light of such activities as they may be engaged in to further the understanding of the principles for which this country stands.

Bonus Plans

A member has asked the Labor Relations Department for "good workable bonus plans" for employees. The Labor Relations Director would appreciate an outline of any now in effect in the industry.

FEDERAL COMMUNICATIONS COMMISSION

Newspaper Hearing Postponed

The FCC announced that it had postponed until July 23 the hearing which was scheduled to begin June 25 in connection with its inquiry pursuant to Order No. 79, to determine what policy or rules, if any, should be promulgated in connection with newspaper operation of high frequency (FM) broadcast stations, and future applications for standard broadcast stations by newspapers.

This action was prompted by a petition filed by Harold Hough, chairman of the Newspaper-Radio Committee, which asked for postponement until September 15 in order to give the newspaper-radio interests more time in which to prepare their presentation.

Questionnaire on War Broadcasts

In compliance with a request by the Senate Interstate Commerce Committee, the FCC will issue a questionnaire to all networks and standard broadcast stations to ascertain whether they have "presented well-rounded rather than one-sided discussions regarding the role of this country with respect to the war abroad." In particular, the Commission was requested to obtain from the stations and networks compilations showing the names of speakers who have been heard on this issue, and the dates and time of such broadcasts.

The networks and individual stations are to be asked to furnish this information for the five-month period from January 1 to June 1 last, and to return the questionnaires to the Commission by July 21 next.

Service Broadcasts Expedited

At the request of the Secretary of War and in view of the growing public demand for broadcasts from military establishments, the FCC has suspended Sections 3.408(d) and 4.21 of its rules and regulations insofar as they relate to rebroadcast and relay of non-commercial programs from camps and other points by local arrangement where Government facilities are employed. The suspension of these rules will permit the expediting of such programs.

Educational FM Station

The San Diego (California) Unified School District has been granted a construction permit by the FCC for a non-commercial educational broadcast station to serve 55 educational units in that area. It is authorized to operate on 42300 kilocycles, with 1 kilowatt of power, employing frequency modulation (FM).

The San Diego school system intends to utilize this service to advance its educational program by rebroadcasting to specific classes or schools recorded talks, plays, musical programs and events of an educational or historic nature, provide the various schools with talks, plays, musical programs, and other special activities as presented by classes in the school system, and, incidentally, to train students in the field of radio communication.

The cost of the system is estimated at slightly more than $6,000. It is proposed to locate the transmitter at 348 West Market Street, San Diego.

New York City Station

The FCC on June 17 granted the application of the City of New York, Municipal Broadcasting System, for a frequency assignment, 43500 kilocycles.

Rules and Regulations

The Commission en banc June 24 took the following action on Rules and Regulations:

Adopted amendments to Appendix B, Part 2, General Rules and Regulations, and Section 10.41 of the Rules Governing Emergency Radio Services, Part 10, in part allocating the frequency **1618 kc.** to the police service.

Adopted amendments to Appendix B, Part 2, General Rules and Regulations, and Section 10.47 of the Rules Governing Emergency Radio Services, Part 10, in part, allocating the frequency **37660 kc.** on a secondary basis for forestry use.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, June 30. They are subject to change.

Monday, June 30

Broadcast

NEW—KNOE, Incorporated, Monroe, La.—C. P., **1420 kc.,** 250 watts, unlimited time.

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, **920 kc.,** 500 watts night, 1 KW day, SH-KUSD.

Consolidated Hearing

Further Hearing to be Held in Washington, D. C.

WPAY—Chester A. Thompson (Transferor), and The Brush-Moore Newspapers, Inc., Portsmouth, Ohio (Transferee).—Transfer of control, **1400 kc.,** 100 watts, unlimited time.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Renewal of license, **1400 kc.,** 100 watts, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

Wednesday, July 23

Investigation to determine what policy or rules, if any, should be promulgated in connection with operation of new high frequency (FM) broadcast stations and for future acquisition of standard broadcast stations by newspapers, pursuant to Order No. 79.

Thursday, July 24

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Renewal of license, **990 kc.**, 1 KW, daytime.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., **1500 kc.**, 250 watts, unlimited time. Present assignment: **1340 kc.**, 100 watts, S-WHAT.

Friday, July 25

KORN—Nebraska Broadcasting Corporation, Fremont, Nebr.—Renewal of license, **1400 kc.**. 250 watts, unlimited time.

KORN—Clark Standiford (Transferor), and C. J. Malmsten, A. C. Sidner, S. S. Sidner and Arthur Baldwin (Transferees), Fremont, Nebr.—Transfer of control, **1400 kc.**, 250 watts, unlimited time.

Consolidated Hearing

WCAM—City of Camden, Camden, N. J.—Renewal of license, **1310 kc.**, 500 watts, S-WTNJ and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1310 kc.**, 500 watts, S-WTNJ and WCAM.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, **1310 kc.**, 500 watts, S-WCAM and WCAP.

WTNJ—WOAX, Incorporated, Trenton, N. J.—C. P., **1230 kc.**, 1 KW, unlimited time, DA-day and night. Present assignment: **1310 kc.**, 500 watts, S-WCAM and WCAP.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—C. P., **1260 kc.**, 1 KW night, 5 KW day, DA-night, unlimited time. Present assignment: **1400 kc.**, 250 watts, unlimited time.

Monday, July 28

KMA—May Broadcasting Company, Shenandoah, Iowa.—Renewal of license, **930 kc.**, 1 KW night, 5 KW day, unlimited time.

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—C. P., **1340 kc.**, 250 watts, unlimited time.

WRDO—WRDO, Incorporated, Augusta, Maine.—Renewal of license, **1400 kc.**, 100 watts, unlimited time.

Thursday, August 5

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, **920 kc.**, 500 watts night, 1 KW day, S-KUSD.

NEW—Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—C. P., **1420 kc.**, 250 watts, unlimited time.

Friday, August 29

NEW—KNOE, Incorporated, Monroe, La.—C. P., **1420 kc.**, 250 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Lester Q. Krasin & Otto A. Krutzner, d/b as Krasin and Krutzner, Tucumcari, N. M.—Granted construction permit for a new station to operate on **1400 kc.**, 250 watts, unlimited time (B5-P-2934).

KICA—Western Broadcasters, Inc., Clovis, N. M.—Granted construction permit to change frequency of station KICA from **1400 kc.** to **1240 kc.**, increase power from 100 to 250 watts, unlimited time, and install new equipment (B5-P-3095).

WWRL—Long Island Broadcasting Corp., New York, N. Y.—Granted construction permit to increase power from 250 watts night and day to 5 KW night and day; move transmitter to North Henry Street and Marginal Road or Green Street, Brooklyn, install new transmitter and vertical antenna; **1600 kc.**, S. H. (WCNW). (B1-P-3116.)

WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—Granted modification of license to increase power from 100 to 250 watts; **1340 kc.**, unlimited time (B2-ML-1046).

WFIL—Strawbridge & Clothier, Transferor, Lit Brothers, Transferee; WFIL Broadcasting Co., Philadelphia, Pa.—Granted consent to voluntary transfer of 50% interest of WFIL Broadcasting Co., licensee of station WFIL, from Strawbridge & Clothier to Lit Brothers, for a consideration of $126,000; station operates on **560 kc.**, 1 KW, unlimited time (B2-TC-254).

KROW—Educational Broadcasting Corp., Oakland, Calif.—Granted construction permit authorizing increase in power from 1 to 5 KW, installation of new transmitting equipment and directional antenna for night use, and move of transmitter to approximately 4.3 miles south-southeast of center of San Francisco. This grant is made subject to any future action Commission may take regarding the problem of multiple ownership (B5-P-2803).

DESIGNATED FOR HEARING

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Application for construction permit to increase hours of operation from day to unlimited time; move transmitter site to Union Stock Yards, install new transmitter and install directional antenna for nighttime use; **950 kc.**, 1 KW (B4-P-3077).

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Application for construction permit to install a new transmitter and directional antenna for use during nighttime; change frequency from **1240 kc.** to **580 kc.**, and increase power from 250 watts to 1 KW, unlimited time (B3-P-3062).

MISCELLANEOUS

WOOD—King-Trendle Broadcasting Corp. (assignor), WOOD Broadcasting Corp. (assignee), Grand Rapids, Mich.—Granted motion for continuance of hearing on application for voluntary assignment of license of Station WOOD, now scheduled for June 20, 1941, until June 27, 1941 (under authority of Paragraph 6 of Administrative Order No. 2).

KFDY—S. Dak. State College, Brookings, S. Dak.—Granted special temporary authority to remain silent for a period beginning June 15 and ending Sept. 15, 1941 (B4-S-645).

Upstate Broadcasting Corp., Saranac Lake, N. Y.—Granted special temporary authority to operate a Composite 1-watt MOPA transmitter on **35820 kc.**, installed in a private plane, in order to relay broadcast of Saranac Lake Airport Dedication exercises only, to radio station WNBZ on June 14 and 15.

W8XAD—WHEC, Inc., Rochester, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1 KW, special emission for FM, with transmitter located at 979 Mt. Read Boulevard, Rochester, for the period June 30 to August 29, 1941.

W43B—The Yankee Network, Boston, Mass.—Granted extension of special temporary authority to operate frequency modulation station commercially on **44300 kc.**, 50 KW, special emission for FM, using the high frequency experimental station W1XOJ at summit of Asnebumskit Hill, Paxton, Mass., for period June 28 to August 26, without prejudice to issues to be determined in hearing on application B1-PH-51.

WHYN—The Hampden-Hampshire Corp., Holyoke, Mass.—Granted special temporary authority to rebroadcast transmissions of a U. S. Army bomber on June 17, in conjunction with the local U. S. O. drive.

W8XVH—WBNS, Inc., Columbus, Ohio.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43000 kc.**, 250 watts, special emission for FM, with transmitter located at 50 W. Broad St., Columbus, for the period June 30 to August 29, 1941.

W65H—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to rebroadcast high frequency broadcast stations W2XMW and W1XOJ, emissions for a period June 30 to August 28, 1941.

W1XK—Westinghouse Radio Stations, Inc., Hull, Mass.—Granted extension of special temporary authority for the period June 20 to August 29, 1941, to operate a high frequency experimental broadcast station on **42600 kc.,** 1000 watts, special emission for FM, with transmitter located at Newport Road, Hull, Mass.

W1XSN—Westinghouse Radio Stations, Inc., E. Springfield, Mass. —Granted extension of special temporary authority for the period June 30 to August 29, to operate a high frequency experimental broadcast station on **42600 kc.,** 1 KW, special emission for frequency modulation, with transmitter located at 625 Page Blvd., E. Springfield, Mass.

W65H—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to operate FM station commercially on **46500 kc.,** 1000 watts, special emission for FM, with transmitter located at Meriden, Conn., for the period June 30 to August 28, pending completion of construction pursuant to construction permit (B1-PH-35).

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted license to cover construction permit (B4-P-2696) to install directional antenna for night use and increase power from 1 KW night, 5 KW LS, to 5 KW, unlimited time on **620 kc.** (B4-L-1422). Also granted authority to determine operating power by direct measurement (B4-Z-970).

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted license to cover construction permit (B4-P-2568) for change in type of transmitter and change in directional antenna (B4-L-1427). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-993).

WNAB—Harold Thomas, Bridgeport, Conn.—Granted modification of construction permit (B1-P-2410 which authorized a new station) for change in type of transmitter, approval of studio site at 991 Broad St., and extension of completion date to 90 days after grant; **1450 kc.,** 250 watts, unlimited time (B1-MP-1298).

WBAA—Purdue University, West Lafayette, Ind.—Granted modification of construction permit (B4-P-2604, which authorized installation of new transmitter and directional antenna for night use; increase in power, change in hours of operation and move of transmitter) for extension of completion date to Sept. 22/41 (B4-MP-1315).

WJMA—Arrington & Arrington, Covington, Va.—Granted license to cover construction permit for new station (B2-P-3066); **1340 kc.,** 250 watts, unlimited time (B2-L-1433). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-1025).

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Granted license to cover construction permit (B4-P-2329) to install new transmitter, approve transmitter site, directional antenna for night use only, and increase in power to 1 KW, change frequency and directional antenna on **1300 kc.,** NARBA (B4-L-1411). Also granted authority to determine operating power by direct measurement (B4-Z-908).

WBTA—Batavia Broadcasting Corp., Batavia, N. Y.—Granted license to cover construction permit (B1-P-2909) for a new station to operate on **1490 kc.,** 250 watts, unlimited time (B1-L-1340). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-1026).

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted modification of construction permit (B5-P-2848, for installation of DA for night use; increase in power to 5 KW), for extension of time in which to complete construction from June 22 to August 1, 1941 (B5-MP-1316).

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Granted modification of construction permit (B5-P-2525, for change in frequency, increase in power, installation of new transmitter and directional antenna) for authority to change type of transmitter and extend completion date to 180 days after grant (B3-MP-1322).

WGAN—Portland Broadcasting Co., Portland, Maine.—Granted license to use formerly licensed Western Electric 352-K-1 main transmitter as an auxiliary using 500 watts power (B1-L-1420).

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of construction permit (B1-P-2319 for changes in antenna system) for extension of commencement date to July 1 and completion date to Jan. 1, 1942 (B1-MP-1324).

WLOG—Clarence H. Frey & Robert O. Greever, Logan, W. Va.—Granted license to cover construction permit for changes in equipment and increase in power; **1230 kc.,** 250 watts, unlimited time (B2-L-1425).

WWSR—Vermont Radio Corp., Inc., St. Albans, Vt.—Granted license to cover construction permit for new station; **1420 kc.,** 1 KW, daytime (B1-L-1406). Granted authority to determine operating power by direct measurement of antenna input (B1-Z-591).

W39B—The Yankee Network, Inc., Boston, Mass.—Granted modification of construction permit for new high frequency broadcast station, for extension of commencement and completion dates from December 31, 1940 and June 30, 1941, to 60 days after grant and 6 months thereafter, respectively (B1-MPH-26).

K45LA—Don Lee Broadcasting System, Los Angeles, Calif.—Granted modification of construction permit for new high frequency broadcast station, for extension of commencement and completion dates from December 31, 1940, and June 30, 1941, to 60 days after grant and 180 days thereafter, respectively (B5-MPH-30).

W9XAK—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Granted modification of construction permit for new television station for extension of completion date from July 15, 1941, to October 15, 1941 (B4-MPVB-42).

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted modification of construction permit as modified, for change in equipment, frequencies and increase in power, for extension of completion date from June 19 to August 6, 1941 (B1-MPIB-29).

WHAI—John W. Haigis, Greenfield, Mass.—Granted authority to install new automatic frequency control equipment (B1-P-226).

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Granted authority to determine operating power by direct measurement of antenna input (for auxiliary transmitter) (B4-Z-1097).

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted authority to determine operating power by direct measurement of antenna input (for auxiliary transmitter) (B2-Z-1034).

WSM—The National Life & Accident Insurance Co., Nashville, Tenn.—Granted authority to determine operating power by direct measurement of antenna input (for auxiliary transmitter) (B3-Z-1007).

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna input (for auxiliary transmitter), (B2-Z-938).

KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-954).

WRAL—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-956).

KRE—Central Calif. Broadcasters, Inc., Berkeley, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1074).

WBLK—Charleston Broadcasting Co., Clarksburg, W. Va.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1022).

WIBU—Wm. C. Forrest, Poynette, Wisc.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-999).

KTOH—Garden Island Publishing Co., Ltd., Lihue, T. H.—Granted authority to determine operating power by direct measurement of antenna input (B-Z-1046).

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1945).

WGH—Hampton Roads Broadcasting Corp., Newport News, Va. —Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1019).

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1014).

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1029).

WWRL—Long Island Broadcasting Corp., Woodside, Long Island, N. Y.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1013).

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-976).

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1021).

KUTA—Utah Broadcasting Co., Salt Lake City, Utah.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1005).

WHBL—Press Publishing Co., Sheboygan, Wisc.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-945).

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1018).

WOLS—C. Lee Stone, Florence, S. C.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-678).

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-989).

WBZA—Westinghouse Radio Stations, Inc., Boston, Mass.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-988).

KWNO—Winona Radio Service, Winona, Minn.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-953).

WEED—William Avera Wynne, Rocky Mount, N. C.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-972).

WOR—Bamberger Broadcasting Service, Inc., New York City.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-986).

KGDM—E. F. Peffer, Stockton, Calif.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1056).

KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-995).

WAKR—The Summit Radio Corp., Akron, Ohio.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-975).

KTUC—Tucson Broadcasting Co., Tucson, Ariz.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1057).

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1016).

KDKA—Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-977).

WEAN—The Yankee Network, Inc., Providence, R. I.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-944).

WELL—Federated Publications, Inc., Battle Creek, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-909).

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1004).

KGIW—E. L. Allen, Alamosa, Colo.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-962).

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Granted petition to continue hearing now scheduled for June 24 to July 24, in re application to change frequency, power and time of operation.

WRDO—WRDO, Inc., Augusta, Maine.—Granted motion for postponement of hearing from June 27 to July 28, in re application for renewal of license.

WDAS—WDAS Broadcasting Co., Philadelphia, Pa.—Granted motion for continuance of hearing now scheduled for June 25 to July 25, in re applications of WCAM, WCAP and WTNJ for renewal of licenses, and applications of WTNJ and WDAX for construction permits to change operating assignments.

WTNJ—WOAX, Inc., Trenton, N. J.—Granted motion to continue hearing referred to above.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Dismissed motion for continuance of hearing on application for construction permit to increase power.

American Legion, Dept. of Hawaii, Honolulu, T. H.—Granted petition to intervene in hearing on application of Hawaiian Broadcasting System, Ltd., for a new station in Honolulu; denied petition insofar as it requests removal of hearing to Honolulu and insofar as it requests designation of hearing at a later date than July 28.

KFNF—KFNF, Inc., Shenandoah, Ia.—Granted motion for postponement of hearing now scheduled for June 30 to August 5 in re application for renewal of license.

W2XYU—Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to use a 25 watt test transmitter on **330.4, 333.4 and 336.4 mc.** in order to conduct antenna and propagation tests from either the Salmon or CBS Building in New York City in connection with proposed operation of STL broadcast stations W2XYN, W2XYO and W2XYP for the period June 20, and ending not later than August 18, 1941.

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted extension of special temporary authority to operate on **9670 kc.** with effective power of 100 KW, using separate power amplifiers feeding separate directional antenna for the period June 20 to not later than July 19, 1941.

W2XBS—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted special temporary authority to operate a specially constructed 1 KW peak power, special emission laboratory model FM visual transmitter in conjunction with the main picture transmitter power amplifier of W2XBS on Channel No. 1 in order to make comparisons of FM and A5 emissions and to obtain engineering data for the period June 19 to not later than July 18, 1941.

WSUI—State University of Iowa, Iowa City, Iowa.—Denied special temporary authority to operate a minimum of twelve hours daily for a period not to exceed 30 days (B4-S-524).

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Granted special temporary authority to remain silent for a period of 30 days on account of fire (B3-S-1054).

KFXM—J. C. Lee & E. W. Lee, Lee Bros. Broadcasting Co., San Bernardino, Calif.—Granted special temporary authority to operate simultaneously with Station KPPC from 7 p. m. PST to the close of the heavyweight championship matches on June 18 and 25, 1941, only (B5-S-37).

WJJD—WJJD, Inc., Chicago, Ill.—Granted special temporary authority to rebroadcast a two-way discussion, Naval Airship to ground, between instructor and students, in the interest of Naval Recruiting by U. S. Naval Reserve Aviation Base at Glenview, Ill., for a period of 30 days beginning June 20, 1941, and ending not later than July 19, 1941.

KROS—Clinton Broadcasting Corp., Clinton, Ia.—Granted modification of construction permit (B4-P-1907, which authorized a new station), for approval of antenna and of transmitter and studio sites at 242-248 5th Ave., So. Clinton, and installation of new type of transmitter; **1340 kc.,** 250 watts, unlimited time (B4-MP-1326).

WTRH—Sioux City Broadcasting Co., Sioux City, Iowa.—Granted special temporary authority to operate a relay broadcast station on the frequencies listed in Group A, Sec. 4.23 (**1622, 2058, 2150, 2790 kc.**), 10 watts power, in order to relay broadcast programs in connection with Iowa Open Golf Tournament to Radio Station KTRI on June 21 and 22.

W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted special temporary authority to operate frequency modulation (FM) station, commercially on **47100 kc.,** 1 KW power, special emission for FM, at 444 Madison Ave., New York, 1 KW transmitter, for period of 30 days.

APPLICATIONS FILED AT FCC

550 Kilocycles

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Modification of construction permit (B5-P-2422) to install new transmitter, directional antenna for day and night use, increase in power, and move transmitter, requesting extension of completion date from 7-14-41 to 10-14-41.

580 Kilocycles

WIAC—Enrique Abarca Sanfeliz, San Juan, Puerto Rico.—Modification of construction permit (B-P-2136) for a new broadcast station, requesting approval of antenna system, change in type of transmitting equipment, increase in power from 1 KW night, 5 KW day, to 5 KW day and night, and approval of transmitter and studio sites.

620 Kilocycles

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Authority to determine operating power by direct method.

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Modification of license to increase power of auxiliary transmitter from 1 KW night, 5 KW day, to 5 KW day and night.

790 Kilocycles

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Modification of construction permit (B5-P-2701) as modified, for installation of directional antenna for night use and increase in power, requesting extension of completion date from 7-16-41 to 9-16-41.

930 Kilocycles

Paducah Newspapers, Inc., Paducah, Ky.—Construction permit for a new broadcast station to be operated on **930 kc.,** 1 KW, unlimited time, using directional antenna for day and night.

960 Kilocycles

WDBJ—Times-World Corporation, Roanoke, Va.—License to cover construction permit (B2-P-2522) as modified, for installation of directional antenna for night use, increased power, and approval of transmitter site.

WDBJ—Times-World Corporation, Roanoke, Va.—Authority to determine operating power by direct method.

1240 Kilocycles

KGBS—Harbenito Broadcasting Co., Harlingen, Texas.—Modification of construction permit (B3-P-2747) as modified, for a new broadcast station, requesting authority to move studio.

KXOX—Sweetwater Radio, Inc., Sweetwater, Texas.—Authority to determine operating power by direct method.

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—License to cover construction permit (B3-P-2802) to make changes in equipment and increase power.

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Authority to determine operating power by direct method.

1340 Kilocycles

KAND—Navarro Broadcasting Ass'n, J. C. West, President, Corsicana, Texas.—Authority to determine operating power by direct method.

WEIM—Ruben E. Aronheim, Fitchburg, Mass.—Modification of construction permit (B1-P-3061) for a new station, requesting approval of antenna and transmitter site.

WLNH—The Northern Broadcasting Co., Laconia, N. H.—Authority to determine operating power by direct method.

KSRO—Ernest L. Finley, Santa Rosa, Calif.—Modification of construction permit (B5-P-2916) for change in frequency, increase in power, installation of new transmitter, and directional antenna for day and night use, requesting installation of new type transmitter, changes in directional antenna on **1350 kc.** under NARBA, and extension of commencement and completion dates from 2-4-41 and 8-4-41 to 1 day after grant and 30 days thereafter respectively.

1400 Kilocycles

KTEM—Bell Broadcasting Co., Temple, Texas.—Authority to determine operating power by direct method.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Construction permit to install new antenna, increase power from 100 watts night, 250 watts day, to 250 watts day and night, and move transmitter.

1450 Kilocycles

KGIW—E. L. Allen, Alamosa, Colo.—Construction permit to increase power from 100 watts to 250 watts and install new transmitter.

KNET—Bonner Frizzell, Palestine, Texas.—Authority to determine operating power by direct method.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Construction permit to change frequency from **1450 kc.** to **1460 kc.,** increase power from 250 watts to 1 KW, install new transmitter, and make changes in antenna. Amended: To change type of transmitter.

WGNC—F. C. Todd, Gastonia, N. C.—Authority to install automatic frequency control equipment.

1490 Kilocycles

KBKR—Louis P. Thornton, Baker, Ore.—Voluntary assignment of license from Louis P. Thornton to Baker Broadcasting Company.

WERC—Presque Isle Broadcasting Co., Erie, Pa.—License to cover construction permit (B2-P-2251) as modified, for a new station.

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Authority to determine operating power by direct method.

1530 Kilocycles

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Construction permit to make changes in directional antenna system, and to change from directional antenna day and night to directional antenna after sunset at Sacramento, California.

MISCELLANEOUS APPLICATIONS

KOMA—KOMA, Inc., Oklahoma City, Okla.—Construction permit to install new transmitter and directional antenna for day and night, increase power from 5 to 50 KW, change frequency from **1520 kc.** to **690 kc.,** and move transmitter. Amended: To request power of 25 KW night and 50 KW day, make changes in directional antenna, and use facilities of KGGF.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Modification of license to change frequency from **1240 kc.** to **1230 kc.,** time from shares with WGBB and simultaneous operation with WBRB, to unlimited.

WGOV—E. D. Rivers, Valdosta, Ga.—Construction permit to install new transmitter, increase power from 250 watts to 500 watts night and 1 KW day, and change frequency from **1450 kc.** to **1460 kc.**

WREN—The WREN Broadcasting Co., Inc., Topeka, Kans.—Construction permit to install directional antenna for day and night use, move transmitter from Tonganoxie, Kansas, to Kansas City, Kansas, move studio from Lawrence, Kansas, to Kansas City, Missouri, and change power from 1 KW night and 5 KW day to 5 KW. Amended: To change frequency from **1250 kc.** to **1060 kc.,** increase power from 5 to 50 KW, change hours of operation from S-KFKU to unlimited time, make changes in directional antenna for night use only, change transmitter location from Kansas City, Kansas, to Jarbola, Kansas, and studio location from Kansas City, Missouri, to Topeka, Kansas, and install new transmitter.

H. C. Cockburn, tr. as San Jacinto Broadcasting Co., Houston, Texas.—Construction permit for a new broadcast station to be operated on **1470 kc.,** 1 KW, unlimited time, facilities vacated by KXYZ.

Birney Imes & Robin Weaver, d/b as Imes-Weaver Broadcasting Co., Murphreesboro, Tenn.—Construction permit for a new broadcast station to be operated on **1240 kc.,** 250 watts, unlimited time, facilities of WSIX.

Evening News Press, Inc., Port Angeles, Wash.—Construction permit for a new broadcast station to be operated on **1500 kc.,** 100 watts night, 250 watts day, unlimited time. Amended: To request **1450 kc.,** 250 watts day and night, and specify transmitter location.

Bernard N. Walker, Concord, N. C.—Construction permit for a new broadcast station to be operated on **1400 kc.,** 250 watts, unlimited time.

National Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new television broadcast station to be operated on Channel #1, **50000-56000 kc.;** emission, A5 and special for frequency modulation; ESR: 1800, unlimited time.

National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-PCT-1) for a new television broadcast station.

WOKO, Inc., Albany, N. Y.—Construction permit for a new studio transmitter broadcast station to be operated on **337000 kc.,** 50 watts, special emission for frequency modulation, to be used in conjunction with applicant's proposed high frequency broadcast station.

Northeastern Pennsylvania Broadcasters, Inc., Wilkes-Barre, Pa.—Construction permit for a new broadcast station to be operated on **1240 kc.,** 250 watts, unlimited time, facilities of WBAX.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why a cease and desist order should not be issued against them.

S. Angell & Co.—Alleging misrepresentation and the use of lottery methods in the sale of furs and fur garments, a complaint has been issued against Steven Angell and Asimo Liampos, trading as S. Angell & Co., 236 West 27th St., New York, manufacturers.

The complaint alleges that the respondents engage in the practice of failing to disclose the true nature and origin of their fur products and of affirmatively misrepresenting their nature and origin by means of tags, labels, advertisements, circulars, price lists and other printed matter.

According to the complaint, the respondents represent products made from rabbit or other peltries as being made from mink, seal, beaver, muskrat, skunk, sable, squirrel and broadtail lamb peltries by dressing and dyeing them to resemble these peltries and by use of such terms as "Minkolet," "Minkolene," "Nubian Seal," "Hudseal," "Beaverette," "Mendoza Beaver," "Silvertone Muskrat," "Skunkolene," "Sabellette," "Squirrellette," and "Broadtail"; and represent by use of the word "Norwegian" that certain of their products are made from peltries imported from Norway, when such is not a fact.

The complaint further alleges that the respondents, in selling their products, furnish various devices and plans of merchandising which involve the operation of lottery schemes when such products are sold and distributed to ultimate consumers. (4520)

Miles Brokerage Co., Inc.—Alleging violation of the brokerage provision of the Robinson-Patman Act, a complaint has been issued against Miles Brokerage Co., Inc., Clearfield, Pa., which also maintains an office in Buffalo; Miles & Co., Inc., DuBois, Pa.; Miles-Bradford Co., Bradford, Pa., and Miles-Kane Co., Kane, Pa.

The complaint points out that the capital stock of Miles Brokerage Co., Inc., is held by twenty-two stockholders and that stockholders owning ninety-seven and one-half per cent of its outstanding capital stock are identified with the three buyer respondent grocery companies as stockholders, directors, officers, attorneys, auditors, salesmen, buyer or managers, and that this group likewise owns and controls a majority interest in the capital stock of each of the three respondent buyer corporations.

According to the complaint, the Miles Brokerage Co., Inc., stockholders share in the corporation's earnings and profits; William H. Miles, president of the three buyer respondent corporations, is a stockholder in the brokerage company and takes an active interest in its affairs; and his brother, Wade H. Miles, though not a stockholder, is vice-president and managing officer of the brokerage company.

The complaint alleges that in the buying and selling transactions resulting in the delivery of merchandise from one or more sellers to the three respondent buying companies, the respondent brokerage company receives and accepts from the sellers substantial brokerage fees and commissions which are equal to a certain percentage, from a fraction of 1 per cent to 5 per cent, of the sales price of the purchases.

The complaint further alleges that as a result of the operation of the Miles Brokerage Co., Inc., brokerage business the stockholders, directors, officers and other officials or representatives of the three respondent buyer corporations receive from sellers indirectly, in the form of cash dividends paid upon their stockholdings in Miles Brokerage Co., Inc., a substantial portion of the brokerage obtained on purchases made by the three respondent buyer corporations.

The three respondent buyer corporations, according to the complaint, receive indirectly from sellers a substantial portion of the brokerage obtained on their purchases by Miles Brokerage Co., Inc., in the form of the use of equipment and facilities of the Buffalo office of Miles Brokerage Co., Inc., such equipment and facilities being maintained from proceeds of brokerage fees and commissions received by Miles Brokerage Co., Inc.

The complaint alleges that the receipt and acceptance of such brokerage fees and commissions by Miles Brokerage Co., Inc., upon the three respondent companies' purchases, while acting in fact for such purchasers, and the receipt and acceptance of brokerage in the form of buying office services and facilities by the three buyer companies, upon their own purchases, violates the brokerage provision of the Robinson-Patman Act. (4519)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

Beau Brummel Ties, Inc., also trading as Weisbaum Bros., Brower Co., Cincinnati, entered into a stipulation to cease certain representations in the sale of neckties and mufflers.

Under the stipulation, the respondent agrees to cease employing the words "Silk," "Pure Dye," or other words connoting silk to describe a product not composed of silk. If, according to the stipulation, the product is composed partly of silk and partly of other fibers and the word "Silk" or other silk-connoting word is used properly to describe the silk content, such words shall be accompanied by other words in equally conspicuous type to accurately designate each constituent fiber or material in the order of its predominance by weight.

The respondent also stipulates that it will cease offering for sale or selling any silk product containing any metallic weighting without full and nondeceptive disclosure on labels, tags and all advertising matter of the presence of this weighting and its percentage or proportion, and that it will cease advertising, branding, labeling, invoicing, selling or offering products composed wholly or partly of rayon without clearly disclosing the rayon content by use of the word "Rayon" and without failing to disclose in equally conspicuous type any other constituent fibers in the order of their predominance by weight.

The respondent further agrees to cease and desist concealing within neckties composed in whole or in part of rayon, labels or tags descriptive of their fiber content, or failing to attach such labels or tags to the ties in a manner clearly revealing the descriptive matter appearing thereon; and to cease representing, directly or inferentially, that neckties made or constructed wholly or partially with or by machines are "Made by Hand" or and handmade. (3143)

Hamann Institute of Music—Engaged in selling correspondence courses of 52 lessons for the study of piano, Hawaiian (steel) guitar, and Spanish guitar, Harry Hamann, trading as Hamann Institute of Music, 3019 North 24th Place, Milwaukee, has entered into a stipulation that he will cease certain representations in the sale of his products.

"Play songs almost instantly," the respondent Hamann advertised, according to the stipulation. "Let me prove that you too can become an expert, up-to-date player for less than two cents a day."

Under his stipulation, the respondent agrees to cease advertising that his courses will enable a purchaser to learn to play current entertaining music practically overnight, or become a skilled or expert up-to-date player, and that any price is the regular price for any of his courses, unless such price is in fact the customary price.

The respondent further stipulates that he will cease representing, by use of the word "Institute" in the trade name or of syllables or letters which simulate that word, that his business is an institute; by use of the word "Registrar," that he employs a registrar in his business; and by use of the word "President," that his business is a corporation or association or anything but a privately owned, personally conducted business. (02813)

Jones Laboratories—J. M. Jones, trading as Jones Laboratories, 724 West Trade St., Charlotte, N. C., distributor of a drug preparation designated "Jones' Dog Hulls," entered into a stipulation in which the respondent agrees to cease representing, directly or by implication, by use of the word "Laboratories" as part of his trade name, that he owns, operates or maintains a laboratory for manufacturing his product, or for testing and experimenting with the preparation. The respondent further agrees to cease advertising, directly or by implication, that "Jones' Dog Hulls" will stop running fits. (02816)

King's Goat Milk Laboratories—Cornelius J. King, trading as King's Goat Milk Laboratories, 1848 Hone Ave., New York, and engaged in the manufacture of various products composed either entirely or in part of goat's milk, entered into stipulation to cease certain representations in the sale of his products.

The respondent agrees to cease representing or using representations the effect of which tends to convey the belief, among other things: that goat's milk contains far more or, in fact, any more of Vitamins A, B, C, D and G than does cow's milk; that goat's milk is more suitable in infant and child feeding than cow's milk, or is the best substitute for human milk in such feeding; and that the fat globules in goat's milk are in more perfect emulsion than in any other milks, or that they are usually digested in twenty minutes.

The respondent further agrees to discontinue representing or using representations the effect of which tends to convey the impression that goat's milk is an ideal food for most cases of colitis, arthritis, anemia, nervousness, loss of weight, rundown condition, and other ailments, and that its use in the treatment of stomach or intestinal ulcers will obviate the necessity of surgical operations in ulcer cases generally. (3128)

Larkin Co., Inc., Buffalo, N. Y., entered into a stipulation to discontinue certain representations in the sale of Chinese filet dinner or cover cloths designated as "Tuscany Lace." The respondent agrees to cease advertising that any dinner or cover cloths or other articles sold by it are Tuscany lace, other than such articles made from laces that are genuine Tuscany lace. The stipulation points out that true Tuscany lace is a hand-made filet lace of grape design produced in the Tuscany district of Italy from linen thread. According to the stipulation, the respondent's dinner or cover cloths advertised as "Hand-Made Tuscany Lace" are filet laces made of cotton thread in China to imitate the true Tuscany lace. (02815)

Melrose Granite Company and Rock of Ages Corporation, both engaged in the sale and distribution of granite monuments or memorials, have entered into stipulations in which they agree to cease and desist from certain representations concerning the lasting qualities of their products.

Melrose Granite Company, St. Cloud, Minn., in connection with the sale or offering for sale of its monuments or memorials in interstate commerce, agrees to cease and desist from representing, by use of the word "eternal" or any other word or words of similar import or meaning, or in any other manner, that its monuments or memorials are everlasting or will endure forever.

Rock of Ages Corporation, Burlington, Vt., in connection with the sale and distribution of its products in commerce, agrees to cease and desist from the use of the words or phrases "everlasting," "endures forever," "impervious to the rigors of time and the elements," "throughout the ages," "eternal beauty," or any other words or phrases of similar import or meaning in its advertising, certificates of guarantee or otherwise, so as to import or imply or the effect of which is to cause or may cause the belief or impression that its monuments or memorials are everlasting or will endure forever. (3142 and 3145)

The Philip Ritter Co., Inc., 511 Fifth Ave., New York, an advertising agency, entered into a stipulation to cease disseminating certain advertisements on behalf of Grace Donohue, Inc., New York, for its preparation "Grace Donohue Cleanser." The respondent agency agrees to cease advertising that this product is a remedy or cure for, or works wonders with, blackheads or whiteheads; and that it is a healing agent and an efficient method of preserving a clear, smooth or attractive complexion. (02814)

Tintz Co.—Nineteen dealers selling coal tar hair dye products have entered into stipulations to cease disseminating advertising matter which does not contain proper cautionary statements regarding use of their products.

The respondents and the hair dye products they sell are: Tintz Co., Chicago, "Tintz Creme Shampoo Hair Coloring" (02806); G. P. Brandt, trading as Zephyr Laboratories, Chicago, "Brandt's Olive Oil Shampoo Tint" (02807); American Beauty Products Co., Chicago, "Brandt's Olive Oil Shampoo Tint" (02808); H. L. Baum, trading as Beauty Products, Denver, Colo., "Noreen Super Color Rinse" (02809); Clairol, Inc., Stamford, Conn., "Special Clairol" and "Instant Clairol" (02810); Bes-Tone, Ltd., New York, "Bes-Tone" and "Bes-Tonol Oil Shampoo Tint" (02811); Nu-Gloss Mfg. Co., Inc., New York, "Nu-Gloss Tintrinse" (02812); Rap-I-Dol Distributing Corporation, New York, "Rap-I-Dol Hair Coloring" (Supplemental Stipulation 01812); and Paragon Distributing Corporation, also trading as Paragon Laboratories, Inc., Eterne Manufacturing Corporation, and Paragon Institute, New York, "Eternol Tint Oil Shampoo" and "Paragon Hair Coloring" (Supplemental Stipulation 02112).

A. Rhodes Co., Inc., Lowell, Mass., "Rhodes' Quick Color for Gray Hair" and "Rhodes' Shampoo Tint for Gray Hair" (3131); George Kremer, trading as Roux Distributing Co., New York, "Roux Shampoo Tint" (3132); Norman W. Siebras, trading as Lady Lennox Co., Memphis, Tenn., "Lady Lennox Hair Coloring", (3133); Clifford S. Donnell, trading as Queen Ann Manufacturing Co., Newark, N. J., "Queen Ann Liquid Hair Coloring" (3134); Humm Laboratories, Inc., Duart Manufacturing Co., Inc., Ltd., Humbert Miragia, and William H. H. Davis, Oakland, Calif., distributors of "Humm" coal tar hair dyes of some thirty different shades (3135); Godefroy Manufacturing Co., St. Louis, "Larieuse" (3136); Sales Affiliates, Inc., New York, "Loxol", "Inecto" or "Inecto with Lustrium" (3137); Fan Tan Co., Inc., trading as Black Strand Co., Chicago, "Black Strand Hair Coloring" (3138); Keystone, The Old Reliable Co., trading as Memphis Mail Order House and The Hi-Hat Co., Memphis, Tenn., "Hi-Hat" and "Four Star" (3139); and Jose G. Gonzalez and Mrs. Henry (Felicitas G.) Myers, Laredo, Tex., "Malintzin" (3140).

The respondents agree to cease disseminating advertisements which fail conspicuously to reveal therein the following: "Caution: This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness."

The stipulations provide that such advertisements need contain only the statement: "Caution: Use only as directed on label", if and when such labels bears the first described caution displayed conspicuously thereon, and the accompanying labeling bears adequate directions for such preliminary testing before each application.

A. Rhodes Co., Inc., Lowell, Mass., further stipulates that it will cease disseminating advertisements of its product "Rhodes' Reju-Vena", a solution containing metallic salts, which fails to conspicuously reveal therein a cautionary statement to the effect that this product is not to be used under certain conditions or circumstances, provided, however, that such advertising need contain only the statement: "Caution: Use only as directed on label", if and when such label bears the above described cautionary statement conspicuously displayed thereon. (02806-02812, inc., supplemental 01812, 02112, 3131-3140, incl.)

Weyenberg Shoe Manufacturing Company, Milwaukee, Wis., a corporation engaged in the manufacture, sale and distribution of shoes, one line of which is sold under the name of "Massagic," has entered into a stipulation in which it agrees to cease and desist from use of words or phrases, statements or representations, so as to import or imply or tend to convey the belief to purchasers that "Massagic" shoes massage the feet; that the shoes produce "massaging resilience"; that the shoe "exercises and massages the foot"; the use of words or phrases, statements or representations tending to convey the belief to purchasers that the wearing of "Massagic" shoes will cause callouses to vanish; and the use of representations tending to convey the belief to purchasers that the shoes will keep the feet young. (3141)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Actino Laboratories, Inc., and Carl Loeb, its president, located at 429 West Superior St., Chicago, have been ordered to cease and desist from misleading representations in the sale of orthoptic instruments or machines intended for use in the treatment and correction of certain visual defects.

The Commission finds that the respondents, in connection with the sale of certain orthoptic instruments which they manufacture, accept from purchasers other, used, instruments as a "trade-in" allowance on the purchase of the respondents' instruments; that they resell the used or second-hand instruments thus obtained; and that, through the use of advertisements and their failure to disclose that such instruments are used or second-hand, they represent that certain of them are new and unused, when such is not a fact.

The respondents are ordered to cease and desist from representing, directly or by implication, that used or second-hand products are new or unused, and from advertising, offering for sale or selling used or second-hand products without disclosing that such products are in fact used or second-hand. (3813)

George A. Bounds and Co.—George C. Bounds and William H. Phillips, partners trading as George A. Bounds and Co., Salisbury, Md., who own and operate a factory at Hebron, Md., for packing, processing and canning tomatoes and sweet potatoes, have been ordered to cease and desist from violation of the brokerage section of the Robinson-Patman Act.

In connection with the sale and distribution of canned tomatoes and sweet potatoes, the Commission order directs the respondents to cease and desist from granting or allowing in any manner or form, directly or indirectly, anything of value as a commission, brokerage or other compensation or any allowance or discount in lieu thereof to any purchaser in such transactions.

The order further prohibits the respondents from granting or making any allowances or discounts in lieu of brokerage to any purchaser by selling commodities at a price reflecting a reduction from the prices at which sales of such commodities are currently being effected by the respondents to other customers, such reduction being an amount representing, in whole or in part, brokerage currently being paid by the respondents to brokers for brokerage services rendered to the respondents in effecting sales of such commodities to such purchasers thereof. (4303)

Burry Biscuit Corporation and Tasty Bud Biscuit Co., Inc., Elizabeth, N. J., have been ordered to cease and desist from misrepresentation in the sale of bakery products.

The Commission finds that the respondents caused certain of their cracker products called "Bisc-O-Bits" to be packaged in cardboard containers bearing on the surface, in conspicuous type, the statement "Average 90 Crackers." The Commission finds this representation to be false and misleading for the reason that the packages did not contain ninety crackers and did not average ninety crackers each but, on the contrary, the packages contained substantially less than ninety crackers. The findings also state that the containers are of a size and capacity in excess of that reasonably required to package ten ounces, the quantity of crackers actually placed therein by the respondents. This practice of using over-size containers, the findings continue, is known in the trade and generally as "slack filling" and has the effect of misleading or deceiving the purchasing public with respect to the quantity of product contained in such packages.

The respondents are ordered to cease and desist from representing that the number or quantity of any products contained in any package or container in which they are offered for sale is greater than the number or quantity of such products actually contained or placed therein, and from offering for sale or selling any products in a container or package which is substantially larger in size or capacity than that required for packaging the quantity of product contained therein. (4374)

Clayton Candy Co.—Prohibiting the use of lottery methods in connection with the sale of merchandise to ultimate consumers, cease and desist orders have been issued against C. T. Clayton, trading as Clayton Candy Co., Phenix City, Ala., candy manufacturer; The Briarwood Corporation, Cleveland manufacturer of smoking pipes; J. C. Helms, trading as H & L Candy Co., Marshville, N. C.; Helen Harrison Candies, Inc., Chicago, and Gordon Foods, Inc., Atlanta, distributor of nut assortments and other food products. (4395, 4401, 4455, 4467 and 4438)

The Firestone Tire & Rubber Co., The Goodyear Tire & Rubber Co., and its sales subsidiary, The Goodyear Tire & Rubber Co., Inc., and The B. F. Goodrich Co., all of Akron, Ohio, and Sears, Roebuck & Co., Chicago, and Western Auto Supply Co., Kansas City, Mo., have been ordered to cease and desist from price misrepresentations in connection with the sale of automobile tires and tubes.

Commission findings are that the tire company respondents issued retail price lists for various grades of tires for the use of their retail stores; furnished lists of suggested retail prices to their dealers, and, during nation-wide sales periods, advertised and recommended that their dealers advertise in a large number of newspapers that certain tires were offered at savings and discounts from the regular or list prices. Sears, Roebuck & Co. and Western Auto Supply Co., according to findings, also issued price lists but permitted their stores to sell at less than the suggested prices.

The Commission finds that during the periods in which the advertisements in question were published the respondents advertised and offered certain alleged savings and discounts on tires and tubes. The purported savings and discounts, according to findings, were not in fact as represented for the reason that they were not based or computed upon the regular current retail selling prices but upon amounts which were higher than the current retail selling prices.

Findings are further that in certain instances the represented savings and discounts were exaggerated for the reason that the purchaser was not credited with the usual part-payment trade-in allowance for used tires turned in at the time new tires were purchased.

Certain of the respondents, according to findings, represented that savings were afforded, based upon the advertised selling price as compared with competitors' list prices. In such cases the represented savings were found to be exaggerated for the reason that such list prices were not the regular current retail selling prices of the competitors' tires.

Commission findings are further that substantial numbers of purchasers understand that advertised savings or discounts are reductions from the regular retail selling prices ordinarily charged for merchandise immediately prior to advertised sales; that they understand that "list prices," as used in tire advertising, mean regular retail selling prices of the tires advertised, and that any represented savings or discounts from such list prices are reductions from the regular retail selling prices in effect immediately prior to the advertised sales.

The Commission orders direct all of the respondents to cease and desist from employing the term "List Price" or any term of similar meaning to designate prices which are not in fact the bona fide regular established selling prices of the tires or tubes advertised and offered for sale, as established by the usual and customary sales in the normal course of business.

The respondents also are ordered to cease representing, directly or indirectly:

That any specified amount is the customary or regular price of a tire or tube advertised when such amount is not in fact the bona fide actual selling price as established by usual and customary sales.

That any specified amounts or percentages are savings or discounts when they are not actual savings or discounts computed on the bona fide, usual and customary selling prices in effect immediately prior to such representations.

That specific savings or discounts are afforded a purchaser upon the purchase of tires or tubes when such savings or discounts do not take into account the trade-in allowances customarily made to purchasers in the ordinary course of business.

The respondents, except Western Auto Supply Co., are also ordered to cease representing, directly or indirectly:

That any specified savings or discounts are offered a purchaser upon the purchase of certain tires or tubes when such savings or discounts are computed upon the regular selling or list prices of higher priced tires or tubes.

That a specified tire or tube is offered for sale when such merchandise is not so offered but instead another tire or tube of different kind or brand is offered.

The orders against Sears, Roebuck & Co., and Western Auto Supply Co., also prohibit those respondents from representing, directly or indirectly, that any savings or discounts are afforded a purchaser upon the purchase of their tires or tubes when such savings or discounts are computed upon prices of competitors' tires and tubes, unless the prices of the respondents' tires or tubes and also those of their competitors are the regular current retail selling prices, and that certain amounts are the prices of the respondents' competitors' tires or tubes, unless such amounts are the prices at which such competitors sell their tires or tubes in the ordinary course of business.

Sears, Roebuck & Co. also is ordered to cease representing, directly or indirectly, that a specified tire or tube is of a certain grade, kind or line when it is of a different grade, kind or line, and that its tubes can be bought for a designated amount, or at a designated savings or discount, in combination with a tire or tires when the designated amounts, savings or discounts in such combination offer are not computed upon the regular retail selling prices of each item in the combination.

In the Firestone case, the Commission ordered that the complaint be dismissed as to Firestone Tire & Rubber Co., sales subsidiary of The Firestone Tire & Rubber Co., the sales subsidiary having been dissolved, and that certain charges in the complaint be dismissed without prejudice to the Commission's right to proceed thereon in the future in any appropriate manner (3983, 3984, 3985, 4033 and 4054).

John J. Fulton Co., San Francisco, distributor of "Uvursin," advertised as a treatment for diabetes mellitus, has been ordered to cease and desist from misrepresentations concerning the preparation.

The Commission finds that through the dissemination of advertisements in the United States mails and by various other means in commerce the respondent has represented that its medicinal preparation "Uvursin" has substantial therapeutic value in the treatment of diabetes mellitus and that when used with a diet recommended by the respondent, it substantially increases the efficacy of the diet as a treatment for diabetes mellitus. The Commission finds that the preparation is not efficacious for treating this disease as it does not deal with the causes and its use may be definitely harmful to a patient suffering from diabetes mellitus in that it would give a false sense of security and delay the inauguration of effective treatment.

Further findings are that there is no accepted treatment for diabetes other than diet and insulin adjusted properly to meet the needs of each patient.

The respondent is ordered to cease and desist from disseminating or causing to be disseminated any advertisements by means of the United States mails or by any means in commerce, which advertisements represent that the preparation "Uvursin" constitutes a competent or effective treatment for diabetes or has any therapeutic value in the treatment of diabetes (3819).

Gland Estemeter Corporation and William Estep, its president, 30 North La Salle St., Chicago, formerly of Kansas City, Mo., have been ordered to cease and desist from misleading representations in the sale of their "Gland Estemeter" device intended for use in diagnosing diseases.

Commission findings are that the respondents advertised their device as being capable of detecting or disclosing improper or abnormal functioning of the glands, when in fact it is incapable of such detection and possesses no value in diagnosing diseases or conditions of the body.

The Commission order directs the respondents to cease disseminating advertisements which represent, directly or through inference, that all ailments or diseases are caused by improper or abnormal gland functioning; that the respondents' device detects or discloses such improper functioning, reveals vitamin deficiencies, discloses whether the body condition is acid or alkaline, discloses the condition of the blood with respect to energy or activity, analyzes or discloses impairments of the mental processes, and that this device possesses any value in the diagnosis of any ailment or body conditions (4328).

E. B. Muller & Co.—The two principal processors of granulated chicory, a product used with coffee for flavoring and other purposes, have been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act, and from selling below cost, disparagement of competitors' products and other practices in violation of the Federal Trade Commission Act.

The respondent chicory companies are E. B. Muller & Co., Port Huron, Mich., and Heinr. Franck Sons, Inc., Flushing, N. Y., both controlled and directed, according to Commission findings, by David McMorran, and principally owned by David McMorran and his wife, Charlotte H. McMorran.

Commission findings are that the businesses of the two respondent companies are largely complementary, one to the other, and that they refrain from competing with each other. Their principal competitor has been R. E. Schanzer, Inc., operating in New Orleans, the principal consuming market for chicory, and maintaining a chicory drying plant in Linwood, Mich., in the limited area in which domestic chicory is grown.

According to findings, the respondents have followed a general pattern of price discrimination under which they have made low prices in several southern States where they have been in active competition with R. E. Schanzer, Inc., and have recouped in part for these lower prices by charging higher prices in other areas where their competitor does not attempt to and cannot, because of transportation costs, sell its products.

The respondents, according to findings, also have discriminated in price as among other purchasers within the same southern States and among other purchasers elsewhere, and in many instances have maintained discriminatory prices as between customers located in the same city.

Detailed cost studies of the respondents' business operations show, according to findings, that they sold chicory below cost in territory where R. E. Schanzer, Inc., operated, with the deliberate purpose of injuring and, if possible, destroying this competitor, and that they sold at higher prices in other territories.

The respondent E. B. Muller & Co., according to findings, frequently disparaged the Schanzer chicory products by representing to purchasers that they contained molasses, sugar beet or other foreign substances, and the respondent has threatened Schanzer customers with seizure by governmental authorities of chicory purchased from R. E. Schanzer, Inc., as being adulterated.

E. B. Muller & Co., according to findings, artificially colored granulated chicory by adding iron oxide which produced an exceptionally desirable and uniform color and represented that the color and uniformity of color of its chicory were achieved by a superior method of roasting and a painstaking selective process.

The Commission order directs the respondents to cease disparaging the products of competitors and representing that artificially colored chicory is not so colored, and to cease selling or offering to sell granulated chicory at a price less than the cost thereof to respondents with the purpose or intent, and where the effect may be, to injure, suppress, or stifle competition or tend to create a monopoly in the production or sale of such products (the term "cost" meaning the total cost to the respondents of any such transactions of sale, including the costs of acquisition, processing, preparation for marketing, sale, and delivery of such products).

The respondents are further ordered to cease discriminating directly or indirectly in the price of such products of like grade and quality, as among purchasers from either or both of them, where the differences in price are not justified by differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which such products are sold or delivered:

(A) By selling any material quantity of such products to purchasers in one or more general trade areas at prices different from those to purchasers in any other general trade area.

(B) By selling such products to some purchasers in any general trade area at prices materially different from those to other purchasers in the same general trade area (3224).

Neo-Vim Co., 400 North High St., Columbus, Ohio, and six of its officers or former officers have been ordered to discontinue misleading representations in the sale of their medicinal preparation designated "Neo-Vim" or "Neo-Vem" and their cosmetic preparation "Hi-Ho Tooth Paste."

The respondent officers or former officers are A. L. Riaff, L. M. Jensen, W. C. Pollard, Edwin L. Miller, L. R. Dillow, and Carl G. Rossel, all of Columbus.

The respondents are ordered to cease and desist from disseminating advertisements which represent, directly or through inference, that "Neo-Vim" or "Neo-Vem" is a tonic; that its use will supply increased energy or vitality; that it will increase the appetite or flow of gastric juices; that it will increase the quantity of the blood or improve the quality of the blood; that the preparation constitutes a competent or effective treatment for indigestion; or that it has any therapeutic value other than that possessed by an ordinary laxative.

The Commission order further directs the respondents to cease representing that "Hi-Ho Tooth Paste" will remove stain, film or discoloration from the teeth other than those of a surface character; that the preparation will serve to keep gums healthy or add firmness to the gums; that use of the preparation will prevent impure breath or offensive odors; or that it is a competent or effective agency for brightening the teeth in excess of the results obtained from the use of any ordinary dentrifice (3969).

Omega Manufacturing Co., Inc.—Two distributors of devices advertised for use in the electrolytic removal of hair have been ordered to cease and desist from misrepresentations in the sale of their products.

Respondents in the cases are Omega Manufacturing Co., Inc., trading as Omega Electrolysis Institute, and Milton L. Brownshield, an officer of the corporation, New York, selling the "Omega Home Use Portable Machine," or "Omega Method," and D. J. Mahler Co., Inc., East Providence, R. I., selling the "Mahler Electrolysis Apparatus," or "Mahler Method."

The orders direct the respondents to cease disseminating advertisements which represent, directly or through inference, that their products are safe devices for the electrolytic removal of superfluous hair from the body by individual self-application in the home.

Omega Manufacturing Co., Inc., and the respondent Brownshield are further ordered to cease representing that their device is painless, pleasant, quick or simple and easy to use and will have no ill effects upon the body, and D. J. Mahler Co., Inc., to discontinue representing that its device can be operated with ordinary care and skill.

Under their respective orders, the respondents are further directed to cease disseminating advertisements which fail to reveal that the use of their devices or apparatus by persons not trained in the technique of removing superfluous hair from the body by electrolysis may result in permanent disfigurement or cause infections or other irreparable injury to health, and that the devices should not be used to remove hair from cancerous or syphilitic lesions, pigmented moles or other areas showing local pathological conditions.

In each case the respondents had been restrained by United States District Courts, on petition of the Commission, from disseminating certain advertisements of their devices pending final disposition of the Commission's cases against them (4146 and 4228).

J. R. Pharmacal Company—J. R. Olney, Sr., and J. R. Olney, Jr., trading as J. R. Pharmacal Company, Chester, Pa., have been ordered to cease and desist from misleading representations in the sale of a medicinal preparation designated "J. R."

Commission findings are that the respondents advertised their preparation as constituting a cure or remedy for all cases of athlete's foot, when such is not a fact.

The Commission order directs the respondents to cease disseminating advertisements which represent, directly or through inference, that their preparation is in all cases a cure or remedy for athlete's foot; affords instant or immediate relief from athlete's foot, itching toes, ringworm, or raw, inflamed feet, in excess of temporarily relieving the itching symptoms associated with such conditions, and that the preparation is endorsed by leading health institutions or is the only known treatment of its kind.

The order also prohibits the dissemination of advertisements which use the statement, "Athlete's foot fungi killed in less than three minutes in laboratory test," or which otherwise represent that the preparation will, in all cases, kill or destroy athlete's foot fungi. (4127)

Pittsburgh Plate Glass Co.—A group of glass distributors and glazing contractors operating in the New Orleans area have been ordered to cease and desist from entering into and carrying out agreements and undertakings to establish or maintain the prices for their products and apportion among themselves the glazing contracting business in New Orleans, and other practices.

Respondents are: Pittsburgh Plate Glass Co., distributor and glazing contractor with headquarters at Memphis, Tenn.; and W. D. Snyder, manager of its New Orleans branch; Karl Hansen Co., Inc., distributor and glazing contractor, and Karl Hansen, its president; David Bernhardt Paint and Glass Co., Inc., distributor and glazing contractor, and Fred Dittmann, its secretary-treasurer, and Edmund W. Ulrich, manager of its glazing contracting division; Joseph B. Crasto, formerly trading as Joseph B. Crasto Glass Co., glazing contractor, and his successor, Joseph B. Crasto Glass Co., glazing contractor, and Lloyd Crasto, its acting manager, and H. Flaumhaft, glazing contractor, all of New Orleans.

The Commission order directs the distributor respondents Pittsburgh Plate Glass Co., Karl Hansen Co., Inc., David Bernhardt Paint and Glass Co., Inc., and the individual respondents W. D. Snyder, Karl Hansen, and Fred Dittmann, in connection with the sale of plate, window, safety, rough rolled, wire, art and structural glass, to cease and desist from entering into or carrying out any agreement or undertaking among themselves or with any competing corporation or person for the purpose or with the effect of restraining competition in the sale or distribution of such glass in commerce.

These respondents are further directed to cease, pursuant to such agreements, understandings or undertakings, (1) establishing or maintaining the prices at which such glass is sold to dealers, the retail trade or consumers in the New Orleans trade area; (2) holding meetings for establishing or maintaining the prices for such glass; (3) exchanging information with reference to the respondents' respective businesses and activities where the purpose is to establish or maintain prices; (4) adhering to duplicate or uniform price lists for the sale of such types of glass in the New Orleans area; and (5) changing simultaneously the prices at which they sell the glass.

The glazing contractor respondents Pittsburgh Plate Glass Co., Karl Hansen Co., Inc., David Bernhardt Paint & Glass Co., Inc., Joseph B. Crasto, Joseph B. Crasto Glass Co., and H. Flaumhaft, and the individual respondents W. D. Snyder, Karl Hansen, Edward W. Ulrich, and Lloyd Crasto, in connection with the sale of their various glass products or with the making of glazing contracts in the New Orleans area, are ordered to cease entering into agreements or undertakings among themselves or with other competing corporations or persons, for the purpose of curtailing competition. They are further ordered to cease, pursuant to such agreements or undertakings, (1) apportioning among themselves the glazing contracting business in New Orleans; (a) establishing the amount of the bids to be submitted respectively by them for supplying and installing glass in buildings in the New Orleans trade area; (3) holding meetings for establishment of the amount of the respective bids which the respondent glazing contractors submit on particular jobs; (4) holding meetings for allocating among the respondent glazing contractors glazing contracts for jobs within the area; and (5) exchanging information with reference to their respective businesses and activities where the purpose, intent, or effect is to establish or attempt to establish the amount of the bids to be submitted respectively by the respondent glazing contractors for jobs in the New Orleans trade area. (4304)

Sanders Manufacturing Co.—Three southern concerns have been ordered to cease and desist from lottery methods in the sale of their products. The respondents are Sanders Manufacturing Co., Nashville and Shelbyville, Tenn., distributor of advertising novelties and punch boards; Ethel's Candy & Sales Co., Inc., Atlanta candy manufacturer; and B. T. Clifton, trading as Associated Sales Agency, Birmingham distributor of clocks, fountain pens and novelty articles. (3526, 4056 and 4201)

Thomsen-King & Co., Inc., Chicago, the Winship Corporation, Des Moines, and 37 individuals who are or were either officers of the respondent corporations or associated in the businesses conducted by the respondents, have been ordered to cease and desist from violations of the Federal Trade Commission Act in conducting a series of prize contests to promote the sale of cosmetics.

Commission findings are that the respondents have disseminated false and misleading advertisements containing puzzle or picture contests and the offer of prizes for their solution; that the contests are easy of solution and have been used as a "bait" to obtain the names of people to be encouraged to enter competitive selling contests, and that the puzzle contests have been in fact buying contests requiring quantity purchases of the respondents' cosmetic products by the so-called contestants. According to findings, the respondents have sold as much as $1,643,000 in cosmetics to contestants in one of the contests.

Commission findings are that the respondents, individually and in cooperation, in the furtherance of a common plan, have organized and operated approximately 16 corporations operating under trade names for the dissemination of advertisements concerning numerous prize contests. The findings further recite that when one of these companies would be cited to appear before the Federal Trade Commission the respondents in some cases would enter into a stipulation with the Commission to cease the practices being conducted, and would make little effort to comply with the stipulation but instead would either discontinue or dissolve the particular operating company, organize a new company, and proceed with practices substantially similar to or identical with those which they had stipulated to discontinue.

The Commission order directs the respondents, individually or by concerted action in connection with a contest in which the purchase or sale of cosmetics or other articles is essential to participation in any awards given to cease disseminating advertisements which represent, directly or by implication, that the respondents are conducting a contest confined to solution of a picture puzzle which involves only competition in skill without expenditure of money or work in order to win a prize; to cease representing that they are giving away a substantial sum of money or merchandise as prizes to a certain limited number of persons as an introductory or advertising offer through a contest, when the conduct of such so-called contest in fact constitutes their usual course of business, and to cease representing that offers made to individual contestants are exclusive to the persons addressed or that such persons have been granted an exclusive advantage in a contest, and that the giving of a certain order for goods and the payment of a specified amount therefor will assure the contestant addressed of obtaining a money prize or other award.

In connection with the sale of cosmetics, the order also prohibits the use of advertising matter in a contest which sets out a portion of the terms and conditions without stating that they are only a portion of the requirements; the use of lottery methods, and the representation, directly or by implication, that the respondents' cosmetic preparations will restore a youthful condition to the skin, remove wrinkles or strengthen muscles.

The Commission order is directed against Thomsen-King & Co., Inc., The Winship Corporation, James M. Woodman, Jesse L. Stewart, Merrold Johnson, G. Fred Stayton, Joseph Furth, Albert L. Bisson, Leta M. Frazier (formerly Leta M. Clanton), Glenn Tate, George Thomsen, Amber M. McCluskey, James L. Decker, Sibley F. Everitt, Walter G. Phillips, Paul H. Williams, Don M. Parmelee, George Schaffer, Evelyn Henderson, Richard E. Williams, Prentice W. Shaw, John E. Woodman, Steve W. Phillips, Warren Lee Eastman, Ernie A. Storesund, A. Leonard Anderson, Gerald G. Grant, W. W. Young, Paul Manning, Fred W. Fitch, Mrs. Fred W. Fitch, Lucius W. Fitch, Mrs. Lucius W. Fitch, Gail W. Fitch, Mrs. Gail W. Fitch, Lester R. Sandahl, Mrs. Lester R. Sandahl, Richard H. Young and Mrs. Richard H. Young.

The Commission order directs that the complaint in its proceeding be dismissed as to F. W. Fitch Co., Des Moines, and as to J. G. Hamer, B. Brown, H. Rosenstein, Claude T. Burnett, Ross J. Miller, Joseph Kane and Walter Rubens. (3998)

United Sales Co.—Max Cohen, 4042 South Broadway Place, Los Angeles, has been ordered to cease and desist from misrepresentations in the sale of photographic enlargements and frames. The respondent Cohen is in business under the names United Sales Co., United Art Display and Sales Co., Art Display Co., United Art Display Co., and United Display Co.

Commission findings are that the respondent, through two types of salesmen, one known as "grabbers" and "initial solicitors" and the other as "proof passers" or frame salesmen, engages in elaborate and deceptive sales methods which are directed to the primary purpose of selling photographic enlargements and frames.

The Commission order directs the respondent and his agents to cease representing that colored or tinted pictures are paintings, and that the respondent is engaged in the business of procuring pictures for use in advertising various products or that any picture so procured by him will be sold to any advertiser.

The respondent is further ordered to desist from representing that pictures submitted to the respondent or photographic enlargements made therefrom will be entered in any picture contest, unless such contest is then, in fact, being conducted and such pictures or enlargements are eligible for entry; that any photograph or colored enlargement has been entered in any competition or that an award has been made; that the respondent is conducting any special or advertising campaign in a particular locality unless such is a fact, and that the respondent's business is operated under sanction of the United States Supreme Court or any other court or tribunal.

The order further prohibits the representation that prices and values which are fictitious and in excess of the regular prices are in fact the customary prices or values for pictures or frames, and the representation that the respondent will pay half the cost of the frame of any picture when in fact the frame is sold to the purchaser at a price in excess of the customary price. (4161)

Fred P. Weissman, Inc., 270 West 38th St., New York, has been ordered to cease and desist from misrepresentation of the fiber content of certain products sold by it. The respondent sells and distributes women's coats and other garments.

The Commission finds that the respondent has caused to be attached to its products certain labels purporting to designate and describe the constituent fibers or materials of which such products are made. One of such labels carries the legend "100% CAMEL'S HAIR." The Commission finds that this representation is false and misleading in that the garments so labeled contained only 30 per cent camel's hair, the remaining fibers being wool and mohair in about equal proportions.

The respondent is ordered to cease and desist from using the term "100% CAMEL'S HAIR" or any other term of similar import or meaning to designate, describe or refer to any fabric or product which is not composed entirely of camel's hair, and from representing in any manner that the respondent's products contain camel's hair in greater quantity than is actually the case (3532).

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 26, July 3, 1941

NBC PROPOSES SOLUTION OF ASCAP MUSIC PROBLEM

Niles Trammell, President of NBC, announced that he had submitted a proposal to ASCAP for the use of ASCAP music on NBC networks and managed and operated stations. (For CBS proposal, see NAB Reports, p. 564.)

"Our proposal," Trammell said, "represents our best efforts to solve the music problem which has existed since January 1, 1941, when former licenses from ASCAP expired. I have sent our proposal to all of the independent stations affiliated with the NBC for their study and consideration."

The essential points of the new agreement between ASCAP and NBC as outlined by Trammell are:

1. NBC agrees to pay 2½% on network commercial business while it proposes that the individual stations pay 2% on local and national spot commercial business.
2. NBC will clear and pay for the use of ASCAP music on all network sustaining and public service programs.
3. NBC proposes that ASCAP offer to the independent network stations four alternative methods for the use of ASCAP music locally.
4. NBC proposes that the new services of Television, Frequency Modulation, Shortwave, Etc., pay for the ASCAP music on the same basis when commercial revenue for such services is received.

The proposal was tendered subject to the acceptance by NBC affiliates of their portion of the network commercial license fee which the NBC, under the terms of the ASCAP consent decree, must pay for clearing all network music at the source. The proposal is being sent to the independent stations affiliated with the NBC networks, with the endorsement of the Chairman and Vice Chairman of the Independent Radio Network Affiliates, Samuel Rosenbaum of WFIL, Philadelphia, and Paul Morency of WTIC, Hartford, Conn., respectively, as well as Harold Hough of WBAP and KGKO, Fort Worth, Texas.

"I am hopeful that this proposal will be accepted by all the parties," Trammell said. "Under its terms, the National Broadcasting Company will pay ASCAP somewhat more than it has previously. We are offering to assume the obligation of clearing and paying for all network sustaining and public service programs in order to expedite a final solution. Our offer of a higher payment for a network license, and our proposal that a lower rate be paid by the local stations for local and national spot commercial business, represents a sincere effort on our part to return the ASCAP music to the air on a basis equitable to all.

"The independent stations on the NBC networks remain free to negotiate local licenses with ASCAP if they so desire, and we have suggested four alternative methods for the consideration of the stations and ASCAP. The alternatives suggested permit of great flexibility in negotiating agreements for the use locally of ASCAP music. At the same time they provide for a fair payment to ASCAP for the use of its music.

"The success achieved by Broadcast Music, Inc., has been a source of gratification to all broadcasters. The use of BMI music will continue and with the completion of negotiations with ASCAP a competitive market for music will have been established. That was the real purpose behind the formation of BMI, and I am sure that if our proposal to ASCAP is accepted, the composers, lyricists, arrangers and publishers throughout the country will find an ever-widening use for their music, and receive fair and equitable compensation for it."

NATIONAL BROADCASTING COMPANY'S PROPOSAL TO ASCAP

Proposal

This proposal covers the Red and Blue Networks and the Managed and Operated Stations of the NBC. It contemplates the execution of separate network licenses for each NBC network, and individual local station agreements for each of the 9 NBC M & O Stations.

As used herein, the term "net receipts from sale of time" shall be deemed to mean the actual amounts received by NBC from the sale of time after deducting (1) discounts, (2) rebates, (3) advertising agency commissions actually allowed.

We propose that separate licenses be executed on each of the following bases:

Blanket Network Commercial License

NBC would execute separate network commercial contracts with ASCAP under which NBC would pay ASCAP as a commercial license fee, covering all NBC network commercial programs, 2½% of its net receipts from sale of time for network broadcasting over each of its networks, after deducting a sales commission equal to 15% of NBC's net receipts from the sale of time for network broadcasting and the actual cost to NBC of the wire lines, or other means of connections, between the member stations of the networks.

Blanket Network Sustaining License

NBC would execute separate network sustaining contracts with ASCAP under which NBC would pay ASCAP, as a sustaining license fee covering all NBC network sustaining programs, $200 per year, in advance, for each contract year, for each station managed and operated by it or regularly affiliated with it during such year. In the event a station is managed and operated or regularly affiliated with NBC during a part of any contract year, the network sustaining fee will be pro-rated. A station shall not be deemed to be regularly affiliated with NBC where the networks only feed to it occasional sustaining programs in the public interest, and in such cases no network sustaining fees will be paid.

Local Station Blanket Commercial License

Each NBC M & O station would execute a separate local station blanket commercial license agreement under which it would be obligated to pay ASCAP 2% of its net receipts from the sale of time for local and national spot broadcasting after deducting a sales commission equal to 15% of its net receipts from the sale of such time.

Local Station Blanket Sustaining License

Each NBC M & O station would execute a separate local blanket sustaining license agreement under which the station would pay an annual sustaining fee of

(a) 12 times the highest ½ hour card rate of the station if it has net receipts from the sale of local and national spot business in excess of $150,000 per year, or,

(Continued on page 580)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

NATIONAL BROADCASTING COMPANY'S PROPOSAL TO ASCAP

(Continued from page 579)

(b) 12 times the highest ¼ hour card rate of the station if it has such net receipts between $50,000 and $150,000 per year, or,

(c) $12.00 for any station which has such net receipts of less than $50,000 per year.

While NBC, for its networks and M & O stations, is willing to contract with ASCAP on the above blanket basis, many of our affiliates desire a per use basis. We, therefore, suggest a per program plan which we would be willing to recommend for consideration by those of our affiliates desiring this type of license:

Local Station Per Program Commercial License

ASCAP would offer each such station a contract under which the station would agree to pay to ASCAP

(a) 8% of its net receipts from the sale of time for local and national spot broadcasting, after deducting a sales commission equal to 15% of such net receipts, on programs which use ASCAP music except those programs making only incidental use of ASCAP music as provided in (b).

(b) 2% of its net receipts from the sale of time for local and national spot broadcasting, after deducting a sales commission equal to 15% of such net receipts, on all local and national spot commercial programs which use no music licensed by ASCAP other than bridge or background music, themes or signatures, ASCAP arrangements of public domain works, or such music as is incidental to the broadcast of a public or sports event.

Local Station Per Program Sustaining License

ASCAP would offer a local sustaining per program agreement under which the station would agree to pay, on all its local sustaining programs, using ASCAP music, 1% of the card rate of the station which would be applicable to the time, if sold. From the card rate however there shall be deducted amounts equivalent to the discounts and agency commissions which normally would apply and a sales commission of 15%. In no event shall the sustaining fee of any station exceed the sustaining fee which the station would have paid had it executed the local blanket sustaining license agreement mentioned above.

We recommend that ASCAP offer to all NBC affiliates the opportunity of contracting on any one or on any combination of the foregoing local station license plans.

In the case of all local station licenses, no fees shall be payable to ASCAP on any program whether live talent or recorded, network or local, sustaining or commercial, where the performing rights have been cleared at the source.

ASCAP shall not restrict any composition in order to obtain additional consideration for the performance thereof, or for the purpose of fixing or regulating fees for the recording or transcribing of any composition.

Since NBC now proposes to clear at the source on network programs and cannot bear the entire expense of network commercial licenses itself, it must arrange with its affiliated stations to reimburse it for part of the network commercial license fees which it proposes to pay ASCAP. Therefore, the proposed blanket network commercial and sustaining license agreements shall be conditioned upon substantially all NBC affiliated stations agreeing to reimburse NBC to the extent of 2½% of the compensation paid the station for broadcasting network commercial programs.

Among Other Detailed Conditions to Be Negotiated the Proposed Contracts Between ASCAP and NBC Shall Contain Provisions to the Following Effect:

(1) All contracts shall terminate on December 31, 1949.

(2) All claims, causes of actions and pending actions as of the date of closing against NBC or against the affiliates of NBC by ASCAP or any of its members shall be dropped and dismissed forthwith, and full releases will be delivered by ASCAP and its members.

(3) All network licenses shall permit all NBC affiliates and M & O stations to broadcast ASCAP music on NBC network programs but no license fees shall be payable with reference to the broadcasting of any network program over stations located in states which have statutes prohibiting ASCAP from operating in such states as herein contemplated or which prevent NBC from obtaining reimbursement from its affiliated stations in such states.

Likewise no license fees shall be paid by NBC with respect to broadcasts or net receipts from the sale of time on stations located outside the United States of America.

(4) It is proposed that ASCAP grant blanket licenses for nominal fees covering FM, Shortwave, Television, and experimental stations, operated by any ASCAP licensee, and at such time as the stations have commercial income, the fees specified in the contracts covering local standard band broadcasting shall apply thereto.

(5) All contracts will be reduced to writing and will not become binding until signed by both parties.

(6) ASCAP must warrant that both its foreign and domestic catalogues will not be substantially reduced during the term of the agreement.

(7) The agreements must cover all compositions written, composed or copyrighted by ASCAP members or in which they have an interest, whether or not such compositions are published or unpublished, copyrighted or uncopyrighted.

(8) The agreements must make clear that major non-dramatic works are within the terms of the ASCAP licenses.

(9) ASCAP'S indemnification must cover *all* compositions the performing rights in which are allegedly controlled either by an ASCAP member or a member of one of its affiliates.

(10) Provision must be made for right of NBC and its affiliates to record NBC programs for reference, file, audition and delayed broadcasting purposes, and for the performance of ASCAP compositions by NBC affiliates and M & O stations on delayed and repeat broadcasts of network shows.

(11) ASCAP must specifically give us the right to make and use arrangements and transpositions.

(12) The ASCAP restricted list has been abused in the past and a specific clause must be drafted which will give reasonable protection both to ASCAP and the licensee.

(13) The license to broadcast must include without additional fee the right to perform before an audience in a theatre or studio incidental to the broadcast.

(14) NBC must have the right to terminate if network broadcasting as now constituted is substantially changed.

(15) The licensees may at the end of any contract year by notice to ASCAP shift from a blanket to a per program basis of licensing or visa versa on the most favorable terms ASCAP has at the time in effect with any other broadcaster similarly situated.

(16) If ASCAP obtains from its members the right to contract for a period beyond December 31, 1949, NBC shall have the right to extend its license agreements for a similar period subject to all the terms and conditions therein contained except as to the fees to be paid which shall be determined by mutual agreement failing which they will be set by arbitration.

While this proposal contains the more important terms which NBC considers must be contained in any contract between it and ASCAP, the details and other provisions of the agreements must be worked out in mutually satisfactory language.

BMI

ASCAP Writers License New Compositions for Broadcasting

Andy Razaf, composer of *Honeysuckle Rose,* and J. Russell Robinson composer of *Margie,* have granted broadcasters a non-exclusive license, to continue until December 31, 1950, to perform, broadcast and televise new compositions written by them which will be published by BMI. The compositions are, *I'll Be A Good Soldier, Too* by Andy Razaf and J. Russell Robinson and *We'd Rather Die Upon Our Feet (Than Live Upon Our Knees)* by J. Russell Robinson, Henry A. Murphy and Lewis Fuchs (the last two are not members of ASCAP). The authority is granted in accordance with the Consent Decree executed by ASCAP. BMI, as publisher, joins in the grant to its licensees.

Andy Razaf (Andrea Razafkeriefo), one of two colored composers who have succeeded in making a living by writing songs, is a nephew of the late Queen of Madagascar, Ranavalona, III. He is the only living negro with a rightful claim to a throne. His grandfather, John L. Waller, was United States Consul to Madagascar under President Harrison. His mother married the brother of the Queen. When the French overran the Island, his father died at the head of a Madagascar regiment. His mother and grandfather were subjected to many abuses and were robbed of their property. In fear of their lives, they fled to America, and Andy was born in Washington, D. C. Andy believes that the radio is the surest medium for popularizing a song. He is considered by many the most prolific and outstanding songwriter of his race and has written more than a thousand songs. With the possible exception of Irving Berlin, Razaf's name appears on more popular songs than that of any other writer. In addition to *Honeysuckle Rose,* some of Razaf's outsanding hits are: *Ain't Misbehavin', Sposin', Make Believe Bal'room, Memories of You, Keepin' Out of Mischief, If It Ain't Love, Patty Cake, In the Mood, Peach Tree Street, Stompin' At the Savoy* and *Black and Blue.*

In addition to *Margie,* J. Russell Robinson has written *Mary Lou, Aggravatin' Papa, What Are Little Girls Made Of, Just Because You're You, Stop the Sun, Stop the Moon, (My Man's Gone)*, and many of the most popular tunes played by Cab Calloway, such as *Ain't Got A Gal In Town, Reefer Man, Yeah Man* and hundreds of others. He is a professional musician and was the pianist of the original Dixie Land Band, the first jazz band to appear in London. He wrote the first song to be sung as a solo by Beatrice Lillie; he has served as accompanist for Singin' Sam, Marion Harris, Aileen Stanley and many other singers.

In regard to the melody of *We'd Rather Die Upon Our Feet,* he tells that it was written while seated in a cafe while entertainers were singing and playing. His ability to compose under the most confusing and uncomfortable conditions he ascribes to the twelve years he spent in motion picture theatres playing music suitable to the action of the picture, "extemporizing nine hours a day, seven days a week, which developed within me the ability to compose at will, regardless of where I might be."

Kornheiser Joins BMI

Phil Kornheiser, General Manager of Leo Feist for more than twenty years, has become associated with Broadcast Music, Inc., and will serve as a consultant to Merritt E. Tompkins, BMI's Vice President and General Manager. Mr. Kornheiser's entire experience has been in the field of popular music and he has developed a reputation of knowing what to do with a song to turn it into a hit.

A Publisher Comments

New Era Music Corporation has released the following statement through its General Manager, Harold Oxley:

"Late in 1940 when New Era Music signed with BMI, we said, 'The BMI way of dealing with writers is the best thing that has ever happened to American music. New Era music is going to BMI because BMI gives the fairest deal.'

"I can say that we still feel the same way. The check we received for performance royalties for the first quarter of 1941 under the BMI system represents the most equitable method of payment in the music business."

New Era Music Corporation, owned by Jimmie Lunceford, prominent orchestra leader, signed a contract with BMI in December, 1940. The catalogue contains many well known rhythm novelties and instrumentals, among them *What'cha Know Joe?*

BMI FEATURE TUNES

July 7 - July 14

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. MY SISTER AND I
5. WISE OLD OWL
6. WALKIN' BY THE RIVER
7. BECAUSE OF YOU
8. G'BYE NOW
9. WITH A TWIST OF THE WRIST
10. THE RELUCTANT DRAGON

Hit Writers and Hobby Writers

There are many songwriters in all parts of the country who have profited from the opportunity BMI affords. There is Jack Owens who wanted to be a singing evangelist and composed *The Hut Sut Song.* There is Helen Bliss, who formerly worked in Macy's and is now a dentist's assistant. Helen wrote *The Moon Won't Talk* and the new BMI hit, *I Went Out of My Way*: George Fragos, twenty-two year old Greek boy, who wrote the music for *I Hear A Rhapsody* when he was fifteen; Bernie Wayne and Ben Raleigh, writers of *You Walk By* and a new one called *Wasn't It You.* Bernie and Ben owe their success to a breath-taking blonde who swept by them at the corner of 57th Street and Fifth Avenue. She inspired the words, "You walk by and children pause at play. You walk by, December seems like May." The boys were thinking of advertising in the Lost and Found columns but they decided that it was pretty easy to be fooled and so their unknown inspiration has never received her share of the boodle, which in the case of *You Walk By* has run into quite some boodle.

Una Mae Carlisle, a young colored girl from Zanesville, Ohio, is cashing in with *Walkin' by the River.* Joe Ricardel, twenty-two year old orchestra leader, has tapped the till with *The Wise Old Owl.* An earlier success, the first BMI hit, *Practice Makes Perfect,* gave Ernest Gold, Robert Sour and Don McCray no cause for regret. *The Same Old Story* was a new story for Newt Oliphant and Michael Field, who, though they had written popular tunes prior to the formation of BMI, had never watched their notes turn into cash.

In addition to the substantial sums earned by BMI hit tunes, many songs which are not well known are returning sizable amounts to their creators. These unknown numbers have been transcribed even though their popularity has not justified recording for retail sales. As a result of these transcriptions, the tunes have been played steadily by many stations in various parts of the country and each playing registered a little more cash for the writers. Some of these songs are a far cry from popular tunes. Examples of this sort are, *The Shining Hour* and *Peter Piper, Jr.,* by Ernest Gold, which, although they never appeared on the Hit Parade or, in fact, got anywhere near it, brought their writer checks for $169.28 and $152.00 respectively for performances in the first quarter of 1941.

The song, *I'll Spend the Rest of My Life* by Franklin D. Roosevelt, Jr., and Kendrick Sparrow, while it failed to fascinate any band leader, earned $81.84 for each of its writers in the first three months. *Phantom In the Dark,* a tune without words by a fifteen-year-old Brooklyn schoolgirl, Laurette Carroll, brought home close to $200 on performances, and yet it is safe to say that most of us never heard of it. *The Plains of Old Wyoming* by Gomer Cool of Los Angeles, though rarely heard on the networks, returned Cool $159.36, while a highly sophisticated song, *The Morning After,* by Lee Wainer and Bob Sour brought each of its writers $166.88.

This sort of compensation is most unusual for songwriters. Most music publishers accept only those songs which they can exploit to the fullest extent and the result is that songwriters are either "in the money" or living on "cakes and coffee."

Tunes appealing to a wide variety of tastes, brought home the BMI bacon. Johnny Messner's *Clarinet In a Haunted House* rang up $264.00 while *An Old Easy Chair By the Fireplace* by Curt Poulton of Tuscola, Illinois sent $141.92 into Tuscola. Dabney Carr of Houston, Texas, now in the Army Air Force, and his partner, Richard Shannon, each collected $125 for *Walkin' On Air. Night Game In Brooklyn* was heard enough to return Charles Boutelle of Bayside, Long Island, $121.28. And so it goes. More than 1000 writers in all parts of the country made money as a result of the existence of BMI.

Belgians and French to Hear BMI Tunes

Starting July 7th, Belgians and the French, or those of the populations of the two countries who own short-wave radio sets, are to hear BMI songs with French lyrics sung over NBC short-wave by Enny de Vries, who enjoyed widespread popularity in Brussels before the Nazis overran Belgium. Miss de Vries will also be heard in French Canada and French possessions. Married to an American, Miss de Vries has spent six weeks out of every year in the United States and has introduced many of our best known popular songs to the Belgian and French public. She composes as well as sings, and some of her songs have been published for sale in French Canada.

Sales

Networks Recognize Cash Discount

Because it was being rumored that the networks were about to allow a "2% cash discount," the NAB Sales Managers Division has conferred with NBC and CBS network officials who have been engaged in cash discount negotiations with advertisers and agencies. This report is a resume of what has happened, so that all NAB members may be fully informed to date.

Since radio is the one major advertising medium that has not generally allowed a cash discount, it is important that the details of the present negotiations be known so that station managers will not be unnecessarily alarmed, but rather that everyone keep an even balance through an understanding of the facts.

Advertising agencies unquestionably have a continuous and serious credit problem. It is well known that some agencies have media billings of such magnitude that even with their sizable cash reserves they could carry these huge billings for less than a month unless they receive prompt payment from their clients. Practically all media except radio have made it a practice to allow cash discounts, and thus it has almost become a habit for advertisers to pay their agency accounts promptly. However, recent action by the Curtis Publishing Company, in withdrawing the cash discount, was of serious concern to agencies because of the fear that this might be the signal for a general withdrawal by other publishers and other media. If this happened, it was possible that the ever-present credit problem might become so acute as to threaten the present agency structure.

For several years, and more notably in the past several months, the American Association of Advertising Agencies has been trying to persuade the networks to accept the "principle" of the cash discount. Because of recent developments, many of the nation's leading advertisers finally joined forces actively with the agencies in order to safeguard present agency structure, and added the weight of their appeal to the negotiations. The Association of National Advertisers, representing a great number of the country's most substantial advertisers, joined in the effort.

An authorized committee of leading agency executives finally approached CBS and NBC with a request that the cash discount principle be recognized, on the assurance that the method, to be later worked out, would not decrease the net billings; in other words, that the networks or anyone else who would accept the proposal could not possibly lose one dollar of net revenue.

After considerable negotiation and a thorough analysis of the problem from all angles, CBS and NBC could find no valid reason for not agreeing to this proposal, but added two other conditions: that any cash discount would not require an increase in rates, and that the method finally to be adopted would have to be approved by the advertisers, with this approval to be secured by the agencies rather than by the medium.

NBC is understood to have modified the rate condition, whereby a slight change in rates might have to be made for this reason: If a *cash* discount is provided through the technique of reducing the present *volume* discounts by a comparable amount (for example, 2% in each case), there will be a slight mathematical difference because volume discounts are taken off the gross, and the cash discount would be taken off the net. The objective is to keep net billings the same, and to achieve this NBC points out that, depending upon the final method adopted, some minute rate change may be necessary.

The conditions therefore are:

1. Any cash discount to be allowed cannot reduce revenue.
2. It is not to take the form of a rate increase (except as modified above).
3. The idea and method must be "sold" to the advertisers by the agencies.

Only on these three conditions will the principle of a cash discount be recognized, and there will be no deviation from these conditions, it was definitely stated.

What the final method of figuring the discount will be was not definitely decided as this was written, but two general proposals are being considered:

1. That a cash discount be provided, by reducing the present *volume* discounts (weekly and annual) by an equivalent amount, so that the net payment by due-date would be at least equal to what it is now. In this event, instead of reducing radio revenue, the result would be to increase it by the amount of the cash discount in the event of non-payment of bills on time.
2. That a "surcharge" be added to present net billings if not paid by due-date. Under this plan, present discounts would remain the same, with the surcharge added for failure to pay when due. This also would result in a net increase of radio revenue if due-dates were not met. It is understood that CBS favors this method of meeting the problem and has so advised the agencies.

MBS is also understood to be considering the problem, and since the initiative in each case comes from the agencies and the advertisers, it is believed that Mutual has received similar proposals.

In effect, therefore, although recognizing the principle of the cash discount as a service to advertising agencies and as a means of assisting them to operate on a sound basis, adoption of either of these proposals would in reality constitute not an additional discount, but rather an additional charge for non-payment of bills when due.

Any plan adopted by any or all of the networks would have no direct effect upon stations, either network-owned, network-affiliated, or independent. Each station, of course, is perfectly free to do what it wishes in the matter: to maintain its present practice or to change its policy in any way it wishes.

It is the desire of the Sales Managers Division of the NAB that no one misconstrue these moves by believing that a new, additional discount is to be allowed, or that present rate structures will be materially changed. When everyone concerned is fully informed of the facts as given above, it is believed that the problem confronting the agencies will be appreciated, the reasonableness of their request will be admitted, and the action of the networks will be understood. Thus no one will become unnecessarily upset one way or the other, and stations will not be led into precipitate action either way. In fact, it seems to the NAB that at this moment no action by individual stations is indicated at all.

Mail Clause in Contracts

With further reference to the problem of handling a client's mail containing money, previously discussed here, we are advised by station WCAU, Philadelphia, that it now incorporates *in its contracts* this clause:

"It is understood that if, under the terms of this Contract, any offer is to be made in connection with any programs to be broadcast hereunder, or if station shall in the future agree to broadcast any offer during said programs, all mail addressed to the station in response to said offer shall be handled by this station at the advertiser's sole risk, and station in no wise shall be responsible for any losses, no matter how they should occur."

National Defense

Fourth of July

Radio is to play a prominent part in this year's Fourth of July celebration. Hundreds of independent stations and stations affiliated with networks are to carry the 4:00 p.m., Presidential address. Up to press time (Wednesday, July 2) a number of stations had completed arrangements for piping the address to large crowds at sporting events and to theatres, hotels and clubs.

John Shepard, III, president of the Yankee Network, arranged for the ceremony to be broadcast, not only at the ball park, but at the Suffolk Downs race track, near Boston.

Frank P. Schreiber, WGN, has arranged for an impressive ceremony at the Cubs' Park, Chicago.

Bernard Gimbel, Jr., WIP, is to handle the affair at the baseball game in Philadelphia.

Robert DeHaven, Production manager, WTCN, wrote that his station would feed the President's address to the Lexington Baseball Park in St. Paul. The ball club will hold up the start of the game so the crowd can hear the talk and recite the pledge of allegiance in unison.

WTMV, East St. Louis, Ill., is to broadcast the Fourth of July celebration, according to William H. West, president. The station will be fed by CBS.

In Washington, NBC is to feed the program to MUSAK, Loew's and other theatres.

It is anticipated that scores of other mass radio Fourth of July celebrations will be reported as soon as they are completed but after this edition of NAB REPORTS has gone to press.

Radio to Conserve Power

In a letter to utilities in seven southeastern states NAB this week suggested the use of radio to stimulate the conservation of power for national defense.

This is in line with the findings of several government departments that a definite shortage exists in Alabama, Florida, Mississippi, North Carolina, South Carolina, Tennessee and Virginia; and that the domestic load must be curtailed if the defense industries are to have sufficient power.

According to Broadcasting, Georgia Power Company, which serves approximately 75% of the State of Georgia, has already begun such a campaign over eighteen Georgia stations.

Another letter went to all stations in the seven states urging them to contact these utilities. Names of officials to whom letters were sent were included in the mailing.

Radio Locates Manpower

How efficiently radio continues, month after month to secure skilled workers for national defense is indicated in the June "Bulletin" of the United States Civil Service Commission. Under the caption of "Radio Flashes Recruiting Needs to the Nation" the article reads:

"By the space-devouring medium of radio, thousands of persons have heard of the civilian recruiting work of the U. S. Civil Service Commission under the national defense program who might otherwise never have had it brought to their attention.

"The radio is one of the outstanding recruiting aids contributing to the speed with which the Commission has been able to locate and examine, and furnish to War and Navy Department appointing officers since June 1, 1940, more than 400,000 qualified workers of skilled trades and technical fields.

"Through the cooperation of the National Association of Broadcasters, the Commission has been enabled to have civil-service recruiting messages broadcast frequently over more than 800 different radio stations in all parts of the nation. About 50 million radios are on the receiving end to hear these messages.

"The wording of each "MANPOWER ANNOUNCEMENT," as the message is called, is based on the *actual needs* for personnel as reported to the Civil Service Commission each week by War and Navy Department appointing officers in military and naval construction and industrial establishments throughout America."

Richard E. Sceder, United States Civil Service Commission, said that this bulletin was mailed to 12,000 Legion Posts and an equal number of Ladies Auxiliary Secretaries.

Radio Men in Service

Philip Bernheim, operator-announcer, KVOS, Bellingham, Washington, to the Army.

Stations Support Registration

Second Selective Service Registration was expedited in San Francisco by KSFO. Special Events Director Robert W. Dumm arranged an 8:45 p. m. program which recited all registration locations in the Bay Area. Among other stations reporting "extra" promotions were: WWL, New Orleans; KGHL, Billings; KCKN, Kansas City, Kansas; WCOL, Columbus, Ohio; and WJBK, Detroit.

Radio Delivers for Army

Seven hundred thirty-four (734) stations are actively backing the recruiting of Army flyers. Five cooperating stations unreported in the releases of June 9 and June 30 are:

KFDM, Beaumont,
WAAB, Boston,
WNAC, Boston,
WLEU, Erie,
KFSD, San Diego.

How productive broadcast stations are in giving this help to national defense is indicated by one of the hundred-word spot announcements, prepared by the Army, and, included with the June 30 mailing to stations. The second sentence of this spot reads:

"LAST WEEK MORE MEN AVAILED THEMSELVES OF THE ARMY AIR CORPS AVIATION TRAINING THAN EVER BEFORE IN THE HISTORY OF AVIATION."

Labor

Wage-Hour Act

The United States Circuit Court of Appeals at New Orleans on June 27 upheld a district court ruling that the A. H. Belo

Corporation was within its Wage and Hour Law rights in establishing what amounted to a "guaranteed overtime" plan at its newspaper and radio station (WFAA) in Dallas, Texas. The Wage and Hour Division undoubtedly will appeal to the Supreme Court next fall. Meantime, the court's opinion is "the law" only in the territory covered by the court.

To illustrate how the plan approved by the court works, a section of the company's brief is quoted:

> So the problem is how to provide uniform weekly compensation as to employees who necessarily work fluctuating hours in many weeks and overtime hours in at least some weeks.
>
> Surely the public interest is in favor of permitting wage arrangements that will produce a uniform compensation. Surely the Wage and Hour Act was never intended to outlaw such wage arrangements. Surely it was never any part of the purpose of Congress to stand in the way of such wage arrangements. Surely it would not do violence to any objective of the Act to permit such wage arrangements.
>
> Yet the Act, as it is now interpreted by appellant, does stand in the way of such arrangements.
>
> Suppose an employee who works fluctuating hours, say 40 hours in one week and 50 hours in the next week, has been receiving a level wage each week of $40.00. Suppose, when the Act comes into effect, both the employer and employee wish to continue the employment and the employee wishes his weekly wage to be uniform in amount, $40.00, as before. So the employer and employee sit down at the table together to make a contract that will assure such uniform wage and will fully comport with the law.
>
> The first thing they must do is to agree upon a regular hourly wage because for all hours worked over 40 in any week payment must be made on the basis of at least one and one-half times the regular hourly wage.
>
> They cannot fix the regular hourly rate at $1.00 because, although this would work out as desired in the 40-hour week, it would produce a total of $55.00 in the 50-hour week, and $55.00 is more than the employer can afford to pay and more than the employer expects to pay and more than the employee expects to receive.
>
> They cannot agree upon 73¢ per hour because, although this would work out as desired in the 50-hour week, it will produce only $29.20 in the 40-hour week, which is less than it is agreed that the employee shall have.
>
> They cannot split the difference at 87¢ because this will produce $34.80, less than desired, in the short week, and $47.80, more than desired, in the long week, and violates the underlying desire for uniformity.
>
> So they do what seems the natural and reasonable thing to do; they agree upon 73¢ per hour as the regular rate of pay and agree that overtime shall be paid on the basis of at least one and one-half times such regular rate, and agree that in short weeks, when the overtime compensation on the basis of one and one-half times 73¢ is insufficient to produce the uniform weekly amount of $40.00, the employer will pay an added amount for overtime in such weeks sufficient to bring the total up to the uniform weekly amount.
>
> Thus, in the 50-hour week, the overtime compensation at the rate of one and one-half times the regular rate of pay is sufficient to produce the agreed minimum of $40.00. In the 40-hour week an added amount of $10.80 is due, and is paid, in order to bring the compensation up to the minimum guaranteed sum. In a 45-hour week some overtime has been earned, but not enough to bring the compensation up to $40.00, and the added amount in that week will be $5.28, which is payment for the overtime at *more* than one and one-half times the regular rate of pay. If the employee should work 60 hours in a particular week the minimum guaranteed amount of $40.00 would not be sufficient to cover what is due him. He would be entitled to $51.30 on the basis of 73¢ for regular time and one and one-half times such rate for overtime. The added $11.30 must of course be paid him. In such week of long hours he will receive more than the minimum guaranteed amount. To that extent his wage is not uniform each week. But the benefit of the uniform weekly wage and the advantage of budgeting expenses on the basis of a uniform weekly amount are not lost because the $40.00 per week remains a guaranteed minimum which he can always count on.
>
> So the employer and employee reduce their agreement to writing and give it all the dignity they know how to give it as their genuine contract. The arrangement seems workable and proper, and it never occurs to them but what it is entirely legal.
>
> Surely they have a right to contract as to rates of pay so long as they do not violate some provision of law. The hourly rate of pay specified in their contract is far above the legal minimum of 30¢ per hour for regular time. The contract provides for payment of at least time and one-half the agreed regular rate of pay for all overtime hours, which also is at least equal to the legal minimum for overtime. True, in some weeks the contract calls for payment of overtime at *more* than time and one-half, but the law does not say that you cannot pay more than the legal minimums. How better to determine the true regular rate of pay than by actual process of bargaining between employer and employee? The very process of such bargaining is a crucible which distills out fraud, shifts and devices to get around the law. Surely there is no public policy which says that an employee must necessarily receive fluctuating weekly wages when his desire is for a uniform weekly wage. Surely there is no public policy which says that 73¢ an hour is too low for regular rate of pay. Surely there is no public policy which says that more than one and one-half times such regular wage is too high for overtime pay. Indeed, on every score it would seem that the public policy involved is in favor of what the employer and employee have done.

WKRC Strike

Four of 17 artists at Station WKRC, Cincinnati, walked out Friday, June 20, after negotiations between AFRA and the station management failed to produce an agreement. The station has been picketed since the strike started, and AFRA has threatened to strike all agency-produced commercials which MBS feeds to the station on July 9. An independent union of WKRC has petitioned the Labor Relations Board for certification as representative of a majority of the employees in the program department.

"Your Career in Radio"

by

Norman V. Carlisle and Conrad C. Rice

The primary purpose of this new book, written by two men long experienced in every phase of radio, is to answer the question, "How can I get into radio?" This is accomplished by taking three boys from Central High School through a large broadcasting station. They talk to announcers of all kinds, script writers, salesmen, engineers, technicians, and, in short, nearly everyone in the station. From these men they learn of the duties involved in each job and the approximate salary paid to each.

This book not only will help any young man or woman interested in breaking into radio, but also will serve as a guide to those seeking information about radio. (E. P. Dutton & Co., New York, $2.00)

FEDERAL COMMUNICATIONS COMMISSION

Monopoly Hearing

FCC chairman, James Lawrence Fly, said at a press conference early this week that he doubted very much if he would go back to the Capitol to testify further in connection with the White radio resolution. He said he felt as though he was about finished there. He said he has had no instructions from the committee to return for further testimony.

During the summer months Mr. Fly said that the commission will meet frequently if not regularly. He called attention to the fact that last summer the commission functioned under an Administrative order delegating authority in the absence of a quorum.

Mr. Fly said that the Commission cooperated with the FBI in connection with the recent spy clean up. The experts of the Commission worked with FBI on the illegal radio station which the spies were reported to have operated.

Procedure for Newspaper Hearings

Hearings under Order No. 79, which are to commence July 23, 1941, will be conducted in accordance with Section 1.192 of the Rules and Regulations, Part I, Rules of Practice and Procedure, providing for informal hearings upon the Commission's own motion. The purpose of the hearings under Order No. 79 is to obtain information necessary and helpful to the Commission in the determination of its policies, the carrying out of its duties, and if need be, the formulation of rules and regulations or recommendations to Congress.

For purposes of the Inquiry under Order No. 79, the Commission hereby establishes the following procedure, subject to such amendment from time to time as shall be determined to be advisable.

I. Appearances for the purpose of introducing evidence

Persons desiring to be heard by the Commission with reference to the investigation conducted under Order No. 79 shall file with the Secretary of the Commission petitions or letters setting forth the position and interest of the petitioner in the proceedings, the evidence or information which the petitioner desires to present or adduce, the pertinency and relevance of such evidence or testimony to the matters designated by the Commission in supplemental Order No. 79-A, the names of, and other important facts pertaining to, the witnesses which the petitioner desires to call, and the volume and character of the documentary evidence which the petitioner desires to present.

Such written request shall be filed not later than the fifth day before the day on which hearings are scheduled to begin.

Such petitions or letters also should show that the proposed appearance will bring before the Commission evidence and testimony of a character which will inform and enlighten the Commission with regard to the considerations of public interest involved in the investigation ordered under Order No. 79 and the specific matters set forth in supplemental Order No. 79-A. In the interests of an expeditious hearing and of a complete survey of the matters under investigation, the Commission will be disposed to avoid if possible the introduction of purely cumulative or repetitious evidence or testimony.

II. Other Appearances

Since the sole purpose of these hearings is to obtain evidence and information, there will be no need for appearances or representation at the hearings other than for the purpose of presenting evidence, facts, or legal considerations to the Commission. The Commission, therefore, will not permit appearances for other than the above-described purposes.

III. Calling of Witnesses by the Commission

The Commission will call witnesses in its discretion to present various sides of the problem. It will also introduce exhibits and documentary evidence and invite others to introduce such evidence as occasion requires.

IV. Appearances after Hearings have begun

Persons who have not submitted written requests to appear in the proceedings or who have not been granted permission so to appear may, if they feel that any testimony taken during the proceedings has been injurious to their reputation or character or affects matters of which they have immediate knowledge and concerning which they have additional or contradictory evidence of value to the Commission, file with the Commission in writing a petition or letter stating fully the matters which affect them personally or matters of which they have personal knowledge or additional information which they believe the Commission should have, and requesting opportunity to be heard concerning those matters or to call additional witnesses concerning them. Such requests shall set forth the same matters and be subject to the same considerations as those described in section I hereof. The Commission shall make such disposition of such petitions or letters as shall in its judgment best serve the purposes of the hearing and equitable treatment of such petitioners.

V. Order of the Hearings

The Commission will exercise full discretion with regard to the order of witnesses and the order in which testimony and exhibits shall be presented.

Order No. 79-A

Whereas, the Commission by Order No. 79 (March 20, 1941) directed that an investigation be undertaken "to determine what statement of policy or rules, if any, should be issued concerning applications for high frequency broadcast stations (FM) with which are associated persons also associated with the publication of one or more newspapers and that public hearings with respect thereto be held at such times and such places as the Commission may direct, and that such investigation and public hearings shall also include consideration of statements of policy or rules, if any, which should be issued concerning future acquisition of standard broadcast stations by newspapers";

Now, Therefore, It Is Ordered, That, pursuant to the aforesaid order, testimony and other evidence be taken with reference to the following matters, in addition to such other matters as the Commission may from time to time direct:

1. To what extent broadcast stations are at present associated with persons also associated with publication of one or more newspapers, the classification (in terms of power, location, network affiliation, etc.) of broadcast stations so associated, the circumstances surrounding such association, and the tendency toward such association in the future.
2. Whether joint association of newspapers and broadcast stations tends or may tend to prejudice the free and fair presentation of public issues and information over the air, or to cause editorial bias or distortion, or to inject editorial policy or attitude into the public service rendered by broadcast stations as a medium of public communication.
3. Whether joint association of newspapers and broadcast stations tends or may tend to restrict or distort the broadcasting of news, or to limit the sources of news to the public, or to affect adversely the relation between news-gathering services and broadcast stations.
4. Whether the joint association of newspapers and broadcast stations has or may have any effect upon freedom of access to the radio forum, for the discussion of public issues.
5. Whether the joint association of newspapers and broadcast stations tends or may tend to lessen or increase competition among broadcast stations or to result in the monopolization of local broadcast facilities.
6. Whether the joint association of newspapers and broadcast stations tends or may tend to increase or decrease concentration of control over broadcast facilities or the use thereof.
7. Whether the joint association of newspapers and broadcast stations constitutes or may constitute an undue concentration of control over the principal media for public communication.
8. Whether joint association of newspapers and broadcast stations tends or may tend to result in the utilization of improved facilities and skilled, experienced personnel for the procuring and dissemination of information and opinion by broadcast stations.
9. Whether joint association of newspapers and broadcast stations tends or may tend to insure greater economic stability for broadcast stations and to encourage the maximum technological development of radio.
10. What considerations influence newspaper interests to acquire broadcast stations.

FEDERAL COMMUNICATIONS COMMISSION,
T. J. Slowie.
Secretary.

Subscriber Broadcast Service without Advertising Proposed

A new type of subscriber broadcast service is proposed by the Muzak Corporation, New York City, is connection with a construction permit for a developmental FM broadcast station authorized by the FCC on an experimental basis only. This corporation, which is now in the business of furnishing wired musical programs without advertising to hotels, restaurants and home subscribers on a contract basis, contemplates experimenting with a like service by means of radio.

According to the applicant:

> "The purpose of the experiment is to determine whether the public or a sufficiently large portion of the public would prefer to obtain radio programs by direct payment for the service. The experiment will be conducted by offering a service to the general public in New York City and furnishing this service to those of the general public who pay for the service. There will be no advertising in connection with the service and the success or failure of the experiment will depend upon the willingness of the public to pay an amount which will warrant the furnishing of such a service as an established business."

The applicant intends to restrict the reception of its non-advertising programs to subscribers by transmitting an accompanying "pig squeal" or discordant sound which can only be eliminated by special receivers leased from the applicant.

Pointing out that this will enable persons to obtain selected radio programs by direct payment rather than by indirect payment through purchasing products advertised on the air, the Muzak Corporation holds in connection with its application that "there is no basic or inherent reason why the American public should be compelled to pay for its radio programs by submitting to advertising announcements." It adds:

> "There is no reason why the public should pay directly for moving pictures and indirectly for radio. It is merely a matter of circumstance that radio in the United States is available to the public only in connection with advertising announcements which frequently are highly disturbing or irritating. The American people have never decided or been given the opportunity to decide that radio should not be sold in the usual manner by direct payment for the service."

The applicant will broadcast no commercially sponsored programs, and no advertising continuity whatever will be used. Because of its regular business, the applicant states that it has a great volume of transcribed program material available for use in connection with the experiment, and that engineers from Associated Music Publishers, Inc., and Wired Radio, Inc., have been added to its staff. News will be obtained from the United Press.

The Muzak transmitter for this purpose will be located at 11 West 42nd Street, New York. It will use power of 1000 watts. It will operate on the frequency 117,650 kilocycles "on an experimental basis only, and upon the express condition that this authorization is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if, in the Commission's discretion, the need for such action arises." In authorizing the experiment, the Commission observes that the use of this frequency must be temporary, since it is in a crowded part of the spectrum devoted to other established services. Any action looking to establishment of the projected new type of service upon a regular basis would require consideration of the problem of finding frequencies for allocation to such service. Therefore, the immediate grant "is not to be construed as a finding by the Commission that the operation of the proposed station upon the frequency authorized is or will be in the public interest beyond the express terms of the grant." The Commission stipulates that FM must be used.

The Commission stresses that the Muzak operation will be purely experimental in connection with "the development of a subscriber broadcast service in accordance with Sections 4.151 and 4.153 subject to the condition that no interference is caused to any established services."

The proposal, according to a Commission memorandum opinion issued in conjunction with the grant, "is unique in the annals of radio broadcasting in this country." Such an experiment has not been conducted in this country, and the Commission believes it worthy of investigation in the public interest. It comments:

> "A broadcast station is defined, both by treaty and statute, as one licensed for the tranmission by radiotelephone emissions primarily intended to be received by the general public. The first such stations licensed in this country were sought and obtained by individuals or organizations engaged in manufacturing or similar enterprises who desired either to advertise their own product or to promote public good will in their own behalf. Licensees, in order to meet the increasing cost of providing broadcast programs, gradually entered into the practice of transmitting, for a fee, advertising matter for other persons. As the effectiveness of radio as an advertising medium developed broadcasting became a business in its own right. Thus arose the practice in this country of public support of broadcast service, not through any direct charge, but through the purchase of articles and services advertised by radio. This is not true in all countries of the world.
>
> "The service which this applicant proposes will be available to the general public; any member of the public, without discrimination, may lease the equipment to receive the service. The distinguishing feature will be that those receiving the programs will pay directly rather than indirectly therefor. Operation of a station in this manner is within the definition of broadcasting.
>
> ". . . A charge to the subscriber for the program service is an integral and inseparable part of the experiment. The rule prohibiting a direct or indirect charge by the licensee of a developmental broadcast station for the transmission of programs was promulgated in the light of the existing practices of broadcast stations. Under the circumstances here presented, we are of the opinion that the rule should be construed in such a manner as to permit the proposed operation."

Defense Communications Board

Appointment of a subcommitee of the Defense Communications Board to collaborate with a similar subcommittee of the Office of Civilian Defense was announced today by James Lawrence Fly, chairman of the Defense Communications Board and of the Federal Communications Commission. The action followed a conference between Chairman Fly and Mayor Fiorello LaGuardia of New York, director of the Office of Civilian Defense.

Members of the DCB subcommittee named were Captain Donald S. Leonard of the Michigan State Police, representing the International Association of Chiefs of Police; Herbert A. Friede of the District of Columbia Fire Department, representing the International Association of Fire Chiefs; Major Francis H. Lanahan, Jr., of the War Department; and Commander E. M. Webster, Assistant Chief Engineer of the Federal Communications Commission.

Effective use during war or other emergency of police radio systems, several thousand of which are now in operation, is one of the topics to be considered jointly by the DCB and OCD subcommittees, it was announced.

Thompson's Term Expires

The term of Commissioner Frederick I. Thompson expired June 30 at midnight. He had not been reappointed at the time this was written nor had anyone been nominated by the President to fill the vacancy on the Commission. Commissioner Thompson took the oath of office on April 13, 1939 to fill the vacancy caused by the resignation of Commissioner Eugene O. Sykes.

FCC Order No. 82 Amended

The FCC has announced the following amended order:

> At a general session of the Federal Communications Commission held in its office in Washington, D. C., on the 24th day of June, 1941;
>
> The Commission having under consideration a request of the Secretary of War for the suspension of certain rules of the Commission in order to facilitate the broadcasting of programs affecting the military and naval establishments of the United States; and
>
> IT APPEARING, That public interest, convenience and necessity will be served by the suspension of said rules of the Commission as herein ordered;
>
> IT IS ORDERED, That, until further order of the Commission:
>
> (1) Section 3.408 (d) of the Rules Governing Standard and High Frequency Broadcast Stations BE, AND THE SAME IS HEREBY, SUSPENDED only in so far as it requires the prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by United States Government radio stations;

(2) Section 4.21 of the Rules Governing Broadcast Services Other Than Standard Broadcast BE, AND THE SAME IS HEREBY, SUSPENDED only in so far as it precludes by definition the use of a relay broadcast station where wire facilities are available for the transmission of programs from points under the jurisdiction of the military or naval establishments of the United States, where the broadcasting of such program has been requested by the appropriate establishment.

This order shall become effective immediately.

FCC July Assignments

FCC has announced that the work, business, and functions of the Commission for the month of July have been assigned as follows:

Commissioner Case—Designated to determine, order, report, or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.

Commissioner Wakefield—Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearings, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; provided, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing is scheduled to be held before the Commission during the week beginning Monday, July 7. It is subject to change.

Monday, July 7

KWTO—Ozarks Broadcasting Company, Springfield, Mo.—C. P., **560 kc.**, 1 KW night; 5 KW day, unlimited, DA-night.

FUTURE HEARINGS

Following hearings for future dates have been announced during the past week in broadcast cases. They are subject to change.

August 7

Columbia Broadcasting System, Inc., Charlotte, N. C.—C. P., **1110 kc.**, 50 KW, unlimited, DA-night. Present assignment: **1110 kc.**, 50 KW, unlimited.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., **1110 kc.**, 50 KW, unlimited, DA-night. Present assignment: **780 kc.**, 10 KW, simul. D.; S-WBBM-N; S. A. Synchronized with WBBM-N—Exp.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license, **770 kc.**, 50 KW, unlimited. Present assignment: **780 kc.**, 50 KW, simul. D.; S-KFAB-N; S. A. Synchronized with KFAB-N—Exp.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—C. P., **770 kc.**, 1 KW, daytime. Present assignment: **1090 kc.**, 1 KW, limited to WBAL and WTIC.

August 11

Broadcast

Consolidated Hearing

NEW—Nashville Radio Corporation, Nashville, Tenn.—C. P., **1410 kc.**, 1 KW, unlimited, DA-day and night.

NEW—A. M. Burton, Nashville, Tenn.—C. P., **1410 kc.**, 1 KW, unlimited, DA-day and night.

August 20

Broadcast

Consolidated Hearing

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., has C. P. for **1400 kc.**, 250 watts, unlimited.

NEW—Anthracite Broadcasting Company, Inc., Scranton, Pa.—C. P., **1400 kc.**, 250 watts, unlimited.

NEW—George Grant Brooks, Jr., Scranton, Pa.—C. P., **1400 kc.**, 250 watts, unlimited.

September 4

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—C. P., **1480 kc.**, 1 KW night, 5 KW day, unlimited. Present assignment: **1420 kc.**, 250 watts, unlimited.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Modification of C. P., **1520 kc.**, 1 KW night, 5 KW day, unlimited. Present assignment: C. P. for **1480 kc.**, 1 KW night, 5 KW day, unlimited.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Renewal of license, **1420 kc.**, 250 watts, unlimited.

September 8

NEW—Herald Publishing Company, Klamath Falls, Ore.—C. P., **1400 kc.**, 250 watts, unlimited.

NEW—Dorman Schaeffer, Klamath Falls, Ore.—C. P., **1400 kc.**, 250 watts, unlimited.

September 11

KFXM—J. C. Lee and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—C. P., **1420 kc.**, 1 KW, unlimited. Present assignment: **1240 kc.**, 250 watts, S-KPPC.

October 1

Broadcast

Consolidated Hearing

NEW—R. B. Terry, D. A. Rawley, C. M. Waynick and H. A. Cecil, d b as High Point Broadcasting Co., High Point, N. C.—C. P., **1370 kc.**, 100 watts, unlimited.

NEW—Ralph L. Lewis, Greensboro, N. C.—C. P., **1370 kc.**, 100 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

New Station

San Diego Unified School District, San Diego, Calif.—Granted construction permit for new non-commercial educational broadcast station to operate on 42300 kc., 1 KW power, unlimited time, special emission for frequency modulation (B5-PED-20).

Miscellaneous

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted modification of construction permit (B1-P-2710), for approval of directional antenna for night use and transmitter site at 300 feet northeast of present site, Speedway, west of Soldiers Field, Boston, Mass. This grant is made subject to any future action Commission may take regarding the problem of multiple ownership (B1-MP-1176).

KGA—Louis Wasmer, Spokane, Wash.—Granted construction permit to move transmitter to 4102 S. Regal St., Spokane, Wash. (3 miles southeast of center of Spokane); move studio to Radio Central Bldg., Spokane; increase power from 5 to 10 KW night and day; install new transmitter and directional antenna for night use; **1510 kc.** This grant is made subject to any future action Commission may take regarding the problem of multiple ownership (B1-MP-1176).

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted special temporary authority to operate on an unlimited time basis for a period not to exceed 30 days; **1190 kc.,** 10 KW, simultaneous D. S-WWVA-N (B4-S-492).

WWVA—W. Va. Broadcasting Corp., Wheeling, W. Va.—Granted special temporary authority to operate on an unlimited time basis for a period not to exceed 30 days; **1170 kc.,** 5 KW, simultaneous D. S-WOWO-N (B2-S-379).

WAKR—Summit Radio Corp., Akron, Ohio.—Granted construction permit to increase power from 1 KW night and day to 5 KW night and day; install new transmitter and install new directional antenna for nighttime use only; **1590 kc.,** unlimited time (B2-P-3038).

WALB—Herald Publishing Co., Albany, Ga.—Granted application for construction permit to change alignment of directional antenna from 351.5 degrees true to 6 degrees true and extend commencement date to 1 day after grant and completion date to 2 days thereafter (B3-MP-1327).

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted construction permit to change frequency from **1070 kc.** to **790 kc.,** move transmitter site to 3 miles northeast of center of Eau Claire, install directional antenna for night use, and increase hours of operation to unlimited; 1 KW night, 5 KW LS; L-KFBI (B4-P-3047).

WFTL—Radio Station WFTL, Tom M. Bryan (assignor), Ralph A. Horton (assignee), Fort Lauderdale, Fla.—Granted consent to the assignment of the license of Station WFTL, Fort Lauderdale, Fla., from Tom M. Bryan to Ralph A. Horton; granted petition to withdraw said application from the pending file inasmuch as assignee, Ralph A. Horton, has, according to the petition, divested himself of all newspaper association.

WMBI—Moody Bible Institute of Chicago, Chicago, Ill.—Adopted order granting petition for reconsideration and grant without hearing application for modification of license upon express condition that WMBI operate with frequency **1110 kc.,** with 5 KW power, limited time (to stations WBT and KFAB) upon completion of construction as authorized in Docket No. 5866, to WCBD, Inc. (WCBD), and the effective date of the modified license authorized hereunder to Station WMBI shall be the same date upon which WCBD is licensed to operate on **820 kc.**

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Adopted order granting motion to withdraw petition for rehearing filed by Isle of Dreams Broadcasting Corp. (WIOD) directed against action of the Commission granting without hearing the application of Inter-City Advertising Co., Charlotte, N. C., for construction permit to operate on **610 kc.,** 1 KW, unlimited, directional antenna; thus dismissing said petition.

W3XE—Philco Radio and Television Corp., Philadelphia.—Present license for television station further extended upon a temporary basis only, for period ending August 1, 1941, pending determination upon application for renewal (B2-SVB-8).

W3XP—Philco Radio and Television Corp., Portable-Mobile, Area of Philadelphia.—Present license for television station further extended upon a temporary basis only, for period ending August 1, 1941, pending determination upon application for renewal (B2-SVB-19).

W2XVP—City of New York Municipal Broadcasting System, New York City.—Present high frequency broadcast station license further extended upon a temporary basis for the period ending August 1, 1941, pending determination upon application for renewal of license (B1-SHB-71).

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present high frequency broadcast station license further extended upon a temporary basis for the period ending August 1, 1941, pending determination upon application for renewal of license (B5-SHB-48).

W4XA—The National Life and Accident Co., Inc., Nashville, Tenn.—Present high frequency broadcast station license further extended upon a temporary basis for the period ending August 1, 1941, pending determination upon application for renewal of license (B3-SHB-51).

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present high frequency broadcast station license further extended upon a temporary basis for the period ending August 1, 1941, pending determination upon application for renewal of license (B3-SHB-21).

Columbia Broadcasting System, Inc., New York City.—Granted construction permit for existing experimental television broadcast station, authorizing commencement of program tests beginning July 1, 1941, for a period of 30 days, on Channel No. 2, **60000-66000 kc.;** ESR 2400. Further program tests may be authorized pursuant to Sec. 2.43 (B1-PCT-2).

WLOL—Independent Merchants Broadcasting Co., Minnneapolis, Minn.—Granted modification of license to change from directional antenna day and night to directional antenna night only; **1330 kc.,** 1 KW night and day (B4-ML-1068).

KARM—KARM, The George Harm Station, Fresno, Calif.—Granted construction permit to change frequency from **1340 kc.** to **1430 kc.,** increase power from 250 watts day and night to 5 KW night and day, install directional antenna for day and night use; move transmitter to corner of Alluvial Ave. and North Van Ness Blvd., near Fresno, Calif., and install new equipment (B5-P-2468).

WIGM—George F. Meyer, Medford, Wisc.—Granted modification of construction permit to install new transmitter, make changes in antenna, change frequency from **1500 kc.** to **1490 kc.,** increase power from 100 watts unlimited to 250 watts unlimited, change transmitter and studio site to Highway No. 13, and extend commencement and completion dates to 60 days after grant and 180 days thereafter, respectively (B4-MP-1280).

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Ordered issuance of temporary license for 5 KW, unlimited time, employing directional antenna, pending final determination on application (B5-P-3021) for change in power from 1 KW, 5 KW LS, to 50 KW, install new transmitter, and change directional antenna; **740 kc.**

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted application to change directional antenna and increase power from 1 KW, 5 KW LS, to 5 KW, unlimited time, with the agreement to protect WOOD-WASH, Grand Rapids, Mich., to the 1.3 mv/m contour.

Muzak Corporation, New York, N. Y.—Granted construction permit for a new development (subscriber service) broadcast station to operate on **117650 kc.,** 1000 watts, special emission for frequency modulation, unlimited time (B1-PEX-36).

W6XDU—Don Lee Broadcasting System (area of Los Angeles, Calif.), Portable-Mobile.—Granted construction permit to add a 50 watt aural transmitter to experimental visual relay station, using special emission for frequency modulation (B5-PVB-83).

DESIGNATED FOR HEARING

Hennessy Broadcasting Co., Butte, Mont.—Application for construction permit for new broadcast station to operate on **1490 kc.,** 250 watts, unlimited time; exact transmitter site and ground system to be determined subject to Commission approval (B5-P-3158).

Barclay Craighead, Butte, Mont.—Application for construction permit for new broadcast station to operate on **1490 kc.,** 250 watts night and day, unlimited time (B5-P-3103).

Southern California Broadcasting Co., Pasadena, Calif.—Application for construction permit for new broadcast station to operate on **1430 kc.,** 1 KW day, daytime only (B5-P-3108).

Jefferson Broadcasting Corp., Birmingham, Ala.—Application for construction permit for new broadcast station to operate on **1340 kc.,** 250 watts night and day, unlimited time. (Requests facilities of WSGN when vacated) (B3-P-3162).

Wilkes-Barre Broadcasting Corp., Wilkes-Barre, Pa.—Application for construction permit for new station to operate on **1240 kc.,** 250 watts night and day, unlimited time; (requests facilities of WBAX); exact transmitter site and antenna system to be determined subject to Commission's approval (T2-P-2915).

Frequency Broadcasting Corp., Borough of Brooklyn, N. Y.—Application for construction permit for new station to operate on **620 kc.,** 500 watts day; daytime only (B1-P-2989).

WJPR—John R. Pepper, Greenville, Miss.—Application for construction permit to change frequency from **1340 kc.** to **1600 kc.,** increase power from 250 watts to 1 KW night and day and install new transmitter (B3-P-3099).

KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Application for modification of license to maintain two main studios, one at 10th and Burnett Sts., Fort Worth, Texas, and one at Thomas Bldg., Dallas, Texas; station operates on **570 kc.,** 1 KW night, 5 KW day, directional antenna night, unlimited time (B3-ML-1065).

MISCELLANEOUS

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **117430 kc.**, 40 KW, using special emission for frequency modulation with a maximum band width not to exceed **200 kc.** subject to the condition that no interference is caused to other stations on same or adjacent channels, for period July 11, 1941, to not later than September 8, 1941, in order to conduct tests, pending completion of new FM station No. 31NY. Also granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.**, 40 KW, special emission for frequency modulation, with transmitter located at north of Alpine, N. J., described as Composite, Type RCA, maximum rated carrier power 40,000 watts, for period June 30, 1941, to not later than August 28, 1941, pending completion of new FM station W31NY. Also granted special temporary authority to retransmit the transmissions of experimental high frequency broadcast stations W2XAG, W65N (W1XPW) and W1XOJ (W43B) for the period June 30 to not later than August 28, 1941, in order to continue rebroadcasting experiments.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted special temporary authority to rebroadcast on a sustaining basis the Raymond Gram Swing programs to be received from International Broadcast Station WRCA over Station WPRP for a period not beyond 30 days.

WFMN—Upstate Broadcasting Corp., Saranac Lake, N. Y.—Granted special temporary authority to operate Hallincrafters HT-6, Type 807 in final stage, as a relay broadcast transmitter, with power of 25 watts on **2070 kc.**, in order to broadcast the opening program of the new park and animal farm in Saranac Lake on June 29, only.

W3XO—Jansky & Bailey, Washington, D. C.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts, special emission for FM, with transmitter located at 1219 Wisconsin Ave. N.W., Georgetown, D. C., for the period June 29 to August 28, 1941.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted extension of special temporary authority to operate from local sunrise, Glenside, Pa., to local sunset, Knoxville, Tenn. (Radio Station WNOX), instead of daytime as stipulated in reallocation for the period June 27 to not later than July 26, 1941, pending action on formal application for such authority.

Van Curler Broadcasting Corp., Schenectady, N. Y.—Passed one week petition to intervene in hearing on application of WABY for modification of license.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted leave to amend application for construction permit so as to specify DA for day and night; dismissed as to removal from hearing docket.

Ralph L. Lewis, Greensboro, N. C.—Granted motion for continuance of consolidated hearing now scheduled for July 7, to October 1, in re application of Ralph L. Lewis, Greensboro, N. C., and application of High Point Broadcasting Co., High Point, N. C., for new stations to use **1370 kc.**, 100 watts, unlimited time.

KOIL—Central States Broadcasting Co.—Granted modification of construction permit (B4-P-2609, as modified, for installation of directional antenna and increase in night power), authorizing extension of completion date from June 29 to August 29 (B4-MP-1344).

KGY—KGY, Inc., Olympia, Wash.—Granted modification of construction permit (B5-P-3071 to install vertical antenna and change hours of operation) for authority to move transmitter, and extend commencement date to 30 days after grant and completion date to 180 days thereafter (B5-MP-1294).

W2XQR—John V. L. Hogan, Long Island City, N. Y.—Granted extention of special temporary authority to operate a high frequency experimental broadcast station on **48700 kc.**, 1 KW power, special emission for FM, with transmitter located at 3104 Northern Blvd., Long Island City. This authority is for the period July 1, to July 31, 1941.

WBAX—John L. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition for extension of effective date of Commission's Decision and Order from July 1 to September 1, 1941, on application for renewal of license for station WBAX.

KTBC—State Capitol Broadcasting Association, Inc., Austin, Texas.—Adopted order authorizing issuance of license for station KTBC upon a regular basis for the period ending June 1, 1942, in lieu of the temporary license under which said station has been operated.

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted special temporary authority to operate daytime with a non-directional antenna until sunset at Sacramento, Cal., for a period not to exceed 30 days.

WHA—State of Wisconsin, Madison, Wisc.—Granted special temporary authority to remain silent July 4, 1941, only, in order to observe Independence Day.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to remain on the air from regular sign-off time (10 p. m. EST), to the conclusion of the Fritzie Zivic—Al Davis fight on July 1, 1941, only, in the event this bout should run later than 10 p. m.

WLBL—State of Wisconsin, Stevens Point, Wisc.—Granted special temporary authority to remain silent July 4, 1941, only, due to closing of Federal Market News Offices.

KNOE, Inc., Monroe, La.—Granted motion for continuance for a period of 60 days of hearing now scheduled for June 30 on application for new station to operate on **1420 kc.**, 250 watts, unlimited time, and directed said hearing to be continued to August 29, 1941.

KSAM—Sam Houston Broadcasting Association (H. G. Webster, President), Huntsville, Texas.—Adopted order authorizing issuance of license upon a regular basis for station KSAM to H. G. Webster, C. N. Shaver and W. Bryan Shaver, copartners, d/b as Sam Houston Broadcasting Association, for the period ending December 1, 1941, in lieu of temporary license under which station has been operated (Docket 5838).

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Adopted order granting petition of WTRY for reconsideration and grant of application for renewal of license; cancelled hearing heretofore scheduled, and granted renewal of license to operate on **980 kc.**, 1 KW, unlimited time, DA.

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.; KFAB—KFAB Broadcasting Co., Lincoln, Neb.; WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.; WJAG—The Norfolk Daily News, Norfolk, Neb.—Designated for further hearing the following: application of WBT to install DA for nighttime use (B3-P-1735); the application of KFAB for construction permit to install new equipment, DA for nighttime use, move transmitter site and increase power and time of operation (B4-P-1736); application of WBBM for modification of license to change hours of operation to unlimited time (B4-ML-450), and application of WJAG to change frequency, hours of operation and make changes in antenna system (B4-P-2590).

W2XWG—National Broadcasting Co., New York, N. Y.—Granted extension of special temporary authority to operate W2XWG on **45100 kc.**, 1000 watts, A4 and special emission for frequency modulation at 350 Fifth Avenue, New York City, for period June 29, 1941, to not later than August 28, 1941, pending final authorization and completion of construction of applicant's new high frequency broadcast station.

WNEL—Juan Piza, San Juan, P. R.—Granted special temporary authority to rebroadcast on a sustaining basis the Raymond Gram Swing programs to be received from International Broadcast Stations WNBI and WRCA over Station WNEL on Tuesday, Wednesday, Thursday, and Saturday from 7 to 7:15 p. m. EST, for a period not to exceed 30 days.

W2XAG—Carman R. Runyon, Jr., Yonkers, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **117190 kc.**, 5000 watts, special emission for frequency modulation, with transmitter located at 544 North Broadway, Yonkers, N. Y., described as Composite, maximum rated carrier power 5000 watts for period June 30 to not later than August 29, 1941.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted special temporary authority to rebroadcast certain portions of the dedication ceremonies of the Will Rogers Air Base, originating in U. S. Army Airplane No. 37559, Type B-18-A, operating on a frequency of **4495 kc.**, June 28, 1941, only.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted special temporary authority to rebroadcast four 15-minute short-wave programs in the nature of non-commercial, educational, nature descriptions, and interviews of park service officials, to be received from Station KNJN on June 25, 26, 27, and 28, 1941, only.

KAXZ—United Air Lines Transport Corp., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter KHAZT aboard plane owned by United Air Lines Transport Corp., as a relay broadcast station on **2758 kc.**, to relay broadcast program in connection with the dedication of the new Chicago Municipal Airport to Radio Station WENR and NBC Red or Blue Network, between 2:30 and 3:30 p. m., EDST, on June 29, 1941, only.

WMRF—Lewistown Broadcasting Co., Lewistown, Pa.—Granted license to cover construction permit as modified for new station; **1490 kc.**, 250 watts, unlimited time (B2-L-1437). Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1102).

KSWO—Willard Carver & Byrne Ross, Lawton, Okla.—Granted license to cover construction permit as modified for new station; **1150 kc.**, 250 watts, daytime (B3-L-1413). Granted authority to determine operating power by direct measurement of antenna input (B3-Z-925).

WNEW—Wodaam Corp., New York, N. Y.—Granted license to cover construction permit as modified to install directional antenna for day and night use, increase power to 5 KW day and night, and change frequency to **1280 kc.** (B1-L-1407). Granted authority to determine operating power by direct measurement of antenna input (B1-Z-896).

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted license for reinstatement of auxiliary license; **950 kc.**, 500 watts, auxiliary purposes only (B1-L-1417).

W8XFM—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts, special emission for frequency modulation, with the transmitter located at corner Vine and Fifth Streets, Cincinnati, Ohio, and described as Crosley, Type EDS-213-M, maximum rated carrier power output 1000 watts, for the period June 30 to not later than September 28, 1941.

KFPL—C. C. Baxter, Dublin, Texas.—Granted construction permit for authority to make changes in tubes in last radio stage (B3-P-3196).

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Granted modification of construction permit (B4-P-2727, which authorized installation of new transmitter and new directional antenna for night use, move transmitter, and increase power) for changes in directional antenna for night use on **1460 kc.** under NARBA (B4-MP-1307).

WNAC—The Yankee Network, Inc., Boston, Mass.—Granted modification of construction permit (B1-MP-322 as modified, which authorized increase in power, changes in equipment and installation of directional antenna for day and night use) for changes in directional antenna on **1260 kc.** under NARBA (B1-MP-1279).

WGBB—Harry H. Carman, Freeport, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1043).

WCOS—Carolina Advertising Corp., Columbia, S. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-942).

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1039).

WASH—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1040).

KWBG—Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1116).

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1071).

WBAA—Purdue University, West Lafayette, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1099).

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1081).

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1094).

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-994).

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1028).

WHAS—Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1058).

WACO—Frontier Broadcasting Co., Inc., Waco, Texas.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1101).

WINS—Hearst Radio, Inc., New York City.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-933).

WNBF—Wylie B. Jones Advertising Agency, Binghamton, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-930).

KCKN—The KCKN Broadcasting Co., Kansas City, Kans.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-11-1130).

WDMJ—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1098).

KPLT—North Texas Broadcasting Co., Paris, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1049).

KVWC—Northwestern Broadcasting Co., Vernon, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1082).

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1043).

WCOL—WCOL, Inc., Columbus, Ohio.—Granted authority to determine operating power by direct measurement of antenna input (B2-L-1010).

WDEL—WDEL, Inc., Wilmington, Del.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-936).

WIND—Johnson Kennedy Radio Corp., Gary, Ind.—Granted license to cover construction permit (B4-P-1990), to increase power to 5 KW day and night; make changes in directional antenna system and install new transmitter (B4-L-1421). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-969).

KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—Granted license to cover construction permit (B3-P-3112), for new transmitter, increase in power to 250 watts, and for frequency **1490 kc.** under NARBA (B3-L-1436).

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted license to cover construction permit (B3-P-2933) as modified, to install new transmitter, make changes in antenna, change frequency from **1370** to **1380 kc.**, and increase power from 250 watts to 500 watts night, 1 KW-LS (B3-L-1424).

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted license to cover construction permit (B2-P-3106) for installation of new auxiliary transmitter; **1210 kc.**, 1 KW, auxiliary purposes only (B2-L-1432).

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted modification of auxiliary license to increase power from 1 KW, 2½ KW-LS, to 2½ KW day and night, using directional antenna at night (B4-ML-1071).

KIJG—Eagle Broadcasting Co., Inc., area of Brownsville, Texas.—Present license for relay broadcast station further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending no later than August 1, 1941 (B3-SRY-10).

KRBA—Red Lands Broadcasting Assn.—Lufkin, Texas.—Adopted order authorizing issuance of license upon a regular basis for Station KRBA to Ben T. Wilson, R. A. Corbett and Thomas W. Baker, co-partners, doing business as the Red Lands Broadcasting Association, for the period ending October 1, 1941, in lieu of temporary license under which station has been operating (Docket No. 5837). Commissioner Payne dissented.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Texas.—Adopted order authorizing issuance of license upon a temporary basis for a period of 30 days from July 1, 1941, during which time said licensee shall fully comply with the provisions of the Commission's Order entered in the instant matter on April 2, 1941 (Docket No. 5854). Commissioner Payne dissented.

APPLICATIONS FILED AT FCC

560 Kilocycles

WQAM—Miami Broadcasting Co., Miami, Fla.—Authority to determine operating power by direct method.

640 Kilocycles

KFI—Earl C. Anthony, Inc., Los Angeles, Calif.—Authority to determine operating power by direct method (Aux.).

950 Kilocycles

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—License to cover construction permit (B3-P-2901) as modified, to install directional antenna for night use, change hours of operation from daytime to unlimited time, increase power from 1 KW to 1 KW night, 5 KW day, install new transmitter, and move transmitter.

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Authority to determine operating power by direct method.

WPEN—William Penn Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-P-2658) as modified, to install new transmitter, increase power, and make changes in directional antenna.

WPEN—William Penn Broadcasting Co., Philadephia, Pa.—Authority to determine operating power by direct method.

1070 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Authority to determine operating power by direct method.

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—License to cover construction permit (B4-P-2886) as modified, for installation of new transmitter and directional antenna for night use, to move transmitter, increase power, and change hours.

1240 Kilocycles

NEW—Tennessee Radio Corp., Nashville, Tenn.—Construction permit for a new broadcast station to be operated on **1240 kc.,** 250 watts, unlimited time, contingent on WSIX going to a new frequency.

NEW—Central Broadcasting Co., Wilkes-Barre, Pa.—Construction permit for a new broadcast station to be operated on **1240 kc.,** 250 watts, unlimited time, facilities of WBAX.

1290 Kilocycles

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Modification of construction permit (B4-P-2609) as modified, to install directional antenna for night use and increase night power, requesting extension of completion date from 6-29-41 to 8-29-41.

1340 Kilocycles

KVIC—Radio Enterprises, Inc., Victoria, Texas.—Authority to determine operating power by direct method.

1400 Kilocycles

KRKO—The Everett Broadcasting Co., Inc., Everett, Wash.—License to cover construction permit (B5-AP-33) for a new transmitter, vertical antenna, increase in power, move of transmitter, and change in hours of operation.

KRKO—The Everett Broadcasting Co., Inc., Everett, Wash.—Authority to determine operating power by direct method.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Authority to install automatic frequency control equipment.

1490 Kilocycles

KTBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Modification of construction permit (B5-P-2082) for a new broadcast station for change in type of transmitting equipment, approval of antenna system, and approval of transmitter site, requesting **1490 kc.** and 250 watts power.

1520 Kilocycles

WKEW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Modification of construction permit (B1-P-2902) for new transmitter, install directional antenna system, increase in power, and move of transmitter, requesting extension of completion date from 8-17-41 to 10-17-41.

FM APPLICATION

NEW—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Construction permit for a new high frequency broadcast station to be operated on **45500 kc.;** coverage, 4,340 square miles; population, 420,384. Amended: To change frequency to **46900 kc.,** coverage to 5,300 square miles, and population to 493,842, and to make changes in antenna system.

TELEVISION APPLICATIONS

W1XG—General Television Corp., Boston, Mass.—Modification of license to change frequency from **42000-56000, 60000-86000** to **50000-56000 kc.** Amended: To request commercial television station, change transmitter location, and add aural channel.

W1XG—General Television Corp., Boston, Mass.—Construction permit to install audio transmitter to use with video transmitter, 500 watts power, A-3 emission. Amended: To request commercial television station, change transmitter location, and add aural channel.

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new television broadcast station to be operated on Channel No. 1, **60000-66000 kc.,** A-5 and special emission for frequency modulation, unlimited time.

W6XDL—Don Lee Broadcasting System, San Francisco, Calif.—Modification of construction permit (B5-PVB-19) as modified, for a new television station, requesting extension of commencement and completion dates from 11-30-40 and 5-30-41 to 5-30-41 and 10-30-41, respectively.

MISCELLANEOUS APPLICATION

W10XF—National Broadcasting Co., Inc., Portable.—Modification of license to change the type designation of transmitter.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Bank & Stoller Corp.—Charging unfair and deceptive practices in the sale of photographic miniatures, sometimes known as goldstone miniatures, a complaint has been issued against Blank and Stoller Corporation, 227 East 45th St., New York, and against Harry J. Long, George Stoller, Maurice Schultz, and Randolph Fajen, individually and trading as Blank & Stoller Studios. The respondents Long, Stoller and Schultz, according to the complaint, are officers of the corporation and control its activities.

The complaint alleges that pursuant to understandings, agreements and conspiracies the respondents, in order to obtain photographs and negatives from which to produce miniatures for sale, have falsely represented that they were connected with one or more newspapers or press associations and desired to take photographs of individuals for use by such newspapers or press associations at future dates, when in fact none of the respondents have had newspaper or press association connections. (4523)

Paramount Yarn Company—Alleging violation of the Federal Trade Commission Act in the sale of knitting yarns, a complaint has been issued against Louis Glasser, trading as Paramount Yarn Co., 362 Grand St., New York.

The complaint alleges that the respondent, in seeking to sell his products, has misleadingly represented the constituent fiber or material of which they are made, such representations appearing in catalogs, color charts, sample books and other printed and written material and on labels. (4521)

Penn-Lub Oil Products Co., 85 Gotthart St., Newark, N. J., engaged in the sale and distribution of reclaimed motor oils to wholesalers and retail distributors is charged in a complaint with misrepresentation.

The complaint charges that in the sale and distribution of its product the respondent has caused to be imprinted upon the containers in which the product is displayed and sold statements and representations such as: "PENN-LUB 100% PURE PARAFFIN BASE MOTOR OIL" and "MOTOR OIL SPECIALLY PROCESSED FOR HIGH SPEED MOTORS." (4524)

Rudolph Wurlitzer Company, 121 East Fourth St., Cincinnati, piano manufacturer and distributor, is charged in a complaint with misrepresentation.

The complaint charges that in advertisements in newspapers, magazines and trade journals the respondent has represented, among other things, that pianos manufactured by it are "Finished in Kordevon, a remarkably beautiful and durable finish featured exclusively by Wurlitzer" and "Wurlitzer is first with Kordevon, a new finish, hailed with enthusiasm by leading decorative authorities for its unique beauty, its soft, rich texture, its variety of tasteful shades" and in advertisements in trade magazines intended for the trade and for the respondent's dealers, but not for the purchasing public, that "In appearance Kordevon is almost exactly like lightly tooled leather. In fact, the average laymen would likely think it was leather unless told otherwise." (4525)

Success Portrait Co.—Charging violation of the Federal Trade Commission Act in the sale of tinted or colored photographic enlargements and miniatures, and frames, a complaint has been issued against Success Portrait Co., which also operates as Chattanooga Art Medallion Co. and as Art Trade Studios, with headquarters in Chattanooga, Tenn., and four of its officers, also representatives who operate under various trade names, and the representatives' sales agents.

The complaint alleges that the respondents have entered into and carried out various understandings, agreements, combinations and conspiracies with each other for the sale of their products through misleading and deceptive practices. (4522)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Grand Rapids Exchange, Inc., 55 Hope St., Brooklyn, also trading as Denis Furniture Co., 2182 Third Ave., New York, has been ordered to cease and desist from misrepresentation in the sale of furniture.

The Commission finds that the respondent has represented, on conspicuous signs on its places of business in each city, that it maintains "The Original Grand Rapids (Exc., Inc.) Furniture, Main Show Rooms," and has also made oral representations to purchasers that "We are the real McCoy because we have our factory in Grand Rapids, Michigan, and the name of it is the Grand Rapids Furniture Company." (3703)

Pelican State Candy Co., a corporation, 1301 North Rampart St., New Orleans, and Max J. Pinski, its president and chief stockholder, have been ordered to cease and desist from lottery methods in connection with the sale of candy or other merchandise to ultimate consumers. The respondent Pinski formerly was in business as an individual in New Orleans under the names Pelican State Candy Co. and Royal Chocolates. (4210)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

Adams Paint Co., agrees to cease representing that the usual and customary earnings or profits to be derived from the sale of its paint products by salesmen or agents are larger than the customary amounts actually so earned under normal conditions. The respondent corporation further stipulates that it will cease representing that salesmen or agents or others can, within a specified time, make profits or earnings which exceed the average net profits theretofore consistently made in like periods by its full-time agents under normal business conditions. (3148)

Beebe Laboratories, Inc., St. Paul, Minn., has entered into a stipulation to cease representing that its livestock preparation "Blackleg Aggressin (Cultural)" produces life immunity, or offers unequalled assurance, against blackleg, and to discontinue advertising that this product or the preparation "Blackleg Bacterin," or the combination of the two, produces an immunity more rapidly or that lasts as long as that produced by natural aggressin; or that one vaccination with the combination is sufficient to produce immunity that lasts for the life of the animal. (02817)

Binks Manufacturing Co., manufactures spray guns and compressors of various types, including its so-called "Roche Compressor," a part of its "New Roche Painting Outfit." The respondent corporation agrees that in the sale of its outfit it will cease employing the statement "3 C.F.M. at 40 lbs. Working Pressure" as descriptive of its device, and will desist from the use of this or other statements implying that the device, when and if operated at the designated pressure, will produce an output of 3 cubic feet of air to the minute or any other claimed output which is in excess of actual accomplishment. (3153)

Blackstone-Marshall Publishing Co.—Engaged in the sale of a booklet entitled "Your Will and How to Write It," a Washington, D. C., co-partnership has stipulated that it will cease and desist from certain representations in the sale of the booklet. The respondents are Richard U. Bashor, Webster C. Patterson, Richard S. Patterson, and Robert T. Patterson, trading as Blackstone-Marshall Publishing Co., 1110 F. St., N. W., Washington. (3146)

Charles Henry Brown & Son, Inc., 47 West 34th St., New York, and Charles B. Brown, Charles Henry Brown, and Mrs. Charles Henry Brown, its officers and principal owners, entered into a stipulation to cease using, in connection with the sale of their arch supporters designated "Glide-o-Matic Arch Resters", statements or representations tending to cause the impression that such devices or their use can be depended on to afford relief from foot pains, fallen arches, callouses, metatarsal troubles or other foot ailments. The respondents further agree to cease representing that a single type of arch support generally will afford relief or be corrective when the use of arch supporters is indicated. (3150)

Buchanan-Thomas Advertising Company—C. Coe Buchanan and Lyman H. Thomas, trading as Buchanan-Thomas Advertising Co., 412 South 19th St., Omaha, Nebr., have entered into a stipulation in which they agree to cease certain representations in the advertisement of "Butter-Nut Coffee" on behalf of Paxton and Gallagher Co., Omaha. The respondent advertising agency stipulates that it will cease representing, directly or by implication, that Paxton and Gallagher Co. discovered a new or extraordinary process of maturing coffee, that this company's method of maturing coffee eliminates all trace of harshness or coffee acids, and that a pound of Butter-Nut coffee makes more cups of coffee than a pound of any other coffee. (02824)

Harry T. Campbell Sons' Co., Towson, Md., have entered into a stipulation in which it agrees to cease certain representations in the sale of "Campbell's Calcite Grit," a poultry food supplement.

Under its stipulation, the respondent corporation agrees to desist from representing that its product is the only grit having a natural manganese content; and that it is necessary to supply poultry with pure calcium in addition to the minerals contained in commercial feeds, unless this representation is specifically limited to feeds deficient in this mineral. (02820)

Cliff-Edwards Hair-Way—Cliff Edwards, conducting a business under the name Cliff-Edwards Hair-Way, 8026 Hollywood Blvd., Los Angeles, entered into a stipulation to cease representing that his preparations for the hair known as "Cliff Edwards No. 7" and "Cliff Edwards No. 11" will cause hair to grow or in any way aid in growing hair on a naturally bald head; that the preparations, or either of them, are new in the sense that they consist of ingredients other than such as have been long recognized for use in scalp treatments; and that the preparations were created by a prominent cosmetologist and dermatologist. (3147)

Genesee Trading Co., Inc., 18 West 21st St., New York, entered into a stipulation to cease using representations implying that the perfumes which it sells are French perfumes manufactured in France and sold in the United States. The respondent corporation also stipulates that it will cease employing any French words or language in its literature or on its cartons or packages in such a manner as to lead the public to believe that the contents of the packages are of French origin and have been manufactured in France, and that it will cease using the word "Paris" on its labels, letterheads and other advertising matter in such a way as to lead the public to believe that the corporation maintains a manufacturing plant in Paris, France. (3154)

International Tobacco Company of America, Incorporated, Louisville, Ky., entered into a stipulation to cease employing the words or phrases "London," "English," "A Product of Peter Jackson (Overseas) Ltd., 217 Piccadilly, London, W.," or other words or phrases implying that its products are made in England or any country other than the United States. The respondent further stipulates that it will cease representing, directly or inferentially, that its cigarette tips designated "filter tip" represent an original or revolutionary principle in cigarette tips, or that its cigarettes are the only cigarettes that have so-called "filter tips." (3144)

Interstate Home Study Bureau—Aaron Sauer, trading as Interstate Home Study Bureau, 901 Broad St., Newark, N. J., entered into a stipulation to cease certain representations in the sale of a correspondence course designed to assist students to pass civil service examinations.

Under his stipulation, the respondent agrees to cease employing the word "Bureau," either with or without the words "Interstate Home Study," as a part of or in connection with his trade name, and to desist from using the word "Bureau" independently or in connection with other words so as to imply that his course is compiled, published or disseminated by a "Bureau," as that term generally is understood. (3152)

A. G. Luebert, Coatesville, Pa., has entered into a stipulation to cease certain representations in the sale of medicinal preparations. The stipulation is supplemental to a stipulation previously accepted by the Commission from the respondent.

Under the supplemental stipulation, the respondent agrees to desist from disseminating advertisements which represent that "Nox-Em Tablets and Capsules," "Ka-No-Mor Capsules," "Nox-Pan Tablets," and "Luebert's Laxative Tablets" are in all cases safe or harmless; or which fail to reveal that the frequent or continued use of "Nox-Em Tablets and Capsules," "Ka-No-Mor Capsules," and "Nox-Pan Tablets" may be dangerous, causing serious blood disturbances, anemia, collapse, or a dependence on them, and that no more than the dosage recommended should be taken, and that they should not be given to children; or which advertisements fail to reveal that "Luebert's Laxative Tablets" should not be used when abdominal pains, nausea or other appendicitis symptoms are present; that its frequent or continued use may result in dependence on laxatives, and that if a skin rash appears, its use should be discontinued. (0304)

Montgomery Ward & Co., Inc., Chicago, stipulated that in the sale of coal tar hair dye preparations designated "Inecto" and "Clairol," it will cease disseminating advertisements which fail conspicuously to reveal the following:

> "Caution: This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness."

The stipulation provides, however, that such advertisement need contain only the statement: "Caution: Use only as directed on label," if and when the label bears the first-described caution conspicuously displayed and the accompanying labeling contains adequate directions for such preliminary testing before each application. (02821)

Newbro Manufacturing Co., 188 Walker St., S. W., Atlanta, stipulated that in the sale of its cosmetic and medicinal preparations it will cease representing, directly or by implication, that "Tuxedo Club Pomade" invigorates the scalp or helps the hair as nothing else will; that "Queen Hair Dressing," also designated as "New Improved Queen Hair Dressing," is a hair grower or supplies food for the hair; that "Queen Instant Skin Whitener," also designated as "New Improved Queen Instant Skin Whitener" and as "Queen Skin Whitener Ointment," improves the tone of the complexion or retards the formation of blackheads; that "Queen Skin Soap," also designated "New Improved Queen Skin Soap," helps to heal skin blemishes; that "Queen Peroxide Vanishing Cream," also designated "New Improved Peroxide Vanishing Cream," imparts a fine-grained appearance to the skin, and that "Queen Cold Cleansing Cream" loosens impurities or smoothes lines or wrinkles. (02818)

Peerless Smoking Jacket Co., Inc., 16 East 34th St., New York, distributor of men's specialty garments, including robes, house jackets, sports coats and shirt and slack ensembles, stipulated that it will not offer for sale, sell or distribute any merchandise which is made from fabric composed of rayon or which contains rayon without clear and unequivocal disclosure of the fact that the fabric is made of or contains rayon, as the case may be, on labels or tags conspicuously affixed to the merchandise, and on the invoices and in all advertising and promotional matter, however disseminated or published. (3155)

Rubel Baking Co., Cincinnati, entered into a stipulation to cease and desist from certain representations in the sale of "Rubel's High Vitamin B-1 Wheat Bread," also known as "Rubel's High Vitamin Wheat Bread."

Under its stipulation, the respondent agrees to cease advertising that its bread contains per loaf as many as 800 international units of Vitamin B-1 or contains more units of that vitamin, or of any other vitamin present, than is actually the case, or that, when eaten in quantities ordinarily consumed, the product will supply the minimum daily nutritional requirement for Vitamin B-1. (02823)

A. D. Sutton & Sons—David A. Sutton and Sam Sutton, trading as A. D. Sutton & Sons, 15 West 37th St., New York, distributors of handkerchiefs and laces imported from China, stipulated that they will cease representing in any way on their printed or advertising matter that they maintain foreign offices in either France or Belgium or in any other country abroad, when and if such is not a fact. (3156)

Tru Products Corporation, 166 West Jackson Blvd., Chicago, entered into a stipulation in which it agrees to cease advertising that its product "Tru-Clean Tablets" will restore the color of fabrics to their original brilliance and beauty, and that its customers are protected by Lloyd's of London against any personal or property damage resulting from the use of Tru-Clean Tablets, and are afforded legal redress against Lloyd's of London for any such damage. (02822)

Valeria's Products—Dave Boston and Wilma Boston, copartners trading as Valeria's Products, and as Valeria's, 589 East Adams Ave., Detroit, entered into a stipulation in which they agree to cease representing that "Valeria's Hair Grower" will cause the natural oils of the scalp to be retained; overcome dryness of the scalp; stop excessive dandruff or falling hair, or cause hair to grow. The respondents further agree that in the dissemination of advertisements they will cease representing, by use of the words "Hair Grower" in the designation of their preparation, that the product will grow hair. (02819)

Whelan Candy Company—John J. Whelan, trading as Whelan Candy Co. and as The Whelan Co., Bradford, Pa., stipulated that in connection with the sale of candy and other merchandise, he will cease supplying to others candy, cigar lighters or other merchandise together with punch-boards, push cards, or other lottery devices, or such devices either with assortments of candy or other merchandise or separately, which devices are to be or may be used in selling such candy or other merchandise to the public. (3149)

FTC CASE DISMISSED

The Federal Trade Commission dismissed without prejudice a complaint which had charged Lightfoot Schultz Co., New York, Continental Blade Corporation, Brooklyn, and Lawrence Distributing Corporation, Brooklyn, with violation of the Federal Trade Commission Act in the sale of soaps.

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 27, July 11, 1941

DEFENSE COMMITTEE MEETS

The new NAB National Defense Committee will meet at the NAB in Washington, Tuesday, July 15. Members of the Committee are: John Shepard, 3rd, Yankee Network, Chairman; A. J. Fletcher, WRAL; Leo Fitzpatrick, WJR; H. Vernon Anderson, WJBO; Ben Ludy, WIBW.

EXECUTIVE COMMITTEE

The NAB Executive Committee will meet Monday, July 14, in Washington to consider a number of matters.

THE MUZAK LICENSE

The recent grant to Muzak Corporation of a construction permit for a development FM broadcast station has been hailed in a recent FCC release as the inauguration of a new type of service in the field of radio broadcasting. However, the uniqueness of the service is questionable, since the applicant, Muzak Corporation, at present furnishes transcribed musical programs by telephone wires to hotels, restaurants and homes on a subscription basis and now proposes to furnish relatively the same service by substituting transmission by radio in place of the use of telephone wires. It would appear that this was contrary to the Commission's policy of not permitting the use of radio for transmission where wires are available.

The Commission's apparent interest in this new type of broadcasting service is worthy of attention not only by broadcasters but also by advertisers and by all who use radio and are interested in the great public service rendered by radio. In its announcement, the Commission quotes from a statement by the promoter of this new service as follows:

> "There is no reason why the public should pay directly for moving pictures and indirectly for radio. It is merely a matter of circumstance that radio in the United States is available to the public only in connection with advertising announcements which frequently are highly disturbing or irritating. The American people have never decided or been given the opportunity to decide that radio should not be sold in the usual manner by direct payment for the service."

It is true that the Commission does not say specifically that it is in agreement with these views, yet it is significant that such views and the philosophy they express are set forth at such length in a routine announcement of the granting of an experimental radio broadcasting license.

The American system of broadcasting, the Commission says, is not practiced in all countries of the world. Quite so. However, because under the American system radio has been able to pay its way it has been able to maintain its freedom and has not been dependent upon a government subsidy, nor is it subservient to any political party or power.

Advertising, in addition to making private broadcasting possible, has also provided the basis for a competitive system and has thereby stimulated both broadcasters and advertisers to produce a variety of programs and a standard of performance unequaled throughout the world.

It is hoped that the criticism of all advertising as contained in the release is due to draftsmanship, and does not indicate an official policy of the Commission.

National Defense

Flying Cadet Campaign

Seven stations, listed below, are longtime cooperators in the Flying Cadet campaign for the Army. These, with 645 stations reported on June 9, 82 on June 30, 5 on July 3, bring the total to 739.

Unreported previously are:

KFUO—St. Louis, Mo.
KGFI—Brownsville, Texas
KPOW—Powell, Wyo.
WHMA—Anniston, Ala.
WLAW—Lawrence, Mass.
WSAZ—Huntington, W. Va.
WTJS—Jackson, Tenn.

Selective Service Drawing

The lottery in connection with Second Selective Service Registration has been set in Washington, D. C., for 7:00 p. m., EST, July 17. It is estimated the drawing of the 750 numbers will occupy approximately two hours. Thereafter the news will originate in various centers throughout the country in the territory served by broadcasting stations.

Because some stations reported inability to get lists from local boards promptly during the prior lottery, it is suggested that stations immediately re-establish contacts with the sources of local names.

If the likelihood of any difficulty is in prospect it is suggested that the circumstances be reported to NAB headquarters.

This suggestion is made in accordance with a letter received on Thursday from Major Ernest M. Culligan, Public Relations Officer, Selective Service System. On that date he wrote:

> "It is my pleasure to assure you that instructions have been issued to all members of the Selective Service System to make information regarding Selective Service readily available to the press and radio news agencies. During the past several months we have corrected many situations where local boards were reluctant to release information and I am sure that *radio stations* will not encounter any difficulty in this connection.
>
> "Should any situation come to your attention that requires corrected action, please advise me and I assure you the matter will be straightened out."

Caption of a letter accompanying Navy announcements dated July 14, reads:

ALL OUT FOR THE NAVY!

Details of the urgent need for regular and reserve enlistments are covered in a memorandum to all stations.

(Continued on page 596)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

NATIONAL DEFENSE

(Continued from page 595)

KFYO, Lubbock, Texas (population 31,853), home of Texas Technological College, proudly boasts that the city rates second for furnishing enlistments to Naval Air Corps. John Bradford, traffic department, writes that Texas Tech placed second with a total of 67 enlistments, and that first place was held by State of Texas University. KFYO for many months has been backing the Navy's air program.

Paul J. Miller, production manager, WWVA, Wheeling, has scheduled a program, "Defending America," in which are presented various defense announcements which need to reach a maximum audience. They are broadcast Monday through Friday, 7:50-8:00 p. m.

FOURTH OF JULY PROGRAM

WHOM, *Jersey City*

West W. Willcox, assistant manager, writes that the station broadcast a complete daily series of spot announcements on July 1, 2, 3 and 4, not only in English but in native-tongue announcements in Polish, German, Italian, Spanish, Lithuanian and Jewish. The station also carried the 4:00-4:10 p. m. presidential broadcast via cooperation of NBC.

WEMP, *Milwaukee*

C. J. Lanphier, manager, broadcast the President's speech at the Milwaukee Ball Park through the cooperation of President Bill Veeck, head of the Milwaukee Ball Club.

KCKN, *Kansas City, Kans.*

Ellis Atteberry, manager, took Mutual's feed of the Fourth of July broadcast from WHB, Kansas City, Mo. The 10-minute program became part of the station's baseball broadcast in the afternoon. Full-hour patriotic program on the morning of the Fourth served to promote the afternoon feature. On prior days there was an effective teaser campaign.

KGNC, *Amarillo*

John Ballard, manager, scheduled a three-day Americanism theme which culminated with the Fourth of July presidential broadcast. Speakers included Mayor Joe A. Jenkins, American Legion officials, Postmaster W. D. De Grassi, and others.

KGHL, *Billings*

Ed Yocum released a series of live spots to secure a full audience for the Fourth of July presidential broadcast.

WITH, *Baltimore*

Thomas Tinsley, president, arranged to take the presidential speech from one of the Baltimore network stations.

KITE, KCKN, WHB, *Greater Kansas City*

According to a note from WHB: "All seven radio stations in the Greater Kansas City area logged the same program for another 'first time in local radio history' on Friday, July 4, when President Franklin D. Roosevelt addressed the nation. WHB-Mutual, KMBC-Columbia, WDAF-National Red and WREN-National Blue carried the President's talk on their regular network service. KCMO, local independent, received the program from NBC Blue via the AT&T test board. KITE and KCKN were fed the Mutual origination through the WHB control panel in accordance with the NAB's request for cooperation in this matter."

WGR-WKBW, *Buffalo*

During the Fourth of July broadcast Herbert C. Rice, program manager, arranged for a chorus of thirty Boy and Girl Scouts to recite the pledge of allegiance in unison with Chief Justice Stone.

WOR, *New York*

Ted Streibert, vice president, wrote on July 2 that he had arranged for the President's speech to be broadcast over a PA system at Ebbets Field and Empire City race track.

KFVS, *Cape Giradeau, Mo.*

This is another of the independent stations to carry the Fourth of July program.

KGW-KEX, *Portland;* KAST, *Astoria;* KSLM, *Salem;* KWJJ, *Portland*

H. Quenton Cox, assistant manager of KGW-KEX, broadcast the presidential talk to several meetings over PA systems; and fed the program to KAST, KSLM and KWJJ.

A total of 36 spots were broadcast by KGW and KEX in behalf of the Second Selective Service registration on June 29 and 30.

BMI NOTES

More New Songs for Broadcasters

Completion of contracts with six publishing firms for the licensing of music to subscribers, publication of eight new popular tunes, thirty Public Domain arrangements and twelve new compositions in the BMI Standard Black and White Series were announced this week.

The newly affiliated publishers are Fountain Music Company; Harmony Music Publishers; Melo-Dee Music Company; Modern Standard Music Company; Merrell Schwartz Music Company; and Meredith Willson.

With the addition of these twelve original compositions, the BMI Black and White Series offers seventy-two compositions of the type used on concert programs. These additions include three poems by Christopher Morley, poet and novelist, set to music by E. S. Nolling.

You and I, which comes to BMI with the Meredith Willson contract, was written by Willson as a theme song for the Maxwell House Coffee program. An active demand for the song was evident after Bing Crosby and Rudy Vallee featured it on their own programs. Willson organized his own company and published it. Initial sales on the west coast were so good shortly after publication that the composer was unable to buy a piano copy for his own use. Recordings of the song by Kate Smith (Columbia), Bing Crosby (Decca), Glenn Miller (Bluebird), and others are scheduled for release in the next few weeks.

New BMI Subsidiary

Radio Tunes, Inc., has been organized under the laws of the State of New York as a subsidiary of Broadcast Music, Inc., to engage in the publication and exploitation of popular music.

Sydney M. Kaye, Merritt E. Tompkins and Robert J. Burton are directors. Chief executives of the new company have now been selected. Plans call for the establishment of a Professional Department and other departments necessary to a music company. Principal purpose for the formation of the new company is to give the music world an increasing variety of popular tunes. In establishing a subsidiary, BMI is profiting from the experience of other music publishers who have found additional companies useful in the promotion of their music.

The 'Hi, Neighbor' Policy

Written by Jack Owens, who wrote the music of the *Hut Sut Song*, and featured by Jane Frazee and the Merry Macs in the new Universal picture, "San Antonio Rose," BMI's *Hi, Neighbor* looks as if it may become an important song for group singing.

The number has been adopted in Santa Catalina, California, as the official greeting song and is broadcast every night. The Santa Catalina band plays it as the welcomer for all visitors to Catalina. Over July Fourth, more than one half million people were on the Island and many of them were whistling the tune. This is the first time that Catalina has adopted a welcoming song, but the words, *Hi, Neighbor*, have been used there for several years as a greeting phrase.

Not only in Catalina, but throughout the country, the times have been crying for a song of this sort. People are eager to "break the ice" that surrounds human relationships, but there has been no song that hit just the right note.

Jack Owens struck gold with the *Hut Sut Song* and many of his friends feel that he has done it again with *Hi, Neighbor*. The lyrics follow:

"Listen, you sisters and brothers,
I've got some very good advice.
Hear me, you sons of your mothers,
We're really gonna break the ice.

CHORUS:

HI, NEIGHBOR! HI, NEIGHBOR!
What do ya' know and what do ya' say?
HI, NEIGHBOR! HI, NEIGHBOR!
Throw all your worries away.
Come on and shake my hand and let a grin do the rest,
It makes ya' feel so grand to get your chin off your chest.
I'm shoutin', HI, NEIGHBOR! MY NEIGHBOR!
Time to play and say, HI!"

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I Hear America Singing

One of this year's outstanding compositions becomes available for broadcasting by BMI subscribers with the publication by E. B. Marks of George Kleinsinger's patriotic cantata, *I Hear America Singing*. This number has been recorded for RCA Victor by John Charles Thomas and the ILGWU Radio Chorus with an orchestra led by Nathaniel Shilkret. (Victor Musical Masterpiece Album No. M-777.)

Written for a baritone with mixed chorus and orchestra, *I Hear America Singing* is based on Walt Whitman's epochal work, *Leaves of Grass*. Glorified in stirring music are the people, farms, cities, splendor and majesty of America and the spiritual values for which it stands. Kleinsinger selected such excerpts from the Whitman works as *Song of Myself, O, Pioneers! O, Pioneers!, For You, O Democracy* and fused this material into a dramatic and brilliantly unified composition.

The twenty-seven-year-old composer has played piano in a jazz band; studied dentistry; been Musical Director of the Eastern CCC camps; graduated from New York University; won a fellowship at the Julliard School of Music; and created countless musical works, among them a violin concerto and several string quartets.

BMI FEATURE TUNES

July 14 - July 21

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. MY SISTER AND I
5. BECAUSE OF YOU
6. G'BYE NOW
7. WITH A TWIST OF THE WRIST
8. THE RELUCTANT DRAGON

In preparation, two great rhythm numbers—*Yo Te Amo*, an unusual novelty, and *Hi, Neighbor*.

BMI continues to lead in all indices of popularity. 13 out of 15 sheet music best sellers are BMI controlled, according to the *Billboard* compilation, and 11 out of 15, according to *Variety*. *Billboard* gives 10 of the 14 leading money makers in the coin machines to BMI, and *Variety* credits 11 out of 19. In best selling phonograph records, 8 out of 10, according to *Billboard*, are BMI published or BMI controlled.

The Hut Sut Song has jumped into first place in national sheet music best sellers, leading in the mid-west and south and ranking second to *Intermezzo* in the east. Out on the west coast *Maria Elena* has superseded it as the number one song. Sammy Kaye's *Daddy* is the sensation of the week in record sales, leading nationally in the east, in the mid-west and in the south, and ranking third on the west coast. *G'bye Now* and *My Sister And I* are still "going strong" after seven weeks and rank second and third respectively in record sales. Those "coming up" in *Billboard's Record Buying Guide* are led by *Things I Love* and *Good Bye, Dear, I'll Be Back In A Year* and *Green Eyes*.

Kent Cooper's "Dixie Girl"

For the first time on any stage, *Dixie Girl*, recently published by BMI and written by Kent Cooper, General Manager of the Associated Press, was sung at the Radio City Music Hall in Leon Leonidoff's stage revue which opened June 26.

Earl Wrightson, baritone, sang it as part of the Music Hall Symphony Orchestra's overture, *Southern Rhapsody*.

Mr. Cooper, who writes music for his own amusement and relaxation, composed *Dixie Girl* in 1923 for his daughter, had it copyrighted but never presented it for publication. It was only as the result of losing a bet on a golf game that he consented to have the song released this year.

The Answer

Bobby Warren of Warren Publications is frequently asked what city has the address, *Number 10, Lullaby Lane*. He knows the answer now. It's *City of Heaven (Population Two)*, Warren's new song which he is presenting to BMI broadcasters as "the newest addition to our household at Number 10."

A Yard Bird Song

Time's A' Wastin', by Olsen and Johnson, inspired by "Snuffy" Smith of the "Snuffy" Smith and Barney Google cartoon running in the Hearst papers, is being published by BMI. The tune will be promoted by BMI and King Features with the cooperation of Billy de Beck, the cartooonist, and orchestra leaders and movie stars who have expressed interest in the tune. "Snuffy" enlisted in the army recently and the song is expected to form an important part of his adventures.

Comment and Contrast

The Buffalo, N. Y., *News* says under date of June 24th:

"BMI DOUBLES ROYALTIES

"Bernie Simon, local lawyer, and Dick Ullman, WGR-WKBW executive, who turned out the song 'My Mind's On You,' got a pleasant surprise the other day in ripping open their royalty check for the tune. BMI voluntarily had doubled its payments to songwriters.

"Quite a contrast from a year or so ago when, with ASCAP in the saddle, Ruth Lowe got not a cent for all the times 'I'll Never Smile Again' was played on the air because she didn't belong to ASCAP."

Si Steinhauser of the Pittsburgh *Press* writes:

"Under the BMI royalty setup for the first quarter of 1941—and that's the period covered by the checks—individual song hits earned their composers from $800 to $1200 for radio performances only. The figures do not include recording royalties.

"These royalties go, for the most part, to composers who have not been able to earn a penny from their music prior to the formation of BMI which opened its services to composers, rich or poor, famous or unknown.

"Radio, except for a few stations, has gone along without ASCAP music. The answer is simple. BMI has found composers of definite hits.

"Although ASCAP has been taking it on the chin, heaviest losers in the fight are movie theatre owners. Because ASCAP has the film industry tied to contracts, song hits featured in pictures are not on the air. Result, say the theatre men, people are not going to the movies to see the musicals."

Variety admits:

"Jack Robbins points to 'Aurora' as refutation of a pet Tin Pan Alley theory that the coin-machines can 'make' a song hit. Jack Kapp, prez of Decca, recorded this Brazilian 'carnival' song eight different ways, and guarantees Robbins 1,000,000 platters on Decca alone. It's also been widely waxed elsewhere.

"But it has only sold a meager 12,000 copies so far.

"In contrast, 'Hut Sut Song,' from a small coast publisher, but with an advantageous radio plug, will see 200,000 copies sold."

Sales

SALES MANAGERS COMMITTEE NAMED

Following a new method of station representation, appointment of the new seven-man executive committee for the NAB Sales Managers Division was announced today by President Neville Miller.

In accordance with a board of directors ruling, the new committee consists of a chairman selected at large, one member each representing the small, medium and large stations, and one representing each of the networks.

Eugene Carr, veteran member of the committee and assistant manager of WGAR, Cleveland, Ohio, is the new chairman.

Representing large stations is John M. Outler, Jr., commercial manager of WSB, Atlanta, Ga.; medium stations, E. Y. Flanigan, commercial manager, WSPD, Toledo, Ohio, who was chairman of the committee last year; small stations, Robert MacKenzie, manager, WCMI, Ashland, Ky.

Network representatives are Arthur Garfield Hayes, CBS Radio Sales, New York City; George H. Frey, sales service manager of the eastern division of NBC Sales department, New York City, and Linus Travers, vice president of the MBS-affiliated Yankee network and WAAB, Boston, Mass.

Serving on the committee last year, besides Flanigan and Carr, were Craig Lawrence, KSO-KRNT, Des Moines, Iowa; Ellis Atteberry, KCKN, Kansas City, Kans.; Willard Egolf, KVOO, Tulsa, Okla., and Charles Caley, WMBD, Peoria, Ill.

Carr was due to arrive in Washington Thursday for a two-day conference with Frank E. Pellegrin, director of the Department of Broadcast Advertising, preparatory to calling the first meeting of the new executive committee later this summer.

Audience Reaction Reported

An article on "Ups and Downs in Audience Interest," by Joseph Creamer and George H. Allen, in the July issue of *Advertising and Selling*, is recommended to every station manager, sales manager and program director. It is a graphic account of the research conducted under the supervision of Horace Schwerin with the "Program Analyzer" machine, testing the reactions of thousands of typical listeners to various types of programs and commercials. The article, factual, indicative and revealing, should be of great practical value to all broadcasters. Publication office is Chestnut at 56th St., Philadelphia, Pa.

Advertiser Seeks Commission

The Jaques Manufacturing Co., makers of K C Baking Powder, has been offering to place a spot announcement campaign direct, provided it is allowed 15 per cent agency commission.

The company states "this is the basis on which all of our newspaper contracts as well as radio contracts have been placed—our company having been recognized just the same as advertising agencies for a great many years." Merchandising and dealer contracts are also requested.

In reporting this to the NAB, a member comments that checking shows a number of broadcasters, "including some very large stations," are allowing the 15 per cent commission direct.

That this is a bad business practice seems to be obvious. If stations will allow an "agency commission" to one advertiser who places his business direct, it is hard to see how they can logically withhold a similar commission or rebate from all similar advertisers.

In fact, it is difficult to understand how any sort of "agency commission" can be allowed when there is no agency involved at all. Therefore, reduced to plain terms, this becomes a special rate reduction of 15 per cent allowed to one advertiser, or a rebate of 15 per cent allowed to one but denied to others.

Abuses such as these will do more to break down established practices and the radio rate structure than almost anything else that can be imagined. It has long been recognized in ethical advertising circles that to grant special rebates to one advertiser, thereby discriminating against others, is contrary to the best interests of the media, of advertising agencies, and of the whole business of advertising. Such action is certainly inimical to the industry's efforts to build and maintain high ethical standards, and for that reason stations that have been persuaded to comply with this advertiser's request, thinking more perhaps of the contract at hand than of its long-range effect, are advised to reconsider the matter carefully.

Cost-Per-Inquiry

Acme Products Co., of West Frankfort, Ill., on behalf of **X-PEL**, an athlete's foot remedy, is seeking cost-per-inquiry deals.

Allen A. Funt, Radio Productions, of New York, is seeking per-inquiry "propositions" from stations on behalf of a tobacco client, the **House of Westminster, Inc.**

Both advertisers have been advised of the NAB attitude on this subject, and have been cordially invited to use radio properly at established rates.

The Business Outlook

Facts learned from the weekly bulletin of the U. S. Department of Commerce, believed to be of interest to radio sales managers as possible sources of increased revenue, are as follows:

Personal finance company consumer loans rise 13 per cent over a year ago during the period ending May 1, with balances totaling $514,000,000 reported by companies doing 80 per cent of the total loan business in this field.

Credit unions for the same period report $203,200,000 in members' loan obligations, an increase of 27.5 per cent over the previous year.

Employment figures are the highest on record, with total nonagricultural employment reaching 47,222,000 by the end of March, according to the Bureau of Labor Statistics.

The Census Bureau reports 1,500,000 marriages in 1940, a new record.

Daily average supply of domestic crude oil, estimated by the Bureau of Mines, to meet the market demand in July 1941 is 3,847,100 barrels, an increase of 6 per cent above the actual demand for July 1940. The domestic demand for motor fuel is estimated at 60,300,000 barrels for July, a 12 per cent increase over actual demand in July last year.

Farm-product demand continues higher, with total pork production for 1940 at an all-time high, and with a higher price to farmers for milk because of increased demand for dairy products for Britain. Demand for farm products generally continues to be favorably influenced by industrial activity and increased consumer buying power.

Five large tire companies have been ordered to cease and desist from price misrepresentations.

Electric energy production in 1940 exceeded all records by 11.2 per cent.

A continuing rise in the value of building contracts has caused summer construction to approach the peak volume of the late 1920s, with residential, nonresidential, public works and utilities all attaining new highs.

A new all-time high in retail automobile financing, both as to number of cars and dollar volume, was reached in April, dollar volume showing an increase of 16.8 per cent over March and 43.3 per cent over April 1940.

Retail sales increased 24 per cent in May over the previous year, and chain grocery stores showed a 15 per cent increase. Wholesale prices rose .6 per cent during the week ending June 21, largely as a result of further sharp gains in prices for agricultural commodities. Independent retailers report a 26 per cent increase in sales during May over the previous year, with food stores reporting a 10 per cent increase.

Labor

Wage and Hour Act

The following exchange of correspondence with the Wage and Hour Division will prove of interest, especially to smaller stations.

The NAB addressed the following letter to the division:

A member of our Association has asked for an opinion in the following case:

An employee's primary duty is that of an outside salesman of radio time. For this he receives a monthly salary of $150 plus a monthly bonus, the size of which depends upon the amount of time he sells. In addition he does 8 hours each week of routine announcing. Other announcers in the station work 40 hours a week. Therefore, the station assumes that these 8 hours do not stand in the way of his classification as an outside salesman, under Section 541.5 (B) of the Wage and Hour Division's Rules and Regulations. However, this same man does an irregular amount of "special events" announcing each week. This consists of interviewing celebrities, going out on news assignments to community events and so forth. This type of work, in the industry generally, is done by announcers classified as "professionals" under Section 541.3 of the Rules and Regulations. However, the man in question is not paid for this "professional work" at the rate of $200 or more a month. This "special events" announcing as well as his 8 hours regular announcing is done as part of his all-around job at the station.

The question is: Can this employee be classified as an "outside salesman" for Wage and Hour Act purposes.

May I say that many smaller radio stations have employees with a similar multiplicity of duties and that your help in clearing up classifications will be greatly appreciated.

Following is the reply:

On the basis of these facts it would appear that the employee in question cannot be classified as an "outside salesman" within the meaning of section 541.5 of the regulations. The time which the salesman spends in broadcasting his programs must be counted as nonexempt work, and it would seem that the amount of nonexempt work performed by this employee does not meet the 20 per cent test laid down in subsection (B) of section 541.5.

Wage-Hour Pamphlet Revised

A thoroughly revised second edition of "The Wage and Hour Act: How It Affects a Broadcasting Station" has gone to press and will be mailed to all members next week.

Any member who has not received "A Sample Labor Contract Covering Technicians," mailed last week, should write in for one.

WKRC Strike

The AFRA strike at WKRC, Cincinnati, was still in progress Thursday, July 10. Four of 17 artists were on strike. AFRA has threatened to strike alll MBS agency-built commercials fed to WKRC on July 12 unless the station comes to terms meanwhile. Negotiations were in progress Thursday.

Army Training

A thorough schooling as a radio technician in the Army Air Corps is assured all students at the Army Air Corps Radio Operators and Mechanics School at Scott Field, Belleville, Illinois.

The school, the largest of its kind, is training radio experts at the rate of approximately 20,000 a year.

Soldiers enter in classes of approximately 800 every two weeks.

Graduates of the 22-week radio course are thoroughly trained in the operation, and line maintenance of aircraft radio equipment, and in the installation, operation and field maintenance of tactical ground radio equipment.

FEDERAL COMMUNICATIONS COMMISSION

Army Station Call Letters Changed

The Army Amateur Net Control Station has changed its call letters to W3USA—indicating "United States Army." The old call letters of the station, which is located in the War Department Message Center, Washington, D. C., were "W3CXL." The old call letters had been used since the station was established in 1929. W3USA normally will operate on the amateur 3,500-4,000 kilocycle, 7,000-7,300 kilocycle, and 14,000-14,400 kilocycle frequency bands with sufficient power to be heard throughout the United States, Puerto Rico, Panama, Alaska, Hawaii, and, at times, even to contact the Philippine Islands.

From the FCC Mail Bag

An Illinois radio fan complains to the Federal Communications Commission about the use of the expression "now we have news" in connection with commercial announcements. The Commission itself can do nothing about this, but suggests that comments regarding radio presentations, if addressed to the station concerned, will receive attention.

A Washington, D. C., resident objects to the "squawking" of a neighbor's loud speaker until 2 A. M. The Commission advises that operation of receivers is outside of its province and that any nuisance problem is a matter for local civil authorities to consider.

A California woman attributes her illness to television and other radio signals which permeate her home and person. The Commission is sorry to learn of the complainant's illness. It can, however, say definitely that no case has ever been brought to its attention where either television or broadcast signals received at a distance from transmission have any physical effect on humans. Many tests have been made, and it has been found that these emissions are so weak and insignificant that they are incapable of harming anyone. Since it would appear that the woman's illness must be due to some other cause, it recommends that she consult a physician.

A Boston firm suggests that Government bonds be given on radio programs in lieu of other prize awards. The Commission feels that broadcasters may be interested to receive the suggestion direct, pointing out that Defense Bonds are already being offered by a number of program sponsors.

The Commission has written a Pennsylvania power company thanking it for its prompt attention to a local complaint of interference with radio reception which had been referred to it.

A Chicago firm which requests copies of field strength maps for all radio stations in a certain district is informed that pressing duties do not permit the Commission staff to perform extra research work of this nature, adding, however, that the general information may be determined by applying the appropriate exhibits contained in the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, obtainable from the Superintendent of Documents, Government Printing Office, Washington, D. C., at a cost of 30 cents.

The Commission has granted a license to Edgar Bergen to operate a radio in his private plane out Beverly Hills way. But Charley McCarthy need not be jealous. By a coincidence, the call letters contain his initials—KHB*CM*!

Amateur Rules Amended

At the request of the American Radio Relay League, the Federal Communications Commission has amended its rules governing amateur radio service to make an additional 400 kilocycles available for voice communication (Section 12.115), and has allocated 50 kilocycles for utilization of frequency modulation (Section 12.117).

As a result, radiotelephony is now authorized on the amateur band 28,100 to 30,000 kilocycles instead of the 28,500 to 30,000 kilocycles as heretofore, and the frequencies 29,250 to 30,000 kilocycles are assigned for FM transmission. The present extent of the amateur band remains unchanged.

This action was taken to accommodate the increasing number of amateur radio telephone stations and, at the same time, to encourage activity of amateurs in developing FM equipment, as well as to obtain data respecting characteristics of this band for FM use.

At the same time the Commission, on its own motion, amended Section 12.63 to clarify operation of amateur stations by remote control. This amendment will tend to eliminate misunderstanding about the Commission's requirement that an amateur desiring to operate a station by remote control must submit complete information regarding location of the control point, his right to the use of the premises, the means by which remote control is effected, and the equipment to be used to monitor the transmissions from the control point. As has long been the case, amateur operation, directly or remotely, is prohibited on premises controlled by an alien.

Section 12.83, which concerns transmission of call signals, was amended to facilitate Commission monitoring of amateur stations in the present emergency.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, July 14. They are subject to change.

Tuesday, July 15

KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Renewal of license, **1450 kc.,** 100 watts, specified hours.

Wednesday, July 16

Consolidated Hearing

NEW—Mid-America Broadcasting Corp., Louisville, Ky.—C. P., **1040 kc. (1080 kc.** NARBA), 1 KW night, 5 KW day, unlimited time, DA-day and night.

WGRC—Northside Broadcasting Corp., New Albany, Ind.—C. P., **1040 kc. (1080 kc.** NARBA), 5 KW, unlimited time, DA-night and day. Present assignment: **1400 kc.,** 250 watts, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

September 5

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—C. P., **560 kc.,** 1 KW night, 5 KW day, unlimited, DA-night. Present assignment: **560 kc.,** 1 KW night, 5 KW day, SH-5 a. m. to LS.

September 9

WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—C. P., **590 kc.,** 1 KW, unlimited, DA-day and night. Present assignment: **1230 kc.,** 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Lake Worth Broadcasting Corp., Lake Worth, Fla.—Granted construction permit for new standard broadcast station to operate on **1340 kc.,** 250 watts, unlimited time, exact site to be determined subject to Commission's approval (B3-P-3161).

W2XCB—Columbia Broadcasting System, Inc., Portable Mobile (area of W2XAB, New York City).—Granted modification of construction permit to change frequencies of television relay broadcast station from **336000-348000 kc.** to **346000-358000 kc.,** upon an experimental basis only, with peak power 25 watts (B1-MPVB-43).

KINY—Edwin A. Kraft, Juneau, Alaska.—Granted construction permit to make changes in equipment and increase power from 1 KW to 5 KW, unlimited time, subject to approval of transmitter antenna and transmitter site (B-P-3089).

WSYB—Philip Weiss, tr/as Philip Weiss Music Co., Rutland, Vt.—Granted construction permit to install new transmitter, directional antenna for night use, change frequency from **1490 kc.** to **1380 kc.,** and increase power from 250 watts to 1 KW day and night, granted subject to antenna approval (B1-P-3090).

W59C—WGN, Inc., Chicago, Ill.—Granted temporary authority to operate FM station W59C with power of 1 KW; this authority is granted without prejudice to determination of hearing under Order No. 79.

KXYZ-KPRC—Harris County Broadcast Co., Houston Printing Corp. (both of Houston, Texas).—Granted authority for KXYZ and KPRC to make joint use of one common antenna for both day and night operation.

WCNC—Aubrey G. McCabe and Trim W. Aydlett, d/b as Albermarle Broadcasting Co. (assignor); Albermarle Broadcasting Co. (assignee); Elizabeth City, N. C.—Granted petition to grant without hearing application for consent to assignment of license for Station WCNC from present licensee partnership (McCabe and Aydlett, doing business as Albermarle Broadcasting Co.), to a corporation of the same name. (Docket No. 5978.)

WCBD—WCBD, Inc., Chicago, Ill.—Granted authorization to use the call letters WAIT and deleting present call letters WCBD, **820 kc.,** 5 KW power until sunset at Fort Worth, Texas.

DESIGNATED FOR HEARING

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Application for modification of license to change hours of operation from daytime to limited to Knoxville, Tenn.; station operates on **990 kc.,** 1 KW (B2-ML-1060).

Park Cities Broadcasting Corp., Dallas, Texas.—Application for construction permit for new standard broadcast station to operate on **710 kc.,** 5 KW night and day, directional antenna nighttime, unlimited time (B3-P-2860).

Midstate Radio Corp., Utica, N. Y.—Application for construction permit for new standard broadcast station to operate on **1450 kc.,** 250 watts, unlimited time; transmitter site and antenna system to be determined subject to Commission's approval. Joint hearing with applications of Utica Observer-Dispatch, Inc. (File No. B1-P-2702), and Utica Broadcasting Co., Inc. (B1-P-3206), for new stations at Utica to operate on same frequency and same power (B1-P-3171).

KGGM—New Mexico Broadcasting Co., Albuquerque, N. M.; KVSF—New Mexico Broadcasting Co., Santa Fe, N. M.—Application for construction permit to move transmitter to North 2nd St., Albuquerque, install new transmitter, change frequency from **1260 kc.** to **590 kc.,** increase day and night power from 1 to 5 KW, and install directional antenna for night use; to be heard jointly with applications of Arizona Broadcasting Co., Inc. (KVOA), Tucson, Ariz., for change in frequency from **1290 kc.** to **590 kc.** on 1 KW, unlimited time, directional antenna day and night; and application of KVSF for construction permit to change frequency from **1340 kc.** to **1260 kc.,** increase power from 100 watts to 1 KW night and day, install new antenna and move transmitter and studio sites locally.

MISCELLANEOUS

W3XWT—Allen B. DuMont Laboratories, Inc., Washington, D. C.—Granted modification of construction permit which authorized new television broadcast station, for extension of commencement and completion dates from January 1, 1941 and July 1, 1941, to July 1, 1941 and January 1, 1942, respectively (B1-MPVB-49).

W47A—The Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Granted extension of special temporary authority to operate with main studio at the transmitter of High Frequency Broadcast Station W47A for a period of 30 days beginning July 1, 1941, pending completion of STL transmitter at main studio specified in construction permit.

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43000 kc.,** 1000 watts, special emission for frequency modulation, with transmitter located at 39th St. and Tower Ave., Superior, described as General Electric and Composite 1 KW amplifier, Type 4-GF1A1, maximum rated carrier power output 1000 watts, from July 1 to not later than August 30, 1941.

W51R—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted extension of special temporary authority to operate frequency modulation station commercially on **45100 kc.,** special emission for frequency modulation with transmitter located at 89 East Ave., Rochester, N. Y., described as R.E.L. Type Cat. No. 519, maximum rated carrier power 3 KW, beginning July 1, 1941, to not later than September 1, 1941, pending completion of construction pursuant to construction permit.

W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43700 kc.,** 1000 watts, special emission for frequency modulation, with transmitter located at Avon, Conn., and described as Composite maximum rated carrier power output 1000 watts, for period July 1, 1941, to not later than September 1, 1941.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Denied special temporary authority to operate from sign-off (July 7:30 p. m. PST) to the conclusion of the Independence Day Celebration of Modesto and Stanislaus County, Calif., on July 3, 4, and 5, 1941, only.

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted motion to dismiss without prejudice application for modification of license to change frequency from **1400 kc.** to **1210 kc.,** using 250 watts, unlimited time (B1-ML-1053).

Val Curler Broadcasting Corp., Schenectady, N. Y.—Withdrew petition to intervene in above matter (WABY), inasmuch as application was dismissed.

King-Trendle Broadcasting Corp., Detroit, Mich.—Granted motion to dismiss without prejudice application for construction permit for new station to operate on **1010 kc.,** 250 watts, unlimited time (B2-P-1994).

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted motion for continuance of hearing on application for construction permit to operate on **560 kc.,** 1 KW night, 5 KW day, unlimited time, directional antenna night, from July 7 to September 5, 1941.

W47A—Capitol Broadcasting Co., Schenectady, N. Y.—Granted modification of construction permit which authorized new high frequency broadcast station, for extension of completion date from June 30, 1941 to July 31, 1941 (B1-MPH-32).

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Granted modification of construction permit for new broadcast station for extension of completion date from July 1, 1941 to August 15, 1941 (B1-MP-1347).

Northern Radio Co., Seattle, Wash.—Granted special temporary authority to operate 65-watt Northern Electric 395A Radiotelephone aboard Ferryboat Fox Island 224559 on frequency **2090, 2190** or **2830 kc.** once only during the period July 1 to July 10, 1941, in order to relay to Station KVOS at Bellingham, Wash., program in connection with the initial ferry run between Bellingham and Orcas Island.

WADA—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate relay mobile station WADA, licensed to the Charleston Broadcasting Co., for a series of special programs consisting of interviews with housewives of Huntington, W. Va., the program originating in the studios of WSAZ and being transferred to selected points in various parts of the city of Huntington, on July 4, 11, 18 and 25, 1941, and August 1, 1941, only.

WEVD—Debs Memorial Radio Fund, Inc., New York City.—Granted modification of construction permit for installation of directional antenna for day and night use, increase in power and install new transmitter, move transmitter, for **1330 kc.** and changes in directional antenna, extend commencement and completion dates from April 18, 1941 and October 18, 1941 to 60 days after grant and 180 days thereafter, respectively (B1-MP-1308).

KSRO—Ernest L. Finley, Santa, Rosa, Calif.—Granted modification of construction permit which authorized installation of new transmitter and directional antenna for day and night use, change in frequency and increase in power, for installation of new type transmitter, changes in directional antenna on **1350 kc.,** and extend commencement and completion dates from February 4 and August 4, 1941 to 1 day after grant and 30 days thereafter, respectively; **1350 kc.,** 1 KW, unlimited time, directional antenna day and night (B5-MP-1336).

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted modification of construction permit for changes in directional antenna system, **920 kc.,** to extend completion date to 180 days after grant (B2-MP-1295).

W63C—National Broadcasting Co., Inc., Chicago, Ill.—Granted modification of construction permit for new high frequency broadcast station, for changes in antenna system and change type of transmitter (B4-MPH-23).

WHLN—Blanfox Radio Co., Harlan, Ky.—Granted license to cover construction permit as modified for new station; **1450 kc.,** 250 watts, unlimited (B2-L-1438). Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1107).

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted license to cover construction permit as modified to install new transmitter, increase power from 5 KW to 50 KW, and make changes in directional antenna for night use only (B3-L-1430). Granted license to use old RCA Type 1005-B 5 KW transmitter as an auxiliary (B3-L-1431). Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1024).

KVSF—New Mexico Broadcasting Co., Santa Fe, N. Mex.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1084).

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1141).

WSYB—Philip Weiss Music Co., Rutland, Vermont—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1103).

WMGA—Frank R. Pidcock, Sr., N. E. of Moultrie, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1114).

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1091).

WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-934).

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1100).

WAIR—C. G. Hill, George D. Walker, & Susan H. Walker, Winston-Salem, N. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1065).

KRGV—KRGV, Inc., Weslaco, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1089).

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1067).

WNLC—Thames Broadcasting Corp., New London, Conn.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1113).

KFAM—The Times Publishing Co., St. Cloud, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-996).

KOVO—Citizens Voice & Air Show, Provo, Utah—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1087).

WOC—Tri-City Broadcasting Co., Davenport, Iowa—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1053).

WGAL—WGAL, Inc., Lancaster, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-932).

WHFC—WHFC, Inc., Cicero, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1036).

WJZ—National Broadcasting Co., Inc., New York, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (auxiliary) (B1-Z-1000).

KGO—National Broadcasting Co., Inc., San Francisco, Calif.—Granted authority to determine operating power by direct measurement of antenna input (auxiliary) (B5-Z-1047).

WCMI—The Ashland Broadcasting Co., Ashland, Ky.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1128).

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1041).

WJLB—John L. Booth Broadcasting, Inc., Detroit, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1095).

KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1122).

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1093).

KID—KID Broadcasting Co., Idaho Falls, Idaho—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1076).

WKPT—Kingsport Broadcasting Co., Kingsport, Tenn.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1061).

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-833).

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1077).

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1121).

KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1109).

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1033).

KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1090).

KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1060).

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1063).

WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1124).

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-992).

KWJB—Bartley T. Sims, tr/as Sims Broadcasting Co., Globe, Ariz.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1080).

KUSD—University of South Dakota, Vermillion, S. D.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1044).

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1127).

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1112).

WGNC—F. C. Todd, Gastonia, N. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1011).

KWLK—Twin City Broadcasting Corp., Longview, Wash.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1066).

KVEC—The Valley Electric Co., San Luis Obispo, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1126).

KXO—Valradio, Inc., El Centro, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1129).

WISE—Radio Station WISE, Inc., Asheville, N. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1038).

WCBM—Baltimore Broadcasting Corp., Baltimore, Md.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1142).

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1078).

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1120).

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1072).

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1079).

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-931)

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1070)

KVAK—Carl Latenser, Atchison, Kans.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1092).

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1106).

James Broadcasting Co., Inc., area of Jamestown, N. Y.—Portable-Mobile.—Granted construction permit for new relay broadcast station; **30820, 33740, 35820** and **37980 kc.,** 25 watts (B1-PRE-391).

WAUR—University of Illinois, S. of Champaign, Ill.—Granted construction permit for new relay broadcast station; **1646, 2090, 2190, 2830 kc.,** 20 watts (B4-PRY-249).

KAOY—Don Lee Broadcasting System, Portable-Mobile, area of Los Angeles, Calif.—Granted modification of construction permit for new relay broadcast station for change in type of transmitter and extend commencement and completion dates from December 23, 1940, and June 21, 1941, to 60 days after grant and 180 days thereafter, respectively (B5-MPRE-52).

WJRB—WJR, The Goodwill Station, Detroit, Mich.—Granted license to cover construction permit for new high frequency broadcast station to operate on **156075, 157575, 159975, 161925 kc.,** 100 watts (B2-LRE-348).

W9XCB—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted modification of construction permit for new television station for extension of completion date from July 15, 1941, to January 15, 1942 (B4-MPVB-44).

W3XPP—National Broadcasting Co., Inc., Philadelphia, Pa.—Granted modification of construction permit for new television station for approval of transmitter site and antenna system (B2-MPVB-40).

W2XCB—Columbia Broadcasting System, Inc., area of New York City, Portable-Mobile.—Granted modification of construction permit for new television relay broadcast station, for extension of completion date from July 7, 1941, to January 7, 1942 (B1-MPVB-45).

W6XLA—Television Productions, Inc. (area of Los Angeles, Cal.), Portable-Mobile.—Granted modification of construction permit for new television relay broadcast station for extension of commencement and completion dates from January 15, 1941, and July 15, 1941, to June 15, 1941, and October 15, 1941, respectively (B5-MPVB-46).

WSRR—Stephen R. Rintoul, Stamford, Conn.—Granted modification of construction permit for new broadcast station for approval of transmitter site and of antenna (B1-MP-1306).

Hagerstown Broadcasting Co., near Hagerstown, Md.—Granted construction permit for new relay broadcast station; **1622, 2058, 2150, 2790 kc.,** 50 watts (B1-PRY-242).

City of New York; Municipal Broadcasting System, Portable-Mobile.—Granted construction permit for new relay broadcast station; **1622, 2058, 2150, 2790 kc.,** 50 watts (B1-PRY-238).

City of New York; Municipal Broadcasting System, Portable-Mobile.—Granted construction permit for new relay broadcast station; **1622, 2058, 2150, 2790 kc.,** 50 watts (B1-PRY-239).

WEKG—Paducah Broadcasting Co., Inc., Portable-Mobile, area of Hopkinsville, Ky.—Granted license to cover construction permit for new relay broadcast station; **30820, 33740, 35820, 37980 kc.,** 15 watts (B2-LRE-346).

WCBJ—Lehigh Valley Broadcasting Co., area of Allentown, Pa., Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station; **1622, 2058, 2150, 2790 kc.,** 3 watts (B2-LRY-226).

WGAA—Northwest Georgia Broadcasting Co., Cedartown, Ga.—Granted modification of construction permit for new station, for changes in transmitting equipment; **1340 kc.,** 250 watts, unlimited time (B3-MP-1331).

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted modification of construction permit for installation of directional antenna for night use and increase in power, for extension of completion date from July 16 to September 16, 1941; **790 kc.,** 5 KW, unlimited time, directional antenna night (B5-MP-1339).

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted modification of construction permit for installation of new transmitter, directional antenna for day and night use, increase in power, move transmitter, for extension of completion date from July 14 to October 14, 1941; **550 kc.,** 1 KW, 5 KW LS, unlimited time (B5-MP-1333).

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Granted modification of construction permit for new broadcast station, for approval of vertical antenna, transmitter site, studio site, and install new transmitter; **1450 kc.,** 250 watts, unlimited time (B5-MP-1155).

WBZ—Westinghouse Radio Stations, Inc., Boston, Mass.—Granted license to cover construction permit for new transmitter, directional antenna for day and night use, and move (B1-L-1337). Granted authority to determine operating power by direct measurement of antenna input (B1-Z-693).

WISR—Butler Broadcasting Co., Butler, Pa.—Granted modification of construction permit for new station, for approval of antenna system, studio and transmitter site; **680 kc.,** 250 watts, daytime (B2-MP-1317).

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Granted modification of construction permit for installation of new transmitter and vertical radiator and increase in power, for extension of completion date from July 13 to August 13, 1941 (B4-MP-1334).

WOSU—The Ohio State University, Columbus, Ohio.—Granted modification of construction permit for new transmitter, change in frequency, increase in power, for installation of new transmitter and extend commencement and completion dates to 30 days after grant and 90 days thereafter, respectively; **820 kc.,** 5 KW, limited (B2-MP-1330).

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted license to cover construction permit for increase in power and directional antenna for night use; **790 kc.,** 5 KW, directional antenna night, unlimited (B5-L-1435). Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1073).

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted license to cover construction permit as modified to install new transmitter, directional antenna for use at night, change hours of operation to unlimited, increase power from 500 watts to 1 KW day and night, and move transmitter (B1-L-1439). Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1137).

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-971).

W2XDY—General Electric Co., New Scotland, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.,** 2500 watts, special emission for frequency modulation, with transmitter located at New Scotland, N. Y., and described as General Electric, Type GF103A, Exciter 4GF1A1, Amplifier 4AF2A1, maximum rated carrier power output 2500 watts, for period June 29, 1941, to not later than July 29, 1941.

WRR—City of Dallas, Tex.—Granted modification of construction permit which authorized new transmitter, installation of directional antenna for night use, increase in power, and move, for extension of completion date from June 30 to September 30, 1941; **1280 kc.,** 5 KW, directional antenna night, unlimited (B3-MP-1323).

WPBL—Pensacola Broadcasting Co., Pensacola, Fla.—Granted special temporary authority to operate already licensed Ship Station WFLT aboard the yacht *Celestine,* owned by Brown Rainwater of Pensacola, Fla., as a relay broadcast station on **1622, 2058, 2150,** and **2790 kc.** in order to relay broadcast program in connection with the Annual Fishing Rodeo to Station WCOA on July 4 and 5, 1941, only.

WDAY—WDAY, Inc., Fargo, N. D.—Granted special temporary authority to operate with directional antenna during daytime for a period not to exceed 15 days in order to make field intensity coverage survey.

KWAT—Midland National Life Insurance Co., Watertown, S. D.—Granted special temporary authority to remain silent after 4 p. m., CST, on July 4, 1941, only, in order to observe Independence Day.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Upon consideration of request for reconsideration and grant conditioned upon operation with 200 watts power, granted special temporary authority to operate with power of 200 watts from sign-off (July 7:30 p. m., PST) to conclusion of the Independence Day Celebration of Modesto and Stanislaus County, Calif., on July 3, 4, and 5, 1941, only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to remain on the air from regular sign-off time (10 p. m., EST) to the conclusion of the Fritzie Zivic-Al Davis fight on July 2, 1941, only, in the event this bout should run later than 10 p. m.

KFXM—Lee Bros. Broadcasting Co., San Bernardino, Calif.—Granted special temporary authority to operate simultaneously with Station KPPC from regular sign-off time (7 p. m., PST) to conclusion of the Fritzie Zivic-Bummy Davis fight on July 2, 1941, only, in the event this bout should run later than 7 p. m.

W49D—John Lord Booth, Detroit, Mich.—Granted extension of special temporary authority to operate on RCA 1 KW transmitter on **44900 kc.** and a temporary antenna for period July 6 to not later than September 4, 1941, pending completion of construction in accordance with permit.

Chattahoochee Broadcasting Co., Columbus, Ga.—Placed in pending files pursuant to Order No. 79, the application for construction permit for new standard broadcast station to operate on **1450 kc.,** 250 watts, unlimited time (B3-P-3023).

Fairfield Broadcasting Corp., Lancaster, Ohio.—Placed in pending files pursuant to Order No. 79, application for construction permit for new standard broadcast station to operate on **880 kc.,** 1 KW, daytime only, exact site subject to approval by Commission (B2-P-2976).

KTBC—State Capital Broadcasting Assn., Inc., Austin, Texas.—Placed in pending files pursuant to Order No. 79, application for consent to transfer of control of State Capital Broadcasting Assn., Inc., licensee of station KTBC, from R. B. Anderson, R. A. Stuart, and A. W. Walker, Jr., to J. M. West, J. Marion West and P. M. Stevenson (B3-TC-207).

APPLICATIONS FILED AT FCC

550 Kilocycles

NEW—Bob Jones College, Inc., Cleveland, Tenn.—Construction permit for a new broadcast station to be operated on **550 kc.,** 1 KW, daytime.

570 Kilocycles

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Modification of construction permit (B1-P-2706) for installation of new transmitter, changes in directional antenna for day and night use, and increase in power from 1 to 5 KW, requesting changes in directional antenna and extension of completion date to 180 days after grant.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Modification of construction permit (B2-P-2547) for new transmitter, installation of directional antenna for night use, increase in power, and change in hours, requesting authority to install new transmitter.

590 Kilocycles

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—License to cover construction permit (B-P-3069) for move of formerly licensed RCA 1-D, 1-KW transmitter for use as auxiliary transmitter.

610 Kilocycles

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Modification of construction permit (B1-P-2897) as modified, for a new broadcast station, requesting extension of completion date from 7-1-41 to 8-15-41.

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Construction permit to make changes in directional antenna system, change frequency from **1530** to **640 kc.,** and change transmitter site from near Crescent Springs, Ky., to near New Burlington, Ohio, contingent on WCLE's change to **600 kc.** and WHKC's change to **610 kc.**

620 Kilocycles

NEW—Yankee Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new broadcast station to be operated on **620 kc.,** 1 KW, unlimited time, directional antenna for day and night use. Amended: re directional antenna.

640 Kilocycles

NEW—Northern Ohio Broadcasting Co., Elyria, Ohio.—Construction permit for a new broadcast station to be operated on **640 kc.,** 1 KW, limited time (S-KFI), contingent on grant of WHKC's application (B2-P-2833) for change in frequency; facilities of WHKC requested. Amended: to omit request for sharing time with KFI, request facilities of WCLE, and specify studio site.

700 Kilocycles

WLW—The Crosley Corp., Cincinnati, Ohio.—Construction permit to increase power from 50 to 650 KW, make changes in W8XO's transmitter for use by WLW, and install directional antenna for night use.

710 Kilocycles

KIRO—Queen City Broadcasting Co., Seattle, Wash.—License to cover construction permit (B5-P-2437) as modified, for new transmitter, installation of directional antenna for day and night use, increase in power from 1 to 50 KW, and move of transmitter.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Authority to determine operating power by direct method.

790 Kilocycles

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Authority to determine operating power by direct method. (Auxiliary transmitter.)

830 Kilocycles

WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Authority to install new automatic frequency control equipment.

910 Kilocycles

WMAS—WMAS, Inc., Springfield, Mass.—Construction permit for increase in power from 250 watts to 1 KW, change in frequency from **1450 kc.** to **910 kc.,** install new transmitter and directional antenna for day and night use, and change transmitter site from Springfield to West Springfield, Massachusetts.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Authority to transfer control of corporation to Sheldon F. Sackett by transferring 5 shares of stock from D. Elwood Caples.

950 Kilocycles

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—License to cover construction permit (B5-P-2848) as modified, for increase in power and installation of directional antenna for night use.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Authority to determine operating power by direct method.

980 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—License to cover construction permit (B1-P-243) as modified, for increase in power and installation of directional antenna for night use.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Authority to determine operating power by direct method.

1080 Kilocycles

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Construction permit to make changes in equipment and increase power from 100 to 250 watts.

1110 Kilocycles

WCBD—WCBD, Inc., Chicago, Ill.—License to cover construction permit (B4-P-2974) as modified, for change in frequency and change in hours of operation.

WCBD—WCBD, Inc., Chicago, Ill.—Authority to determine operating power by direct method.

1140 Kilocycles

KSOO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. D.—Construction permit to change power from 5 to 10 KW, time from limited to unlimited, change directional antenna, and move transmitter. Amended: To make changes in directional antenna.

1170 Kilocycles

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Special service authorization to operate on **1170 kc.**, 5 KW, *unlimited time*, for period ending 2-1-42.

1180 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. M.—Modification of construction permit (B5-P-2783) as modified, for a new transmitter and increase in power from 10 to 50 KW, requesting extension of completion date from 7-6-41 to 8-5-41.

1230 Kilocycles

WJBW—Charles C. Carlson, New Orleans, La.—Authority to determine operating power by direct method.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Construction permit to change transmitter and studio locations and install new antenna.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Authority to determine operating power by direct method.

1240 Kilocycles

NEW—Key Broadcasters, Inc., Wilkes-Barre, Pa.—Construction permit for a new broadcast station to be operated on **1240 kc.**, 250 watts, unlimited time, facilities vacated by WBAX.

KFXM—J. C. Lee and E. W. Lee (Lee Brothers Broadcasting Co.), San Bernardino, Calif.—Voluntary assignment of license from J. C. Lee and E. W. Lee (Lee Brothers Broadcasting Co.) to Tri-City Broadcasting Co.

1260 Kilocycles

WOL—American Broadcasting Co., Washington, D. C.—Construction permit to make changes in directional antenna system.

1270 Kilocycles

KFJZ—Tarrant Broadcasting Co., Forth Worth, Texas.—Modification of construction permit (B3-P-2497) as modified, for new transmitter, increase in power from 1 to 5 KW, installation of directional antenna, and move of transmitter, requesting change in frequency under NARBA from **1240 kc.** to **1270 kc.**, make changes in directional antenna, and extension of completion date to 120 days after grant.

1280 Kilocycles

WKST—WKST, Inc., New Castle, Pa.—License to cover construction permit (B2-P-2809) as modified, for installation of directional antenna for night use, increase in hours of operation and power, and change in frequency under NARBA.

WKST—WKST, Inc., New Castle, Pa.—Authority to determine operating power by direct method.

1340 Kilocycles

WTAL—Florida Capital Broadcasters, Inc., Tallahassee, Fla.—License to cover construction permit (B3-P-3175) for changes in transmitting equipment.

1360 Kilocycles

KMO—Carl E. Haymond, Tacoma, Wash.—Modification of construction permit (B5-P-2707) as modified, for new transmitter, increase in power from 1 to 5 KW, and change in antenna, requesting extension of completion date from 8-22-41 to 10-22-41.

FM APPLICATIONS

W71SB—South Bend Tribune, South Bend, Ind.—Modification of construction permit (B4-PH-54) for a new high frequency broadcast station, requesting change in transmitter location, antenna system, and transmitter, increase in coverage from 4,300 to 7,090 square miles, and extension of commencement and completion dates from 4-4-41 and 10-4-41 to 60 days after grant and 180 days thereafter, respectively.

NEW—Portland Broadcasting System, Inc., Falmouth, Maine.—Construction permit for a new high frequency broadcast station to be operated on **47100 kc.**; coverage: 5,050 square miles; population: 256,466.

W47A—Capitol Broadcasting Co., Inc., New Scotland, N. Y.—Modification of construction permit (B1-PH-23) for a new high frequency broadcast station, requesting extension of completion date from 6-30-41 to 7-31-41.

TELEVISION APPLICATIONS

NEW—Philco Radio and Television Corp., Philadelphia, Pa.—Construction permit for a new commercial television broadcast station (formerly W3XE) to be operated on Channel #3, **66000-72000 kc.**, A5 and special emission for frequency modulation, unlimited time.

NEW—General Electric Co., New Scotland, N. Y.—Construction permit for a new commercial television broadcast station (formerly W2XB) to be operated on Channel #3, **66000-72000 kc.**, A5 and special emission for frequency modulation, unlimited time.

NEW—National Broadcasting Co., Inc., Washington, D. C.—Construction permit for a new commercial television broadcast station (formerly W3XMB) to be operated on Channel #2, **60000-66000 kc.**, A5 and special emission for frequency modulation, unlimited time.

W3XWT—Allen B. DuMont Laboratories, Inc., Washington, D. C.—Modification of construction permit (B1-PVB-31) as modified, for a new television station, requesting extension of commencement and completion dates from 1-1-41 and 7-1-41 to 7-1-41 and 1-1-42, respectively.

MISCELLANEOUS APPLICATIONS

NEW—Westinghouse Radio Stations, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **31220, 35620, 37020,** and **39260 kc.**, power of 2 watts, A3 emission.

NEW—Westinghouse Radio Stations, Inc., Portable-Mobile.—License to cover construction permit (B2-PRE-392) for a new relay broadcast station.

NEW—Westinghouse Radio Stations, Inc., Hull, Mass.—Construction permit for a new developmental broadcast station to be operated on **9570 kc.**, 700 watts, A0 and A1 emission, limited to WBOS.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

American Association of Law Book Publishers—Twenty-eight publishers and distributors of law books and other legal publications are charged, in a complaint, with engaging in a combination to suppress and restrain competition in the sale of their products by price fixing and other practices. The complaint also charges their trade association, the American Association of Law Book Publishers, Rochester, N. Y., and its officers, with aiding the respondents in carrying out their undertakings. (4526)

Colonnade Advertising Agency—Ferd T. Hopkins, trading as D. Watson & Company and as Colonnade Advertising Agency, 430 Lafayette Street, New York City, is charged in a complaint with misrepresentation in the sale and distribution of a medicinal preparation advertised as "Dr. J. Lariviere's Vegetable Compound." (4527)

Louis A. Walton Co., 407 South Market Street, Chicago, Kling Bros. & Co., Inc., 333 West Van Buren Street, Chicago, and Leopold Kling and Samuel Kling, individually and as officers of the corporations, are charged in a complaint with misrepresentation in the sale of clothing. The Louis A. Walton Co. is a wholly owned subsidiary of Kling Bros. & Co., Inc., and is operated as a department of that company. (4528)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

General Grocer Co., St. Louis food wholesaler, has been ordered to cease violations of the brokerage provision of the Robinson-Patman Act.

Commission findings are that the respondent corporation, in connection with purchasing its commodity requirements, received and accepted substantial allowances and discounts in lieu of brokerage from the sellers. (4281)

Hy-Phen Corporation, Matoaka, W. Va., successor to Bradley's Laboratory, Inc., has been ordered to cease and desist from misrepresentation in the sale of "Hy-Phen," a medicinal product.

The Commission finds that through advertisements in newspapers, radio continuities and other means, the respondent has represented that the preparation will prevent colds; is a cure or remedy for colds and is a competent and effective treatment for toothache, neuralgia, and other pains and ailments and that it will relieve the pain attendant upon such conditions more quickly and for a longer period of time than any other preparation. (4418)

Pine Hill Lime & Stone Company—Nineteen southern producers of lime and Hal S. Covert, of Knoxville, Tenn., their former paid representative, have been ordered to cease and desist from engaging in a combination or conspiracy to maintain a delivered price system for their products.

The respondent producers are: Pine Hill Lime & Stone Co., Pine Hill, Ky.; Southern States Lime Corp., Charleston, S. C., and Crab Orchard, Tenn.; Gager Lime Manufacturing Co., Chattanooga and Sherwood, Tenn.; Knoxville Lime Manufacturing Co., Knoxville, Tenn.; Longview-Saginaw Lime Works, Inc., Birmingham, Long View, and Saginaw, Ala.; Cheney Lime & Cement Co., Birmingham, Landmark, and Greystone, Ala.; Ladd Lime & Stone Co., Cartersville, Ga.; Virginia Lime Products Co., Inc., Eagle Rock, Va.; Kimbalton Lime Co., Inc., Shawsville, Va.; Eagle Rock Lime Co., Eagle Rock, Va.; Williams Lime Manufacturing Co., Knoxville, Tenn.; Florida Lime Products Co., Inc., Ocala, Fla.; Dixie Lime Products Co., Ocala, Fla.; Keystone Lime Works, Inc., Keystone, Ala.; M. J. Grove Lime Co., Lime Kiln, Bonsville and Frederick, Md., and Stevensville, Va.; Ripplemead Lime Co., Inc., Ripplemead, Va.; Riverton Lime & Stone Co., Riverton, Va.; Jesse Allen Lime Co., Burns, Tenn., and George L. Scott, Sr., trading as Alabaster Lime Co., Siluria, Ala.

Commission findings are that the respondents' system of identical delivered prices was based on the use of a number of so-called basing points whereby all delivered prices were calculated as though shipments were made by rail from a single basing point or from points having a common or the same freight rate to the respective destination or destinations. (3591)

J. H. Thorp & Co., Inc., 250 Park Avenue, New York City, has been ordered to cease and desist from certain misrepresentations in the sale of textile fabrics.

The Commission finds that the respondent, which has a branch office and place of business at 10 East 34th St., New York City, and is a seller and distributor of various grades and types of textile fabrics, has represented that certain of its fabrics are "sunfast," "tubfast," "fadeless" or "washable" when, in fact, they will change or lose color when exposed to sunlight and otherwise deviate from their original colors or designs when washed or laundered. (4310)

Wellworth Sales Company—Orders prohibiting the use of lottery methods in connection with the sale of merchandise to ultimate consumers have been issued against Isidore Halperin and Morris Orenstein, trading as Wellworth Sales Co., New York, and Acme Premium Supply Corporation, St. Louis, distributors of novelty merchandise; H. W. Lay & Co., Inc., Atlanta, distributor of food products; and P. D. Meadors and M. M. Meadors, trading as Meadors Manufacturing Co., Greenville, S. C., candy and nut product manufacturers. (3470-4198-4439-4473)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

Allergy Research Institute, Inc., 809 Walnut St., Cincinnati, has entered into a stipulation to cease certain representations in the sale of devices advertised as being effective in the treatment of hay fever, rose fever and seasonal asthma. (02825)

Derby Knitting Mills, Inc., 122 Fifth Ave., New York, manufacturer of men's hosiery, has entered into a stipulation to cease certain representations in the sale of its product.

The stipulation recites that the respondent caused labels bearing the words "Genuine English Ribbed" to be affixed to hosiery knitted by it in the United States on machines of English style or manufacture, and that the respondent more recently used stencils on the hosiery prominently displaying the words "Genuine English Ribbed", followed by the words "Made in U.S.A.", printed in much smaller letters and less prominent form. (3161)

Lloyd's—John M. Lloyd, trading as Lloyd's, Kansas City, Mo., has entered into a stipulation to cease and desist from certain representations in the sale of textile fabrics.

Under his stipulation, the respondent agrees to cease advertising, branding, labeling, invoicing or selling products composed wholly or partly of rayon without clearly disclosing the rayon content by use of the word "Rayon," and without disclosing in type equally conspicuous as the word "Rayon" each constituent fiber in the order of its predominance by weight when a product consists partly of rayon and partly of other fibers or materials. (3158)

W. H. Long Company—W. H. Long, trading as W. H. Long Company, Chicago, engaged in the sale and distribution of office equipment and supplies, including fluorescent lighting fixtures and bulbs, has entered into a stipulation in which he agrees to cease and desist, in connection with the sale and distribution of his products, from representing that the use of "Fluorescent Daylight Lights" will "Cut Your Electric Bills as much as 85%;" that a "15 Watt UNIT will replace any incandescent bulb up to 100 Watts," or that "a double 18"—"30 Watt UNIT replaces any incandescent bulb up to 200 Watts;" and from any other inaccurate, exaggerated or misleading statements tending to confuse or mislead purchasers. (3160)

Multiprint Company—Nettie M. Gorov, trading as Multiprint Company, 666 Lake Shore Drive, Chicago, engaged in the production of illustrative pictures for use by manufacturers of and dealers in furniture, machinery and other products, has entered into a stipulation in which she agrees in connection with the advertisement, offering for sale, sale or distribution of her products in commerce to cease and desist from the use of the word "Photo" or the word "Photograph" as descriptive of reprints of photographs; and from the use of the word "Photo" or the word "Photograph" or of any other words of similar import in referring to her products, the effect of which may tend to convey the belief to purchasers or prospective customers that the products are photographs. (3157)

National Stamping & Electric Works, 3212 West Lake St., Chicago, stipulated that it will cease certain representations in the sale of electrical heating pads.

The respondent agrees that in the sale of electrical heating pads not equipped with three or more adequate thermostatic or other heat controls calibrated for three distinct temperatures, it will cease using the words "three-heat" as descriptive of the pads or the switches used in connection with them. (3162)

Storm Flooring Company, Inc., 2500 Park Avenue, New York City, engaged in the sale and distribution of flooring and related products, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease and desist from the use of the word "Producers" or "Mills" on its stationery or in its advertising or other printed matter as descriptive of its business, and from the use of any representation, statement or depiction in any way so as to imply that it produces or manufactures such products or that it actually owns and operates or directly and absolutely controls a mill, factory or plant in which such products are produced or manufactured. (3159)

FTC CASE DISMISSED

The Federal Trade Commission dismissed without prejudice a complaint which had charged Lightfoot Schultz Co., New York, Continental Blade Corporation, Brooklyn, and Lawrence Distributing Corporation, Brooklyn, with violation of the Federal Trade Commission Act in the sale of soaps.

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 28, July 18, 1941

ANPA INTERVENES

On Tuesday, July 15, the American Newspaper Publishers Association filed a motion to have the FCC vacate Orders No. 79 and No. 79-A (the "newspaper hearing" orders) and terminate the proceedings. No action had been taken by the Commission through July 17, with the hearings themselves scheduled to begin next Wednesday, July 23, at 10 a. m.

ANPA contends that the Commission is without power under the Constitution to lay down a policy, the purpose of which is to bar persons, firms or corporations engaged in the newspaper publishing business from engaging in the radio broadcast business, and that the terms of the Communications Act prohibit it from laying down such a policy.

The FCC announced that the public hearing, scheduled to begin next Wednesday, July 23, in connection with its inquiry into newspaper operation of radio stations, will be held in the auditorium of the National Archives Building, Pennsylvania Avenue at Seventh Street, Northwest, with entrance on Pennsylvania Avenue. Daily sessions will open at 10 A. M. and close at 4:30 P. M.

DEFENSE PROGRAM PRIORITIES

The broadcasting industry is going to give priority to those government programs dealing with the essentials of national defense.

This was the opinion of the NAB National Defense Committee, following the adoption of a "priorities" resolution for the guidance of the industry.

The committee pointed out that governmental agencies had made so many requests for time on the air that many stations were finding it impossible to grant all of them and, at the same time, to preserve a balanced program service. Such a balanced program service was necessary, the committee said, to continue to attract and hold the large listening audiences, without which governmental programs and announcements would be ineffective.

Therefore, the committee recommended that all stations give priority to governmental programs in substantially the following order:

(1) Enlistment of man power for both the armed services and national defense industries.
(2) Defense financing, such as the sale of Defense Bonds.
(3) Morale building.
(4) Activities of government agencies not primarily connected with national defense.

The committee also approved the resolution adopted by the NAB Executive Committee reaffirming "the industry's desire to continue its present practice of making its facilities available *at no cost* to government agencies engaged in promoting the national defense program."

Among other aspects of the relationship between radio and the defense program discussed at the committee's two-day meeting was the development of an adequate supply of radio technicians for both the government and the industry. The committee advised both the War and Navy departments that the industry was ready to do its part in a large-scale training program to help fill any need.

The NAB National Defense Committee was appointed to assist in making effective radio's "all-out-for-defense" resolution adopted at the NAB convention last May in St. Louis:

"The National Association of Broadcasters reaffirms its position expressed at the time of its 1940 convention with reference to its desire and intention to cooperate in every manner possible with the Federal Government in presenting a united front in the defense of our free institutions and reiterates its desire to cooperate in the coordination and promotion of the country's defense activities."

John Shepard 3rd, of Boston, Mass., Yankee Network, is committee chairman. Other members are: H. Vernon Anderson, WJBO; Leo. J. Fitzpatrick, WJR; A. J. Fletcher, WRAL; Ben Ludy, WIBW; F. M. Russell, NBC, and Harry Butcher, CBS.

DEFENSE RESOLUTION

Whereas, in accordance with its traditional policy of public service, the radio broadcasting industry is assisting the National Defense Program of our country; and

Whereas a large number of governmental agencies are increasingly requesting time on the stations of the nation to broadcast programs and announcements; and

Whereas so many requests in fact have been made that many stations are finding it impossible to grant all of said requests and at the same time maintain balanced program service to the listening public; and

Whereas the NAB National Defense Committee recognizes that each station desires to carry as many programs and announcements from governmental agencies as possible, consistent with the imperative obligation of each station to maintain well balanced program service that will continue to attract and hold large listening audiences, without which governmental programs and announcements would lose much of their listener attention and effect;

Therefore it appears to be desirable to recommend to the stations a general classification indicating which government programs and announcements should be given priority;

Now Therefore Be It Resolved, that the NAB National Defense Committee recommends to the various stations throughout the country that programs submitted by governmental agencies be given priority substantially in the following order, to wit:

A—Man power:
  (1) Enlistment in armed forces—Army, Navy, Marine Corps
  (2) Civilian employment in National Defense Agencies
  (3) Civilian training for national defense jobs in private industry
  (4) Employment or enlistment in government agencies such as Maritime Service
B—Defense Financing
C—Morale
D—Activities of government agencies not primarily connected with National Defense.

It is recognized that broadcast discussions of public questions are essential to the proper functioning of the democratic process.

(Continued on page 610)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

DEFENSE RESOLUTION

(Continued from page 609)

Nothing in this recommendation should be construed as modifying in any manner the industry policy as set out in the Code of the NAB to fairly present both sides of controversial subject.

Resolved Further, that this resolution be brought to the attention of all governmental agencies which publicize governmental activities and that the NAB Defense Committee cooperate with the various governmental agencies to accomplish the most effective use of radio for National Defense;

Resolved Further, that this committee recognizes that authority to accept or reject programs is properly vested in each station licensee and that good judgment will be exercised in the interest of the broadcast and most effective cooperation for the public welfare.

On July 15, the Executive Committee adopted the following resolution:

The executive committee of the NAB, meeting in Washington Monday, issued the following statement in order to clarify the industry's current position on the promotion of defense activities:

"In view of current trade publicity being given to a proposed advertising campaign in behalf of the Navy Department to be placed thru one of the large advertising agencies, the Executive Committee feels that the purchase of time by defense agencies might tend to restrict rather than enhance the most effective utilization of broadcasting during the present emergency.

"Therefore we wish at this time to reaffirm the industry's desire to continue its present practice of making its facilities available at no cost to Government agencies engaged in promoting the national defense program.

"To inform the public of the industry's position, it is suggested that an announcement that all Government defense programs being carried without charge be used once each day by all cooperating stations."

MEMBERS OF THE EXECUTIVE COMMITTEE

James D. Shouse, WLW; Paul W. Morency, WTIC; Don S. Elias, WWNC; John J. Gillin, Jr., WOW; John Elmer, WCBM; William H. West, WTMV.

BMI NOTES

NEW ARRIVALS

It may be interesting to broadcasters to know that the BMI family has had thirty-two new arrivals since the end of the first BMI year (April 1, 1941) and now totals 663, exclusive of noncommercial stations. They are:

KVSO, Ardmore, Okla.
KLUF, Galveston, Texas
KBIZ, Ottumwa, Iowa
WHOP, Hopkinsville, Ky.
WPAT, Paterson, N. J.
WWDC, Washington, D. C.
WKWK, Wheeling, W. Va.
WSMB, New Orleans, La.
WRLC, Toccoa, Ga.
WMUR, Manchester, N. H.
W-55-M, Milwaukee, Wis.
WJMA, Covington, Va.
WHIP—Hammond, Ind.
WABI, Bangor, Maine
KGBS, Harlingen, Texas
WEDC, Chicago, Ill.
KFBB, Great Falls, Mont.
KVNU, Logan, Utah
WAGE, Syracuse, N. Y.
WPAD, Paducah, Ky.
WMVA, Martinsville, Va.
WLAG, La Grange, Ga.
KSWO, Lawton, Okla.
WHLN, Harlan, Ky.
WMRF, Lewistown, Pa.
W-51-R, Rochester, N. Y.
W-47-A, Schenectady, N. Y.
WERC, Erie, Pa.
WJAG, Norfolk, Neb.
WNEW, New York, N. Y.
WMIS, Natchez, Miss.
WHIS, Bluefield, W. Va.

Within a week of the release of ratification forms for the current blanket license, more than 80 per cent had been signed and returned.

Invitation

Broadcasters and program directors seeking ideas and variety for their new musical programs are cordially invited to write to M. E. Tompkins, BMI's Vice President and General Manager. Mr. Tompkins regards the BMI catalogues as veritable treasure chests of beautiful music and is always interested in solving difficult program problems.

Band and Orchestra Catalogue

New BMI Band and Orchestra Catalogue has been issued, listing the music and arrangements of approximately 2500 compositions copyrighted since the formation of Broadcast Music, Inc. The catalogue is divided into three sections, (1) band music, (2) orchestra music, (3) string orchestra music.

Foreword to the 48-page booklet calls attention to BMI's Sweet Swing Series of familiar classics, arranged in modern manner by Jerry Sears. Fifty-three of these arrangements are offered. BMI cross-cueing' is carefully explained and, it is pointed out, BMI is supplying material which can be played by any combination of instruments.

"Instrumentation for the BMI Orchestral Library is uniform", the catalogue explains. '"The fundamental sketch for each selection has been prepared with a view to retaining the style of the original work. With the system of cross-cueing, any combination of instruments ranging from string trio to full symphony orchestra will find the selections in the BMI Orchestral Library easy to read and effective in performance."

Listed is the first of the BMI Modern American Classics, Arthur Gutman's *"First Suite for String Orchestra"*. Mr. Gutman, head of BMI's Arranging Department, is known as a writer of modern music and many of his compositions have been performed by leading symphonic groups throughout the country.

ASCAP Attacks

ASCAP has made several vicious and totally uncalled for attacks on BMI recently and has presented a list of questions for BMI to answer. These questions are of the "have you stopped beating your wife" variety and BMI has no intention of answering them. We have read the ASCAP releases and checked on the figures offered in regard to BMI's financial life and find that without exception the figures are inaccurate.

BMI's Gift to Vocalists

By making available new lyrics to familiar tunes, which either have no lyrics or have stilted lyrics, BMI is enriching the repertoire of vocalists. Some 275 such lyrics are wedded to beautiful melodies and provide a useful reservoir for program directors in search of new material. Among the masterpieces which now have words as a result of this phase of BMI's activity are: *Valse Bluette, Under the Leaves, Pendant Le Bal, Scarf Dance, Au Printemps, Skater's Waltz,* and *Le Secret.*

Traditional American favorites which have thereby received verses include *Turkey In the Straw,* and *Home On the Range,* which no longer consists of the one lonely public domain verse containing the line, "Where seldom is heard a discouraging word."

The following lyric by Gertrude Forster for Rimsky-Korsakov's *Song Of India* is attracting attention:

> "Within the caverns diamonds lie unnumbered,
> Uncounted are the pearls the seas have cover'd,
> In that far land, rich India,
> Where the sea's ruby ledges show,
> Through the sapphire waters' glow,
> There 'tis said the sacred bird
> O'er the waters oft is heard
> Melodies of paradise.
> Sweetly from her throat arise,
> Wide her plumes outstretching,
> On the ocean resting, all remembrance leaving,
> Those who hear her singing,
> Far India, mystic land of richest treasure,
> Uncounted are the gems that lie unmeasured
> Within thy realm in earth and sea."

Copyright 1941 by Broadcast Music, Inc.

The chorus of *Turkey In the Straw*:

> "Swing out your partner, don't let 'em go,
> Tune up the fiddle, get out the bow,
> Don't let up to 'hit the hay' till tomorrow morning
> At the breakin' of the day."

Copyright 1941 by Broadcast Music, Inc.

BMI FEATURE TUNES

July 21 - July 28

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. MY SISTER AND I
5. BECAUSE OF YOU
6. G'BYE NOW
7. WITH A TWIST OF THE WRIST
8. THE RELUCTANT DRAGON

In preparation, two great rhythm numbers—*Yo Te Amo,* an unusual novelty, and *Hi, Neighbor.*

A triumvirate of BMI songs leads the three classifications of Billboard's music popularity chart. *The Hut Sut Song* tops national sheet music best sellers, Sammy Kaye's *Daddy* is the country's best selling retail record, *My Sister and I* is Number One on the automatic phonographs. *Just a Little Bit South of North Carolina* shows in the first division of every field. Heading those "coming up" in the Record Buying Guide are *Things I Love, Green Eyes* and *Good Bye, Dear, I'll Be Back in a Year. 'Til Reveille,* the attractive tune by Bobby Worth and Stanley Cowan, writers of *Do I Worry,* is rated as Number One possibility.

Rum-Trot

Writers of a new BMI hit, *Yo Te Amo, Oh Baby,* introduced by Guy Lombardo on July 14th, had planned a vacation in Mexico to find inspiration for a new rhumba. They became inspired in talking about their proposed trip and decided to write the song first and make the trip later. The result—a combination rhumba and fox trot—and it's headed straight for the Hit Parade.

Question

Will *Have You Changed,* new BMI tune, become *the* song to be played for draftees home on furloughs? First question the song asks is, "Do you still like to walk in the rain?"

"Pic" Plugs Ahead

Peer International Corporation, PIC to you, has just brought *Maria Elena* to the top of the heap and is now concentrating on *Green Eyes* and *Time Was.* Based on the Latin-American tune, *Duerme,* to which English lyrics have been supplied, *Time Was* has been recorded by Jimmy Dorsey, Kate Smith, Eddie Duchin, Mitchell Ayres, Charlie Spivak and Wayne King, and PIC is enthusiastic about it.

The Hillbilly portion of the PIC catalogue is doing all right, thank you. Led by *You Are My Sunshine,* number one tune of Shreveport's songwriting sheriff, Jimmie Davis, the hillbilly hit parade includes, *Worried Mind, Time Changes Everything, Some Always Win—Some Always Lose,* and *Sweethearts or Strangers.*

In the Hawaiian idiom, PIC is offering *Island Lullaby,* and *Ginger Flower,* and among the novelties, *The Band Begins To Play* and *Whistler's Mother-in-Law.*

Marks to Concentrate on "Cowboy Serenade"

With *Yours* nearing the top of the heap, Edward B. Marks has picked *Cowboy Serenade* as its next feature tune. Seven recordings by Kay Kyser, Gene Krupa, Charioteers, Art Jarrett, Glenn Miller, Bobby Byrne and Roy Rogers make the prospect very pleasant. The dance arrangement of *Cowboy Serenade* has been done by T. Camarata, chief arranger for the Jimmy Dorsey orchestra, who will be remembered for his arrangements of *Yours* and *The Breeze and I (Andalusia).*

Singer Meets Contact Man

BMI acquired exclusive performing rights Wednesday (July 16) to the catalogue of Esquire Music Company, 1619 Broadway. Partners of the new company are Sonny Skyler, vocalist with the Vincent Lopez orchestra, and Eddy Kelly, contact man who gets major credit for widespread popularity of *My Little Grass Shack.* Kelly was also associated with Vincent Youmans in music publishing and participated in the promotion of many of Youmans' songs. First number of the new firm is *There's a Voice in the Valley* by partner Sonny, who, by the way, was one of the writers of *Just a Little Bit South of North Carolina.* Next in line will be *The Fellow With the Mellow Trombone* now being played by Will Bradley's orchestra, and *What's Up, Doc?,* currently featured by Charlie Spivak.

Speaking of *Just a Little Bit South of North Carolina,* reminds us that Al Debin of the house of Porgie, Debin & Friedman, its publisher, has the following to say about BMI:

"BMI has enough good music to supply the air indefinitely", and adds,

"The current ten best sellers in sheet music compare favorably with any ten top tunes at any given time in the past twenty years".

New Composer

BMI has accepted Luigi Costantino's *Largo* and is having it arranged for stringed instruments. Costantino is rated as an outstanding composer of serious music. He was a close friend of the late Ignaz Jan Paderewski and was selected by the Polish Government at Paderewski's suggestion to play Chopin's works at the national celebration of Chopin's birthday in Poland. In memory of the friend, Costantino has written *Free Poland.* As a pianist, Costanino ranks as one of the best interpreters of Chopin.

Sales

SALES MANAGERS EXECUTIVE COMMITTEE

The new Sales Managers Executive Committee will meet in New York August 25 and 26.

Per-Inquiry and Free Time

Shapiro & Schoenbrod Agency, Chicago, is seeking per-inquiry deals for **Monarck Cameras.** A sticker attached to their letter gives call-letters of leading stations "among the many now successfully merchandising" the product, the implication being that these stations handle the business on a per-inquiry basis, when such is not the case.

Lester A. Loeb Agency, New York, is asking for "a special low rate" on behalf of an unnamed client.

Louise Sloane, New York, is seeking free time for **Texolite** paint.

National vs. Local Rates

As a suggested solution to the problem of when "national" or "local" rates should apply, Charles Caley, WMBD, Peoria, gives his method:

"We refer to our rates as 'general' and 'retail.' We absolutely do not permit anyone to call our rates 'national' and 'local.' Then we use a 'retail' rate definition as follows:

" 'Retail rates apply to the advertising of any strictly bonafide retailers with permanent business or office located in Peoria, selling at retail exclusively, paid entirely by themselves, and offering goods or services direct to the consumer at outlets owned by themselves.'

"This has enabled us to put dairies, bakeries and all sorts of advertising such as that on the 'general' rate without any trouble at all. Our ruling is that if one retail store wants to advertise a brand of refrigerators as being sold at its place of business, it has a perfect right to do so, but if it wants to buy time on a retail rate and use Frigidaire transcriptions, for example, which state that Frigidaires are sold at all dealers, or something like that, it cannot be done. We feel that if a manufacturer wants to limit his sales or direct his customers to one retail outlet, that is a limitation he is placing upon himself and we can do nothing about it, but if the advertising specifies more than one dealer, the general rate must be paid."

Engineering

RECORDING STANDARD

The first meeting of the "Recording and Reproducing Standards Committee" was attended by representatives of fourteen companies manufacturing transcriptions and transcription equipment. The meeting was held in Detroit on June 26.

The need for standards (NAB Reports, p. 522) was explained in detail by the director of engineering. It was pointed out that the recent NAB recording questionnaire revealed that 30.9 per cent of all broadcasting time originated from records and transcriptions. (See Appendix for more detailed analysis of questionnaire.)

The place of NAB in formulating standards was discussed and it was pointed out that NAB desired to function as a co-ordinating meduim for the committee and that it is desirable to have a committee representative of all manufacturers of transcription equipment and users of transcriptions. It was suggested that NAB have only three members on the committee. It was felt by NAB that the best results could be obtained by having the broadcasters tell the committee what they wanted and then leave it up to the committee as to how the desired result could be accomplished.

A five point plan for proceeding was then suggested and adopted.

1. Appoint a permanent chairman.
2. Discuss the suggested "Purposes and Rules of Procedure."
3. Appoint an executive committee to act as a co-ordinating body in carrying out the work.
4. Collect data on present recording and reproducing systems characteristics.
5. Instruct the executive committee to analyze the data and make a recommendation to the main committee as to how the work should be carried on from there.

Following this outline, the Director of Engineering was appointed permanent Chairman of the Committee. After discussion and revision, the following "Purposes and Rules of Procedure" were adopted by the committee:

1. The task of the committee is to formulate "Recording and Reproducing Standards" that will tend to bring about uniform quality of reproduction of transcriptions with a minimum number of equipment adjustments on the reproducing system.
2. All companies interested in the manufacturing of disc recordings, the manufacture of disc recording equipment, the manufacture of disc reproducing equipment, the use of disc recordings, and others properly interested in the subject are entitled to membership on the committee.
3. No company shall have more than one vote in any of the proceedings of the committee and this shall be cast by the regularly designated representative of that company. In the absence of the regularly designated member, a duly authorized alternate may participate and vote for the regular member.
4. Technical advisors to members of the committee may participate fully in meeting discussions; however, they will have no vote in the proceedings.
5. No individual broadcasters will be entitled to a vote in the proceedings of the committee. The broadcasters as a whole will be entitled to representation through three members duly appointed by Neville Miller, President of the National Association of Broadcasters.
6. The chairman of the committee is not entitled to vote except in case of a tie.
7. It is clearly understood that participation in the work of the committee does not bind any individual or company to the formulated recommended standards.

The committee decided that a sub-committee should be appointed for the purpose of formulating and analyzing a questionnaire to be sent to manufacturers in order to obtain data on present recording practices. The following were appointed to the subcommittee: Howard A. Chinn, CBS; C. Lauda, Jr., World; Robert Morris, NBC, Chairman; E. T. Mottram, Bell Telephone Labs; I. P. Rodman, Columbia Recording.

A list of twenty-four items to be covered in the questionnaire was then formulated by the committee.

It was decided to hold the next meeting of the main committee coincidental with the Fall meeting of the Acoustical Society of America in New York City, October 24, 25.

Attendance list:

S. J. Begun, Brush Development; J. R. Bird, Astatic Corp.; E. P. Carter, Recording Consultant; Howard A. Chinn, CBS; R. C. Curtis, Associated Music Publishers; Walter Fagen, Memovox; C. Lauda, Jr., World Broadcasting System; P. A. Loyet, WHO-WOC; M. R. Mitchell, WJR; Robert Morris, NBC; E. T. Mottram, Bell Telephone Labs; Clarence Pell, Radio Devices; Morris Pierce, WGAR; I. P. Rodman, Columbia Recording; F. C. Schmid, Electrical Research Products; Carl E. Smith, United Broadcasting Co.; Lynne C. Smeby, NAB, Chairman.

APPENDIX

NAB RECORDING QUESTIONNAIRE

TABULATION OF RESULTS

Number of stations reporting 182
(Answers are totals for all stations)

REPRODUCERS

How many hours per week are lateral transcriptions used? 4096.99
How many hours per week are vertical transcriptions used? 1512.16
How many hours per week are phonograph records used? 1478.16

Assuming an average of 18 hours of broadcasting per day the 182 stations broadcast 22,932 hours per week. The total number of hours per week transcriptions or records are used is 7087.37, therefore 30.9% of broadcasting is from records or transcriptions. Of this time 57.8% is by lateral transcriptions, 21.3% by vertical transcription and 20.9% by phonograph records.

Indicate your preference for vertical or lateral recording?

In favor of	*Number*	*Per cent*
Vertical	76	41.7
Lateral	67	36.8
No Preference	23	12.6
No Answer	16	8.9
Total	182	100.0%

The reason given for preferring lateral recording in some cases was that the station had only lateral equipment. Some answered that a wider selection of records is available on laterals.

RECORDING

How many hours per week are recorded? 695.25
This is an average per station per week of 3.82 hours.
146 or 80.2% of the stations indicated that they have recording equipment.

What is your attitude or pre-emphasis?

In favor of	*Number*	*Per Cent*
Yes	106	58.3%
No	8	4.4
Undecided	10	5.5
No Answer	58	31.8
Total	182	100.0%

Many of the "yes" answers were qualified by the statement that the person was in favor of pre-emphasis if it was standardized. The recording questionnaire was formulated by a sub-committee of the NAB Engineering Committee composed of Paul Loyet WHO, Morris Pierce WGAR and Robert Morris NBC.

National Defense

"ARMS FOR THE LOVE OF AMERICA"

In answer to inquiry, the Radio Branch of the War Department Bureau of Public Relations says:

"The Irving Berlin song, *Arms for the Love of America*, official song for the Ordnance Department of the United States Army, may be broadcast by any radio station in the country without special permission.

"All rights to the song were given by Mr. Berlin to the Army Ordnance Association, which not only grants blanket permission for its radio rendition, but hopes to have it broadcast frequently."

ARMY MANEUVERS

One of the big news events of the year will be the Army Maneuvers in Louisiana, September 1-30, involving the Second and Third Armies, comprising some 500,000 troops. These will be the biggest maneuvers, not only in American peacetime, but in all military history.

The Radio Branch of the War Department Bureau of Public Relations (Ed Kirby, chief), is charged with accrediting any individual stations which may desire to cover the maneuvers, or any part thereof, with their own crews and equipment. Last date for making application is August 7.

Because of the limited facilities for correspondents of all media, the War Department is attempting to learn in advance just what will be the requirements for radio coverage.

These limited facilities include not only the available telephone circuits in the maneuver area, but also the housing and personnel facilities of the two Armies. The correspondents, press as well as radio, will be accredited to either the Second or Third Army, not both. They can cover from only one side of the war, just as in the case of actual wars. And just as in the case of real wars, there will be much detail involved in handling correspondence for press and radio, details which must be worked out in advance.

Stations are advised that August 7 is deadline for contacting the Special Events Division, Radio Branch, Bureau of Public Relations, War Department, as to intent of covering the Louisiana maneuvers with individual crews and equipment.

"Who gets the money for the scrap aluminum donated by the citizenry?" is one question many stations have asked. The answer is the United States Treasury.

In order to bring the President's Fourth of July speech to Muncie and eastern Indiana, D. A. Burton, owner of WLBC, paid for a wire from Indianapolis. Mr. Burton made arrangements to halt the local baseball game promptly at four o'clock and the speech was fed over the PA system in the ball park and to a second location where a huge Fourth of July program was in progress.

Arden X. Pangborn, managing director, KGW-KEX, released the President's Fourth of July address to eight movies in Portland and two in Vancouver, Washington. These theaters are a part of the Hamrick-Evergreen chain.

Because Cleveland has been turned into a city with a twenty-four hour work day, WGAR is asking listeners to avoid making unnecessary noises. Carl George, program director, said that part of the campaign also relates to keeping radio volume down at all times. Twenty-four hour working days, he explained, means that people are sleeping at all times of the day and night.

"Keep 'em Flying" is now incorporated in the nightly sign-off at WGAR, Cleveland.

The same practice is also followed at WJSV, Washington.

Jersey Central Power & Light Company, which maintains a daily broadcast schedule over WCAP, Asbury Park, N. J. devotes a part of each program to the various recruiting and manpower announcements distributed through NAB. B. A. Seiple, vice president in charge of sales, ordered the inclusion of the announcements because of the Company's desire to participate additionally in the National Defense effort.

Paul B. Klugh

Paul B. Klugh, who served as Executive Chairman of the National Association of Broadcasters from May 21, 1923 to the September, 1927 Convention, died suddenly this week during a visit to Yellowstone Park.

His years in the active direction of the Association covered the administration of the first president, Comdr. Eugene F. McDonald, Jr., president, Zenith Radio Corp., 1923-1925; Frank W. Elliott, WHO, 1925-1926, and most of the term of Earle C. Anthony, KFI, 1926-1928.

After Mr. Klugh's retirement as Vice President and General Manager of the Zenith Radio Corp., some years ago, he moved to Summit, N. J., where he resided up to the time of his death.

WKRC STRIKE SETTLED

The AFRA strike at Station WKRC, Cincinnati, was settled this week. The four strikers were reinstated; a qualified union shop agreed to; coverage of the contract and wage scales still in dispute were submitted to mediation. William H. Davis, chairman of the Defense Mediation Board, appointed Lillian Poses of New York as mediator. At the same time, MBS announced it had made an agreement with AFRA that the union would strike no network shows because of a dispute with an affiliate if the affiliate would agree to submit all issues to arbitration. AFRA announced it would propose the same agreement to NBC and CBS. AFRA had threatened to strike the agency-built commercials fed by MBS to WKRC.

PEABODY AWARDS

From far away Bangkok, Thailand, an entry has been received for the 1941 George Foster Peabody Radio Awards, administered by the Henry W. Grady School of Journalism, The University of Georgia, and National Association of Broadcasters.

Dean John E. Drewry is just in receipt of a letter mailed last May 16—almost two months in transit—from one who heard the

1940 winners announced in a CBS broadcast last March. Signing himself "an appreciative listener," Allen Bassett suggests a possible 1941 winner.

The letter had been opened and re-sealed by censors en route from Thailand (Siam) to this country.

FEDERAL COMMUNICATIONS COMMISSION

NEW NETWORK RULES

James Lawrence Fly, FCC chairman, told newspapermen this week that he was holding a series of conferences with network officials about the new network rules.

Mr. Fly told the newsmen that he had now had at least preliminary conferences with the head of all of the networks. He reported that progress was being made. Agreeable and constructive talks had resulted from the conversations, he said, and he stated he liked to think that progress was being made in this direction. He said that it was too early to make any further comment at this time. The talks will be continued.

Asked if the question of the postponement of the sale of the Blue network had come up the chairman said he had heard of no formal move in that regard. However, he stated, Blue network was an important subject in the conversations with NBC.

Chairman Fly stressed at the conference what he had already said that whatever time was needed to properly and reasonably permit such sale would be allowed by the Commission and he stated that he never assumed that the network would be disposed of under pressure. If good faith was shown, he said, an orderly procedure would be allowed.

The chairman told the newspapermen that everything was moving toward compliance and adjustment with the new rules and he expressed the opinion that the particular date was not of controlling importance. He denied that the Commission might reconsider its regulations. He stated that no application had been received by the Commission for a time extension for the new regulations becoming effective. The date is August 2 and that deadline still holds up to this time. However he stated that the Commission on its own motion would not postpone the effective date of the regulations. Mr. Fly further stated that he expected compliance with the principle of the rules and there would be no abandonment of the principles and no indefinite postponement of the effective date. There might be some modification of the new regulations, he said, but the major principles were to be preserved. He said that he was very optimistic that things will work out to the satisfaction of all concerned.

Mr. Fly said at the conference that he knows of no application asking for a postponement of the newspaper conference now set for July 23. He said that he thought the conference would last "a number of days."

Educational Station

The University of Illinois was granted a construction permit for a new noncommercial educational broadcast station which will supplement the educational services of that nonprofit State institution. The proposed station will operate with FM (frequency modulation) on 42900 kilocycles, using power of 250 watts.

The university, which is at Urbana, Ill., intends to utilize the antenna of its present standard broadcast station, WILL, located south of Champaign, Ill., for the new service. Its noncommercial educational service will provide supervisory and administrative instruction as well as supplementary educational programs for the Champaign and Urbana elementary and secondary public schools, supplement teaching in the rural schools of Champaign County, and augment the educational services of the University High School in the College of Education. Programs will be determined by the Dean of the College of Education in cooperation with the supervising head of the unit to which the particular program is directed but, in general, will embrace history, civics, economics, literature, music, and speech.

Commercial FM for California

Construction permits for commercial FM (frequency modulation) stations in California areas were authorized by the FCC.

Metro-Goldwyn-Mayer Studios, Inc., proposes to locate a station in the Santa Monica Mountains to cover the Los Angeles metropolitan district and adjacent basic trading areas of Los Angeles, Orange, and Ventura counties, as well as the western portion of Riverside County. More than 2,500,000 persons reside in this 7,000-mile service area. Pending approval of the antenna site by the Civil Aeronautics Administration, the applicant can arrange to use the frequency 46100 kilocycles.

Columbia Broadcasting System, Inc., of Hollywood, was granted a Class C station construction permit, for extended urban and rural service from an antenna planned atop Mount Wilson, Pasadena, subject to certain engineering and legal requirements. It is authorized to use the frequency 43100 kilocycles for this purpose.

Commercial Television Grant

The Albany-Schenectady-Troy area was brought a step nearer commercial television service when the FCC granted a construction permit to the General Electric Company for such a station to operate on Television Channel No. 3 (66000-72000 kilocycles) to serve 3,320 square miles with some 572,000 residents.

The applicant proposes to remodel its present experimental television station, W2XB, in the Helderberg Hills, New Scotland, N. Y., for commercial purposes by September 1. Incidental experimentation with color television is contemplated.

From the FCC Mail Bag

A New York radio listener has written the FCC on several occasions objecting to the use of the term *"and thirty"* at the conclusion of broadcasts by a certain news commentator.

The Commission does not have authority to order discontinuance of the use of the term. However, it might be explained that "thirty" is a term traditionally used by telegraphers. It means "that is all," "the end," or, in this particular case, "goodnight." It is said to have originated in the following manner: In the early days of news reporting, Washington correspondents wrote by long hand, and their copy was transmitted by telegraph. Operators at the receiving end had to make as many as a dozen copies of each dispatch. To mark the end of an item they adopted the symbols "XXX." Since three X's constitute the Roman numerals for "30," this practice was not only popularized by telegraphers but by copy desk men as well. By the same token, the following numerals have special significance to old-time telegraphers: "4" (where?); "8" (wait); "13" (understand); "19" (railroad order); "31" (other order); "73" (best regards), and "22" (kisses).

Because the Commission is without power to censor radio programs, it cannot

Comply wtih a Long Island man's request that all radio stations be "instructed" to broadcast the National Anthem at local sunset.

Adopt a suggestion by a New York firm that war commentaries be referred to a Government commitee prior to transmission by radio.

Satisfy a Niagara Falls speech-stickler that radio announcers be compelled to use correct pronunciation.

Please a Ypsilanti woman by obligating all broadcast stations to rebroadcast her favorite newscast.

A Pennsylvania lawyer is told that the Commission is not empowered to settle contractual differences between station licensees and other persons and, therefore, it cannot undertake to press an individual claim against a station.

The Commission has to frequently inform inquirers that it is not in a position to recommend the services of a particular attorney or an engineer in connection with prospective applications for broadcast facilities.

Or to recommend radio schools or courses.

897 STATIONS

The Federal Communications Commission issued operating licenses to six stations and granted one permit for the construction of a new station during the month of June. One operating station was deleted. A comparative table by months follows:

	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1
Operating	791	799	806	810	816	825	831	835	836	837	836	849	854
Construction	56	58	57	54	52	51	51	46	54	54	55	48	43
	847	857	863	864	868	876	882	881	890	891	891	897	897

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be held before the Commission during the week beginning Monday, July 21. They are subject to change.

Wednesday, July 23

Hearing Before the Commission

To Be Held in the Auditorium of the National Archives Building, 7th Street and Pennsylvania Avenue, N. W.

Investigation to determine what policy or rules, if any, should be promulgated in connection with operation of new high frequency (FM) broadcast stations and for future acquisition of standard broadcast stations by newspapers, Pursuant to Order No. 79.

Wednesday, July 23

NEW—West Allis Broadcasting Company, West Allis, Wis.—C. P. **1450 kc. (1480 NARBA)**, 250 watts, daytime.

Thursday, July 24

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Penna.—C. P., **1500 kc.**, 250 watts, unlimited. Present Assignment: **1340 kc.**, 100 watts, S-WHAT.

Friday, July 25

Consolidated Hearing

WCAM—City of Camden, Camden, N. J.—Renewal of license, **1310 kc.**, 500 watts, S-WTNJ and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1310 kc.**, 500 watts, S-WTNJ and WCAM.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, **1310 kc.**, 500 watts, S-WCAM and WCAP.

WTNJ—WOAX, Incorporated, Trenton N. J.—C. P., **1230 kc.**, 1 KW, unlimited, DA-day and night. Present assignment: **1310 kc.**, 500 watts, S-WCAM and WCAP.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—C. P., **1260 kc.**, 1 KW night, 5 KW day, DA-night, unlimited.

FUTURE HEARINGS

During the past week the following future hearings have been announced in broadcast cases before the Commission. They are subject to change.

August 12

Consolidated Hearing

KONB—MSB Broadcast Company, Omaha, Neb.—C. P., **1500 kc.**, 250 watts, unlimited.

KONB—MSB Broadcast Company, Omaha, Neb.—Modification of C. P., **1500 kc.**, 250 watts, unlimited, under C. P.

August 14

KWK—Thomas Patrick, Inc., St. Louis, Mo.—C. P., **680 kc.**, 50 KW, unlimited, DA-day and night.

Consolidated Hearing

NEW—The Gazette Company, Cedar Rapids, Iowa.—C. P., **1550 kc. (1600 kc.** under NARBA), 5 KW, unlimited, DA-night.

NEW—Edward Tom O'Brien, David Shepard, Howard S. Johnson and John W. Boler, a partnership d/b as Brainerd-Bemidji Broadcasting Company, Brainerd, Minn.—C. P., **1550 kc.**, 1 KW, unlimited.

August 15

KORN—Nebraska Broadcasting Corp., Fremont, Neb.—Renewal of license, **1400 kc.**, 250 watts, unlimited.

KORN—Clark Standiford (Transferor) and C. J. Malmsten, A. C. Sidner, S. S. Sidner & Arthur Baldwin (Transferees), Fremont, Neb.—Transfer of control, **1400 kc.**, 250 watts, unlimited.

August 27

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Renewal of license, **990 kc.**, 1 KW, daytime.

September 10

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—C. P., **1070 kc.**, 50 KW, DA-night, unlimited. Present assignment: **1170 kc.**, 5 KW, Simul D, S-KVOO-N, S.A.U-DA after LS at Tulsa, Okla.

September 15

KPAC—Port Arthur College, Port Arthur, Tex.—Modification of license, **1220 kc.**, 1 KW, unlimited, DA-night. Present assignment: **1220 kc.**, 500 watts, unlimited DA-night.

Consolidated Hearing

NEW—Scripps-Howard Radio, Inc., Houston, Tex.—C. P., **1230 kc.**, 250 watts, unlimited.

NEW—Texas Star Broadcasting Company, Houston Tex.—C. P., **1230 kc.**, 250 watts, unlimited.

NEW—Greater Houston Broadcasting Co., Inc., Houston, Tex.—C. P., **1230 kc.**, 250 watts, unlimited.

September 19

KGO & Auxiliary—National Broadcasting Company, Inc., San Francisco, Calif.—Renewal of license, main: **810 kc.**, 7½ KW, unlimited; auxiliary: **810 kc.**, 2½ KW, unlimited.

KOA—National Broadcasting Company, Inc., Denver, Colo.—Renewal of license, **850 kc.**, 50 KW, unlimited.

WMAL—National Broadcasting Company, Inc., Washington, D. C.—Renewal of license, **630 kc.**, 5 KW, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Southwest Broadcasters, Inc., Las Vegas, New Mexico.—Granted construction permit for new station to operate on **1230 kc.**, 250 watts, unlimited time (B5-P-3147).

J. Q. Floyd, John Thomas Franklin, & Sam Wesley Anderson, d/b as The Helena Broadcasting Co., Helena, Ark.—Granted construction permit for new station to operate on **1490 kc.**, 250 watts, unlimited time (B3-P-3164).

General Electric Co., Schenectady, N. Y.—Granted construction permit for new commercial television broadcast station to operate on Television Channel No. 3 **(66000-72000 kc)** to serve 3,320 square miles, with 572,000 residents (B1-PCT-5).

University of Illinois, Urbana, Ill.—Granted construction permit for new non-commercial educational broadcast station to operate on **42900 kc.,** 250 watts, unlimited time, special emission for frequency modulation (B4-PED-21).

Metro-Goldwyn-Mayer Studios, Inc., Los Angeles, Calif.—Granted construction permit for new high frequency (FM) broadcast station to operate on **46100 kc.** with a coverage of 7,000 square miles (B5-PH-90).

Columbia Broadcasting System, Inc., Hollywood, Calif.—Granted construction permit for new high frequency (FM) broadcast station to operate on **43100 kc;** granted subject to certain engineering and legal requirements. (For Class C operation (B5-PH-94).

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted construction permit to make changes in directional antenna and change to directional antenna after sunset at Sacramento, Calif.; **1530 kc.;** 50 KW night and day; unlimited time; directional antenna night and day (B2-P-3212).

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted construction permit to change frequency from **1490 kc.** to **610 kc.,** increase day and night power from 250 watts to 1 KW, and install directional antenna for night use, and move transmitter to Front St. and 63rd Ave., West, Duluth, Minn. (B4-P-3139).

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted construction permit to move transmitter to approximately 14 miles east of the center of Little Rock, Ark., change frequency from **1420 kc.** to **1010 kc.,** install new transmitter, to operate with 5 KW power subject to directional antenna in compliance with NARBA (B3-P-3049).

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted construction permit to install new transmitter, erect a vertical antenna, increase power and hours of operation from 100 watts daytime only, to 250 watts day and night; change frequency from **1150 kc.** to **1230 kc.;** unlimited time (B5-P-3144).

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Granted construction permit to increase power from 500 watts night, 1 KW day, to 1 KW night and day, and install directional antenna for day and night use, granted with condition with respect to blanket area and without prejudice to any action by the Commission regarding duplicate ownership (B5-P-3100).

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted modification of construction permit to make changes in directional antenna system and extend commencement and completion dates to 30 days after grant and 180 days thereafter, respectively (B3-MP-1129).

WGTM—WGTM, Inc., Wilson, N. C.—Granted construction permit to move studio and transmitter to U. S. Highway 301, 1.3 miles north of Courthouse, Wilson, N. C.; **1340 kc.,** 250 watts; unlimited time (B3-P-3166).

KBKR—Louis P. Thornton (assignor) Baker Broadcasting Co. (assignee) Baker, Ore.—Granted consent to voluntary assignment of license of Station KBKR from Louis P. Thornton to Baker Broadcasting Co., for a total consideration of $12,000 (B5-AL-313).

W6XDL—Don Lee Broadcasting System, San Francisco, Calif.—Granted construction permit for television broadcast station to operate on Television Channel No. 1 (**50000** to **56000 kc.**) on an experimental basis only, conditionally, with completion date October 30, 1941 (B5-MPVB-48).

WNBT—National Broadcasting Co., Inc., New York City (Television station)—Granted special authorization to reduce hours of program operation from 15 to 10 hours a week from July 16 to August 31, 1941, to enable licensee to overhaul equipment for improved service when regular schedule is resumed. Commission stressed that this is a particular instance and should not be regarded as a precedent.

WRCA-WNBI—National Broadcasting Co., Inc., New York City.—Granted authority to transmit programs from international broadcast stations WRCA and WNBI for rebroadcast by Station CMQ, Havana, Cuba (B1-FP-88).

DESIGNATED FOR HEARING

George Johnston, Jr., Birmingham, Ala.—Application for construction permit for new standard broadcast station to operate on **1340 kc.,** 250 watts, unlimited time (requests facilities of WSGN) (B3-P-3179). To be heard jointly with applications of WBAM, Inc. (B3-P-3182), and Jefferson Broadcasting Corp. (B3-P-3162), which request identical assignment.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Application for modification of license to change hours of operation to share with WCAM (requests facilities of WTNJ), (B1-ML-1070).

WCAM—The City of Camden, N. J., Camden, N. J.—Application for modification of license to change hours of operation to shares WCAP (requests facilities of WTNJ), (B1-ML-1069).

Roy St. Lewis, Norfolk, Va.—Application for construction permit for new standard broadcast station to operate on **1230 kc.,** 250 watts, unlimited time (B2-P-3101). To be heard with application of Colonial Broadcasting Corp. requesting the same facilities (B2-P-3039).

SPECIAL SERVICE AUTHORIZATIONS

The Commission authorized issuance of special service authorizations, each such authority to expire simultaneously with the regular license of the station affected, subject to the express condition that it may be terminated by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises. The Commission directed that, upon the issuance of such special service authorizations, the outstanding special experimental authorizations of said station licensees be cancelled:

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—To operate on **780 kc.,** 10 KW, unlimited; operate synchronously with WBBM from local sunset to midnight.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—To operate on **1090 kc.,** 1 KW night, 10 KW local sunset, simultaneously with WBAL.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—To operate on **1170 kc.,** 5 KW night, 25 KW LS, unlimited, using directional antenna.

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—To operate on **1170 kc.,** 1 KW night, 5 KW LS, unlimited time, using directional antenna after sunset at Tulsa.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—To operate on **1090 kc.** and **770 kc.,** 10 KW, operate simultaneously with KTHS on **1090 kc.,** sunrise at Baltimore to local sunset at Hot Springs; operate alone local sunset Hot Springs to 9 p. m. EST, and synchronously with WJZ on **770 kc.** from 9 p. m. EST, using 2½ KW and directional antenna.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—To operate on **780 kc.,** 50 KW, synchronously with KFAB from local sunset at Lincoln, Nebr., to 12 midnight CST.

MISCELLANEOUS

WAFM—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted special temporary authority to operate a composite 150 watt transmitter, formerly licensed at W9XTC, as relay broadcast station on **1606, 2074, 2102,** and **2758 kc.,** for the purpose of the transmission of orders pertaining to the relay broadcasting of programs concerning the Minneapolis Aquatennial for a period not later than July 20, 1941.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted modification of construction permit for approval of directional antenna system, and install new transmitter.

WSGN—The Birmingham News Co., Birmingham, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1115).

KTEM—Bell Broadcasting Co., Temple, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1145).

KNET—Bonner Frizzell.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-906).

KFJM—University of North Dakota, Grand Forks, N. D.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-928).

KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1104).

KXOX—Sweetwater Radio, Inc., Sweetwater, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1144).

WCLS—WCLS, Inc., Joliet, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-960).

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Granted request to retire to closed files application for modification of license to increase power from 50 to 500 KW on **700 kc.**

National Broadcasting Co., Inc.—Granted petition for postponement of hearing on application for renewal of licenses of KGO and auxiliary, San Francisco, Calif.; KOA, Denver, Colo.; and WMAL, Washington, D. C.; granted 60 days continuance, to September 19, 1941.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr., Clark Standiford (transferor); Malmsten, A. C. Sidner, S. C. Sidner & Arthur Baldwin (transferees).—Granted petition of applicant, transferor and transferees for continuance of hearing on application for renewal of license and for transfer, to August 15, 1941.

KONB—MSB Broadcast Co., Omaha, Nebr.—Granted petition for continuance of hearing on application for construction permit and modification of construction permit to operate on **1500 kc.,** 250 watts, unlimited, to August 12, 1941.

Mid-American Broadcasting Corp., Louisville, Ky.—Dismissed without prejudice petition for leave to amend application for construction permit for new station; on Commission's own motion continued hearing now scheduled for July 16 to July 30, 1941.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Passed until next week action on petition of WTIC to intervene in hearings in re application of Mid-American Broadcasting Corp. for new station at Louisville, Ky., and application of Northside Broadcasting Corp. (WGRC), New Albany, Ind., for change from **1400 kc.,** 250 watts, unlimited, to **1080 kc.,** 5 KW, unlimited, using directional antenna.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted motion to remove from hearing docket application for construction permit to operate on **680 kc.,** 5 KW, unlimited, using directional antenna (new application to be submitted).

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Petition to intervene in re above hearing (KFEQ) was withdrawn inasmuch as above action made KWK petition become moot.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted motion for continuance of hearing on application for renewal of license to August 27, 1941. Also granted motion for leave to amend application, to be filed within 10 days.

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Dismissed without prejudice petition for leave to amend application for construction permit to change operation from **1400 kc.,** 250 watts, unlimited to **1080 kc.,** 5 KW, unlimited, using directional antenna; on Commission's own motion continued hearing now scheduled for July 16 to July 30, 1941.

The Gazette Co., Cedar Rapids, Iowa.—Granted motion for leave to amend application for new station (amendment to be filed within 10 days), for retention of hearing date.

Brainerd-Menidji Broadcasting Co., Brainerd, Minn.—Granted petition for order to take depositions in re hearing on application for new station to operate on **1550 kc.,** 1 KW, unlimited.

KFXM—L. C. Lee & E. W. Lee, d/b as Lee Bros. Broadcasting Co., San Bernardino, Calif.—Granted motion to dismiss without prejudice application for construction permit to change operation from **1240 kc.,** 250 watts, S-KPPC, to **1420 kc.,** 1 KW, unlimited.

WGNC—F. C. Todd, Gastonia, N. C.—Granted authority to install automatic frequency control equipment (B3-F-228).

WATR—The WATR Co., Inc., Waterbury, Conn.—Granted modification of construction permit which authorized changes in directional antenna for day and night use, increase power, install new transmitter, for changes in directional antenna and extension of commencement and completion dates from June 22, 1941 and December 22, 1941, to 30 days after grant and 180 days thereafter, respectively; **1320 kc.,** 1 KW, unlimited time, directional antenna day and night (B1-MP-1325).

WFDF—Flint Broadcasting Co., Flint, Mich.—Granted license to use old Collins 300-B 100-watt main transmitter as an auxiliary transmitter, with power of 100 watts (B2-L-1442).

W53PH—WFIL Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit which authorized construction of a new high frequency broadcast station, for change in type of antenna and specifying the operating constants to provide a coverage of 9,300 square miles; **45300 kc.** (B2-MPH-19).

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Granted license to cover construction permit to make changes in equipment and increase power; **1240 kc.,** 250 watts, unlimited (B3-L-1428). Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1111).

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted license to cover construction permit which authorized the use of formerly licensed W.E.310-B 250-watt transmitter as an auxiliary and installation of a new crystal oscillator for **1360 kc.** (B3-L-1385).

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted extension of special temporary authority to operate an additional transmitter located at Alpine, N. J., on **43 mc.** with a power not to exceed 40 KW using frequency modulation for a period of 30 days beginning July 10 and ending not later than August 9, 1941, in order to conduct further experiments on adjacent channel operation of high frequency broadcast stations and to demonstrate such operation to certain engineering committees of the Radio Manufacturing Association.

WAPQ—Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate 15-watt relay transmitter on **2150 kc.** on July 11, 12, and 13, 1941, in order to relay to Station WHLS programs in connection with the Port Huron Blue Water Festival only.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Denied request for special temporary authority to operate on **790 kc.,** with power of 5 KW day, 250 watts night, unlimited time, for a period not to exceed 30 days, pending completion of construction in accordance with construction permit.

WALB—The Herald Publishing Co., Albany, Ga.—Granted license to cover construction permit as modified for new station; **1590 kc.,** 1 KW, directional antenna night, unlimited (B3-L-1429). Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1023).

WIBU—William C. Forrest, Poynette, Wisc.—Granted petition to cancel hearing on application for renewal of license of Station WIBU, cancelled hearing, and granted renewal of said license.

WCBS—WCBS, Inc., Springfield, Ill.—Adopted order denying petition for rehearing filed by WCBS for reconsideration and modification of Commission order granting construction permit to Stephenson, Edge and Korsmeyer, Jacksonville, Ill., for new station.

APPLICATIONS FILED AT FCC

580 Kilocycles

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Authority to install automatic frequency control equipment.

630 Kilocycles

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Voluntary assignment of license from National Broadcasting Company, Inc. to M. A. Leese Radio Corporation.

640 Kilocycles

WOKO—WOKO, Inc., Albany, N. Y.—Construction permit for new transmitter and directional antenna for day and night use, change in frequency from **1460** to **640 kc.,** increase in power from 500 watts and 1 KW to 5 KW, and move transmitter from Albany to Couse Corners, New York.

680 Kilocycles

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Construction permit to increase power from **5** to **50 kc.,** install new transmitter, make changes in directional antenna for day and night use, and move transmitter from Andover to Burlington, Massachusetts. Amended re directional antenna and height of towers.

700 Kilocycles

WLW—The Crosley Corporation, Cincinnati, Ohio.—Authority to determine operating power by direct method.

760 Kilocycles

KGU—Marion A. Mulrony & Advertiser Publishing Co., Ltd., Honolulu, Hawaii.—Authority to determine operating power by direct method.

790 Kilocycles

KVOS—KVOS, Incorporated, Bellingham, Wash.—Construction permit to install new transmitter (KIRO's old transmitter), install directional antenna for night use, change frequency from **1230** to **790 kc.**, increase power from 250 watts to 1 KW, and move transmitter.

850 Kilocycles

WRUF—University of Florida, Gainesville, Fla.—Construction permit for increase in hours of operation from limited to unlimited and installation of directional antenna for night use.

1050 Kilocycles

WHN—Marcus Loew Booking Agency, New York, N. Y.—Construction permit to make changes in auxiliary transmitter and move same to site of new main transmitter.

1190 Kilocycles

KEX—Oregonian Publishing Co., Portland, Oregon.—Construction permit to install new transmitter, install directional antenna for day and night use, change frequency from 1180 to 1190 kilocycles under NARBA, increase power from 5 to 50 kilowatts, change hours of operation from Simultaneous-KOB day and Shares-KOB night, to unlimited, and move transmitter from North Portland to near Clackamas, Oregon. Amended: re directional antenna system.

1220 Kilocycles

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Modification of construction permit (B1-P-2948) to install new transmitter, increase power, and change frequency, requesting authority to install automatic frequency control equipment and modulation monitor.

1230 Kilocycles

NEW—Southwest Broadcasting Corp., Pulaski, Va.—Construction permit for a new broadcast station to be operated on **1230 kc.**, 250 watts, unlimited time.

1240 Kilocycles

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Construction permit to install new transmitter and move transmitter and studio.

KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Construction permit for increase in power to 250 watts and installation of new transmitter.

1280 Kilocycles

KFXJ—R. G. Howell & Charles Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Construction permit to increase power from 250 watts to 500 watts night, and 1 KW day, change frequency from **1230 kc.** to **1280 kc.**, make changes in antenna, and install new equipment.

1310 Kilocycles

WIBA—Badger Broadcasting Co., Madison, Wisc.—Modification of construction permit (B4-P-2689) as modified, for new transmitter, change in directional antenna for night use, increase in power from 1 KW night, 5 KW day, to 5 KW, and change transmitter and studio site, requesting change in frequency from **1280 kc.** to **1310 kc.** under NARBA, and changes in directional antenna accordingly.

1320 Kilocycles

KTRH—KTRH Broadcasting Co., Houston, Texas.—Modification of construction permit (B3-P-3011) for a new transmitter, directional antenna, change in frequency, increase in power, and move of transmitter, requesting approval of directional system and installation of new transmitter.

1340 Kilocycles

KPDN—R. C. Hoiles, Pampa, Texas.—Authority to determine operating power by direct method.

1400 Kilocycles

WINC—Richard Field Lewis, Jr., Winchester, Va.—License to cover construction permit (B2-P-3005) for a new broadcast station.

WINC—Richard Field Lewis, Jr., Winchester, Va.—Authority to determine operating power by direct method.

WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of construction permit (B1-P-2723) as modified, requesting changes in directional antenna, **1410 kc.** under NARBA, increase in power from 1 KW night and 5 KW day to 5 KW (directional antenna day and night), and extension of commencement and completion dates to 30 days after date of grant and 180 days thereafter respectively. Amended: To change directional antenna.

1430 Kilocycles

KTRN—Michael J. Mingo, Tacoma, Wash.—Modification of construction permit (B5-P-1979) for a new broadcast station, requesting 1 KW power on **1430 kc.**, unlimited time, approval of new transmitter, and approval of directional antenna system for day and night use.

1450 Kilocycles

KNET—Bonner Frizzell, Palestine, Texas.—Voluntary assignment of license from Bonner Frizzell to Palestine Broadcasting Corp.

1460 Kilocycles

KINY—Edwin A. Kraft, Juneau, Alaska.—Authority to determine operating power by direct method.

1470 Kilocycles

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—License to cover construction permit (B3-MP-833) as modified, for increase in power and installation of directional antenna for night use.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Authority to determine operating power by direct method.

1480 Kilocycles

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Modification of license to move studio.

1490 Kilocycles

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Authority to determine operating power by direct method.

1520 Kilocycles

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Modification of construction permit (B1-P-2902) for new transmitter, installation of directional antenna, increase in power, and move of transmitter, requesting extension of completion date from 8-17-41 to 10-17-41.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Modification of construction permit (B1-P-2902) for new transmitter, installation of directional antenna, increase in power, and move of transmitter, requesting changes in directional antenna and change in frequency from **1480 kc.** to **1520 kc.** under NARBA.

FM APPLICATIONS

NEW—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Construction permit for a new high frequency broadcast station to be operated on **43500 kc.**; coverage, 19,622 square miles; population, 4,099,385. Amended: To increase coverage to 20,290 square miles, change population to 4,260,280, and make change in antenna system.

NEW—The Pulitzer Publishing Co., St. Louis, Mo.—Construction for a new high frequency broadcast station to be operated on **43500 kc.**; coverage, 6,564 square miles; population, 1,531,182. Amended: To change frequency to **45500 kc.**; coverage, 11,301 square miles; population, 1,797,700; make changes in antenna system and change type of transmitter.

W49D—John Lord Booth, Detroit, Mich.—Modification of construction permit (B2-PH-20) for a new high frequency broadcast station, requesting changes in antenna system.

TELEVISION APPLICATIONS

W3XWT—Allen B. Du Mont Laboratories, Inc., Washington, D. C.—Modification of construction permit (B1-PVB-31) as modified, for a new television station, requesting extension of commencement and completion dates from 1-1-41 and 7-1-41 to 7-1-41 and 1-1-42, respectively.

W3XWT—Allen D. Du Mont Laboratories, Inc., Washington, D. C.—Modification of construction permit (B1-PVB-31) as modified, for a new television station, requesting change of transmitter location, change in type of visual and aural transmitters, and extension of commencement and completion dates from 7-1-41 and 1-1-42 to 30 days after grant and 180 days thereafter, respectively.

MISCELLANEOUS APPLICATIONS

NEW—Frontier Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.**, power of 2 watts, A3 emission.

NEW—Frontier Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820,** and **37980 kc.**, power of 2 watts, A3 emission.

KRME—Merced Broadcasting Co., Portable-Mobile.—License to cover construction permit (B5-PRY-245) for a new relay broadcast station.

NEW—Portland Broadcasting System, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150,** and **2790 kc.**, power of 150 watts, A3 emission.

NEW—Portland Broadcasting System, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150,** and **2790 kc.**, power of 40 watts, A3 emission.

NEW—Wichita Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820,** and **37980 kc.**, power of 2 watts, A3 emission.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Authority to determine operating power by direct method.

NEW—The Birmingham News Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820,** and **37980 kc.**, power of 2 watts, A3 emission.

NEW—American Broadcasting Corp. of Ky., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150,** and **2790 kc.**, power of 75 watts, A3 emission.

WRUM—World Wide Broadcasting Corp., Boston Mass.—Modification of construction permit (B1-PIB-30) for increase in power, requesting extension of completion date from 7-15-41 to 11-15-41.

NEW—World Wide Broadcasting Corp., Boston, Mass.—Construction permit for a new international broadcast station to be operated on **6040, 11790, 11730, 15130, 15350,** and **17750 kc.**, power of 100,000 watts, A3 emission, share time on all frequencies with WRUL and WRUW.

NEW—Mutual Broadcasting System, Inc., Chicago, Ill.—Extension of authority to transmit programs to Station CKLW, stations owned and operated by Canadian Broadcasting Corporation, and stations licensed by Canadian Minister of Transport.

WGHB—The Tribune Co., Portable-Mobile.—License to cover construction permit (B3-PRY-240) for a new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Blue Ribbon Hatcheries Corp.—Alleging misrepresentation in connection with the business of hatching, breeding and selling chickens, especially baby chicks, a complaint has been issued against Blue Ribbon Hatcheries Corporation, also trading as Bockenstette's Blue Ribbon Farms, Sabetha, Kans.

The complaint alleges that through advertisements in newspapers and trade journals and by other means, the respondent represents directly or by implication that it is a "United States Record of Performance" poultry breeder, when such is not a fact. A United States Record of Performance breeder, according to the complaint, is understood by the poultry industry to be one operating a poultry breeding plant under an official state agency cooperating with the United States Department of Agriculture, Bureau of Animal Industry. (4537)

Capital Paint and Varnish Works, Inc., 1346 West Concord St. Chicago, is charged with misrepresentation in the sale of paints in a complaint.

The complaint alleges that in advertising matter and on labels the respondent uses the words "Pure Lead—Pure Zinc—Pure Oil" in designating the ingredients of its paints, these words being employed in a conspicuous place in type larger than and distinctive from the type and lettering which purport to give the actual composition of the paints. (4536)

Chumanie Medicine Company—A complaint has been issued charging Charles Roehm, trading as Chumanie Medicine Co., New Richmond, Ohio, with misrepresentation in the sale of medicinal preparations.

The complaint alleges that the respondent advertises "Chumanie's Triple XXX Tablets," "Chumanie's Iron Tonic Pills," "Chumanie's Yellow Jacket Pills," "Chumanie's Double RR Tablets," and "Chumanie's Plantation C.M.Q. Capsules" as effective treatments, respectively, for irregular and delayed menstruation, anemia, kidney and bladder trouble, rheumatism and inflamed joints, and common colds, when they are not in fact effective treatments for these ailments. (4530)

Eureka Fibre Company—Alleging misleading representation in the sale of an insulating material, a complaint has been issued against Judd A. Brown and Barry A. Brown, trading as Eureka Fibre Co., Eureka, Calif., and Charles H. Brown, Neenah, Wis., their agent and salesman and an active participant in the business. (4534)

Dr. A. M. Loughney—Charging misrepresentation in the sale of a regimen for the treatment of asthma, hay fever, constipation, and other diseases, a complaint has been issued against Al Modey Loughney, trading as Dr. A. M. Loughney, and his employee, Roger G. Loughney, all of 318 Henshaw Building, Oakland, Calif. (4531)

Pacific Undergarment Company—Abraham Radin, doing business as Pacific Undergarment Company, 135 Madison Avenue, New York City, is charged in a complaint with misrepresentation in the sale of certain women's garments. (4533)

Specialty Accounting Supply Manufacturers Association, Chicago, and O. L. Moore, its secretary, and 29 of its members who manufacture and sell sales books and sales records stationery, are charged, in a complaint, with a combination to restrain and eliminate competition.

Respondent member manufacturers are: Acme Register Co., Minneapolis; Adams Bros. Sales Book Co., Topeka, Kans.; American Sales Book Co., Inc., Niagara Falls, N. Y.; Autographic Register Co., Hoboken, N. J.; Atlantic Register Co., Waltham, Mass.; Baltimore Sales Book Co., Baltimore; Bonnar-Vawter Fanform Co., Cleveland; Craft Sales Book Co., Inc., Philadelphia; Egry Register Co., Dayton, Ohio; W. S. Gilkey Printing Co., Cleveland; Stephen Greene Co., Philadelphia; Hamilton Autographic Register Co., Hamilton, Ohio; Hanna Register Co., Springfield, Ill.; Philip Hano Co., Inc., Holyoke, Mass.; and Lisbon Sales Book Co., Lisbon, Ohio.

Los Angeles Register & Printing Co., Los Angeles; McCaskey Register Co., Alliance, Ohio; The Miami System Corp., Cincinnati; National Carbon Coated Paper Co., Sturgis, Mich.; The Potter Press, Waltham, Mass.; C. W. Potter, Inc., Waltham, Mass.; The Rotary Printing Co., Norwalk, Ohio; Schwabacher-Frey Co., San Francisco; Shelby Salesbook Co., Shelby, Ohio; The Snapout Forms Co., Chardon, Ohio; The Standard Register Co., Dayton, Ohio; Sunset-McKee Sales Book Co., Oakland, Calif.; United Autographic Register Co., Chicago; and The Wallace Press, Inc., New York. (4538)

Taylor School of Bio-Psychology—Misrepresentation in the sale of correspondence courses in psychology, philosophy, religion and allied subjects, is alleged in a complaint issued against The Taylor School of Bio-Psychology, Inc., The Taylor University of Bio-Psycho-Dynamic Sciences, and William Marcus Taylor and Ruby Shearer Taylor, officers of the two corporations, all of Chattanooga, Tenn. (4529)

Tennessee Products Corp.—Three hardwood charcoal producers occupying a dominant position in the sale and distribution of that commodity in the Southern and Southwestern States, and their exclusive sales agent, are charged in a complaint with a combination and conspiracy to restrain trade through price fixing and other practices.

The respondents are: Tennessee Products Corporation, Nashville; Forest Products Chemical Co., Memphis; and Crossett Chemical Co., Crossett, Ark., hardwood charcoal producers, and Hardwood Charcoal Co., Memphis, exclusive sales agent for the producers, which maintains distribution warehouses in Atlanta, Birmingham and Chattanooga. (4535)

Utilities Engineering Institute—A complaint alleging misrepresentation in the sale of correspondence courses in air conditioning, electric refrigeration, welding, and automobile body repairs, has been issued against Utilities Engineering Institute, 1314 Belden Ave., Chicago.

According to the complaint, the respondent, through the use of the words "Engineering Institute" in its corporate name, represents or implies that it is a group or organization of engineers, when in fact it is a business organization operating for profit. (4532)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Reuben Barkow, 45 West 45th St., New York, who conducts an advertising agency, has entered into a stipulation to cease certain representations concerning the preparation "Vitey Perles" in behalf of its distributor, H. Pierce Weller, trading as Weller Co., Atascadero, Calif.

The respondent Barkow agrees to cease disseminating advertisements which represent that Vitey Perles will increase energy, and to cease representing that the product has any effect whatever, without expressly limiting such claims to cases where there is a deficiency of Vitamin E. The respondent further stipulates that he will desist from representing that Vitey Perles stimulates sexual desire or ability. (02826)

Batt Brothers Tobacco Products, Inc., 21 West 30th St., New York, entered into a stipulation to cease using words or phrases connoting that it maintains a factory in London, England, and that from such factory certain imported tobaccos are employed in the manufacture of its cigarettes. The respondent corporation further stipulates that it will desist from representing, directly or inferentially, that its cigarettes are made from Russian or French tobaccos. According to the stipulation, the respondent does not now and has not for many years maintained a London factory and its cigarettes are made neither of Russian or French tobaccos nor in Russia or France, but in the United States. (3168)

Benson & Hedges, New York, entered into a stipulation to discontinue certain representations in the sale of cigarettes. The respondent corporation agrees to cease using the term "non-nicotine" as descriptive of the mouthpieces of cigarettes in a manner tending to convey the impression that the mouthpieces have the effect of either denicotinizing the cigarette tobacco or appreciably removing the nicotine from the tobacco smoke which passes through them. (3163)

David Custage, Inc.—Two New York distributors of textile fabrics have entered into stipulations to cease certain representations in the sale of their products. The respondents are Dressmaker Fabrics-David Custage, Inc., 666 Fifth Ave., and Jerome V. Detmer, trading as J. H. Henrikson & Co., 300 Fourth Ave., New York. (3165-3166)

Johnson Furniture Co., and Johnson-Handley-Johnson Co., both of 1101 Godfrey St., Grand Rapids, Mich., have entered into a stipulation to cease disseminating certain representations in connection with the sale of furniture. According to the stipulation, the two companies have jointly distributed the advertising in question. They agree to cease and desist from the use of the letters or initials "F H A" to describe their business or merchandising plan; or representing directly or inferentially, by use of the letters "F H A" or otherwise, that the Federal Housing Administration has sponsored or endorsed their products or that the products may be purchased or financed through, or on terms similar to those offered by, the Federal Housing Administration. (3164)

Medical Products Institute, Inc., 809 Walnut St., Cincinnati, entered into a stipulation to cease representing by use of the word "Institute" in its trade name, that it conducts an institute devoted to scientific study of ailments and conditions of the body.

The respondent further agrees to cease representing that its device "Hayrin Nasal Filters" will prevent or cure, or constitutes a medical treatment for, hay fever, rose fever or seasonal asthma; that this device, when used in combination with a filter pad impregnated with "Hayrin Nasal Filter Pad Fluid," will overcome the symptoms due to pollens and molds which might enter the body; and that Hayrin Nasal Filters purify or completely filter the air breathed, or prevent pollens or molds from reaching the sensitive membranes. The respondent further stipulates that it will cease representing that Hayrin Nasal Filters will be of aid in the treatment or prevention of colds. (02827)

Vit-O-Net, Inc., 1652 West Ogden Ave., Chicago, stipulated that it will cease certain representations in the sale of electric blankets. The respondent agrees to cease employing representations which imply that its electric blanket is a cure for nephritis, an effective treatment for infections, dropsical conditions, Addison's diseases, chronic or inflammatory rheumatism, and high blood pressure; that the product is a cure for or will correct obesity, and that it is of value for treating sluggish liver. (3167)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

Berland Supply Company, Inc.—A group of glassware manufacturers and their representatives and an association of wholesale dealers have been ordered to cease and desist from combinations and agreements to suppress competition in the glassware trade in Milwaukee and the surrounding trade area.

Respondents are: Berland Supply Co., Inc., S. J. Casper Company, Incorporated, I. Shapiro, Inc., and National Beverage Distributing Co., wholesalers of glassware and other products, Milwaukee; Louis M. Mintz, trading as Mintz Supply Co., and W. A. Reinemann, trading as Hotel and Restaurant Supply Co., dealers in hotel and restaurant supplies, including glassware, Milwaukee; Anchor Hocking Glass Corporation, Lancaster, Ohio; West Virginia Glass Speciality Co., Inc., Weston, W. Va.; Indiana Glass Co., Dunkirk, Ind.; Roseware, Inc., factory agent of the West Virginia Glass Specialty Co., Inc., and the Indiana Glass Co., Milwaukee; W. H. Peterson, factory agent of Anchor Hocking Glass Corporation, and the Hotel, Restaurant & Tavern Equipment Association, and its members. (3861)

Burtley Company—I. Burman, trading as Burtley Co., 245 Fifth Ave., New York, has been ordered to cease and desist from misrepresentations in the sale of "Marrilis," a drug or cosmetic preparation advertised as a weight reducer. (3665)

Columbia Pencil Company—Bertram A. Strauss, trading as Columbia Pencil Company, 29 West 17th St., New York City, engaged in the sale and distribution of mechanical and ordinary lead and crayon pencils, has been ordered to cease and desist from misrepresentation in connection with the sale of pencils. (4083)

Deniston Company, 4856 South Western Ave., Chicago, engaged in the manufacture and sale of lead head roofing nails of various kinds, has been ordered to cease and desist from misrepresentations in the sale of lead head roofing nails designated as "drive screw" and as "ring shank." (4219)

Farmers Vaccine & Supply Company—John H. Oesterhaus, trading as Farmers Vaccine & Supply Co., Kansas City, Mo., has been ordered to cease and desist from misleading representations in the sale of a drug preparation designated "Abortion Vaccine," intended for use as a means of rendering cattle immune to "Bang's Disease." (4137)

Irvin Novelty Company—Two Illinois concerns have been served with orders to cease and desist from the use of lottery methods in connection with the sale of merchandise to consumers. The respondents are Irving Cohn, trading as Irvin Novelty Co., 125½ East Main St., Danville, Ill., distributor of candy and novelty merchandise, and Sisco-Hamilton Co., 514 South Loomis St., Chicago, candy manufacturer. (4464-4471)

Merck & Company, Inc.—A complaint has been dismissed which had charged Merck & Co., Inc., manufacturer of laboratory, medicinal and other chemicals, with violation of the Robinson-Patman Act. The company operates plants in Rahway, N. J., and Philadelphia, and maintains offices in those cities and in New York and St. Louis. (3373)

Motor Tire Retread Company, Inc., trading as Nation Wide Tire Company, Central Tire and Retreading Exchange, Standard Brand Retread Tire Company, and Zephyr Tire Company, and Benjamin Duchen, president of the corporation, having their principal place of business at 2441 South Indiana Avenue, Chicago, and engaged in selling and distributing retreaded or recapped used tires, have been ordered to cease and desist from certain misrepresentations.

The Commission finds that the respondents, by means of letters, order blanks, and other printed and written material, represented, among other things, that tires purchased from the respondents will be identical in kind, size, make and quality with samples displayed by the respondents' agents; that the respondents' tires will be free from boots and patches; that the carcasses used in their retreaded or recapped tires are less than one year old; that the tires ordered will be shipped from points in the vicinity in which the purchaser is located, thereby effecting substantial savings in freight; that the tires will give many miles of service in the normal course of usage at a fraction of the cost of a like amount of service from new tires; and that the tires are sold under a warranty that the respondents will replace them within certain periods at one-half the prevailing price, should they prove defective. (4325)

National Institute, Inc., a corporation trading as Diesel Engines Training, and its officers, Clayton R. Hastings and John C. Smith, Muncie, Ind., have been ordered to cease and desist from certain representations in connection with the sale or distribution of a course of study and instruction on the subject of Diesel engines. (3417)

Philip R. Park, Inc., San Pedro, Calif., has been ordered to cease and desist from certain representations in the sale of its dehydrated kelp product known as "Granular Parkelp" and "Parkelp Tablets." (3815)

Pioneer Mattress Company—William E. Evans, trading as Pioneer Mattress Company, Spartanburg, S. C., has been ordered to cease and desist from certain misrepresentations in the sale and distribution of mattresses. (4483)

Plomb Tool Company—Orders directing the cessation of lottery methods in connection with the sale of merchandise to consumers were issued against Samuel Nitke, 345 West 86th St., New York, dealer in novelty merchandise, and Plomb Tool Co., 2209 Santa Fe Ave., Los Angeles, tool distributor. (3567-4384)

Smoke Conditioner Company—Henry M. Salisbury and Frank R. Johnson, trading as Smoke Conditioner Company, 254 West 31st St., New York City, have been ordered to cease and desist from misrepresentation in the sale of a cigarette holder. (4166)

Watch-My-Turn-Signal Company—A complaint has been dismissed which had charged L. B. Patterson, trading as Watch-My-Turn Signal Co., Des Moines, Iowa, with violation of the Federal Trade Commission Act in the sale of an electric signalling device for automobiles. The Commission order recites that it appears the evidence is not sufficient to sustain the allegations of the complaint. (4331)

Weaver Real Estate Appraisal Training Service—Howard S. Weaver, trading as Weaver Real Estate Appraisal Training Service, Kansas City, Mo., has been ordered to cease and desist from misrepresentations in connection with the sale and distribution of home study courses in rural and city real estate appraisal training.

The Commission finds that in advertising published in newspapers and magazines and broadcast by radio, and through his agents, the respondent represented that the demand for land appraisers greatly exceeded the supply; that land appraising was an uncrowded field, lacking qualified men; that various loan agencies of the Government, as well as private industry, were seeking men trained by the respondent; that the Civil Service Commission was holding examinations for land appraisers from time to time, and that salaries up to $3800 were obtainable; that men trained by the respondent were earning $175 to $300 a month, and that choice money-making positions were available to them. (4353)

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W.
WASHINGTON, D. C.
Vol. 9, No. 29, July 25, 1941

FEDERAL TIME SALES TAX

The House Ways and Means Committee late Wednesday wrote into the new revenue bill an unjust and discriminatory provision to tax radio time sales.

According to best estimates, the tax would cost the industry about $4,500,000 a year, net.

The bill, as approved by the committee, provides for the following taxes on net time sales of stations or networks:

5 per cent	$100,000—$500,000
10 per cent	$500,000—$1,000,000
15 per cent	$1,000,000 or more

Affiliates would have to pay the tax on their payments from networks, as well as their own sales.

Earlier in the week, the NAB was assured by committee members that this discriminatory tax, first proposed by a small group of men purporting to represent printing trades unions, had been abandoned.

It was revived shortly before the bill was completed, however, when the committee was searching for items to replace some that had been discarded.

Although the NAB on Thursday made every effort to get the committee to reconsider its action, it appeared probable that the tax would be reported favorably to the House on Friday or Saturday. It probably will be approved by the House sometime next week under a rule which forbids amendment.

The bill then will go to the Senate Finance Committee, made up of the following:

Walter F. George, of Georgia
David I. Walsh, of Massachusetts
Alben W. Barkley, of Kentucky
Tom Connally, of Texas
Josiah W. Bailey, of North Carolina
Bennett Champ Clark, of Missouri
Harry Floyd Byrd, of Virginia
Peter G. Gerry, of Rhode Island
Joseph F. Guffey, of Pennsylvania
Prentiss M. Brown, of Michigan
Clyde L. Herring, of Iowa
Edwin C. Johnson, of Colorado
George L. Radcliffe, of Maryland
Robert M. La Follette, Jr., of Wisconsin
Arthur Capper, of Kansas
Arthur H. Vandenberg, of Michigan
James J. Davis, of Pennsylvania
John A. Danaher, of Connecticut
Henry Cabot Lodge, Jr., of Massachusetts
Robert A. Taft, of Ohio

The NAB is certain that the broadcasting industry is glad to pay its just share of the cost of the Defense Program. But the NAB will present to the Senate Committee the industry's case against such a rankly discriminatory tax that will, in the long run, militate against every station in the country, large or small.

Neville Miller addressed the following letter to Chairman Doughton (D-NC) and all other members of the House committee:

The broadcasting industry today was greatly disturbed by published reports that the Ways and Means Committee of the House of Representatives has

(Continued on page 624)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

FEDERAL TIME SALES TAX

(Continued from page 623)

decided to submit to Congress a recommendation to levy a special and discriminatory tax upon radio advertising.

Doubtless every industry whose tax payments are to be increased by the pending proposal will urge reasons against the action taken affecting their particular field. I wish to emphasize, therefore, that the broadcasting industry does not and will not seek to evade its just and proportionate share of the tax burdens which of necessity must be increased because of the present emergency. What we do object to most strenuously is the discrimination which is involved in imposing this special burden upon radio which places the industry at a disadvantage in competing for business with newspapers and magazines. I have received numerous telegrams and other communications from broadcasters throughout the country urging that I submit to you the views of the industry and request reconsideration of the action that has been taken.

I, therefore, respectfully submit for your consideration certain factors which I believe should convince you that this penalty on radio advertising is unwarranted and that the committee should reconsider its action. These factors include:

(1) This special penalty on radio advertising will undoubtedly drive many advertisers to newspapers and magazines or other forms of advertising. This loss of revenue would result in lessening the ability of stations to serve the public. The inequity of a special tax on only certain forms of advertising seems obvious.

(2) Although the tax appears to be in the nature of an excise, it is in reality a tax upon the gross income of radio stations. It is standard practice for the industry to enter into yearly contracts with advertisers at a fixed rate. Many of these contracts contain provisions protecting the rate to the advertiser for periods even in excess of a year. Even if the advertiser would pay an increased rate, many stations will be prohibited by contract from attempting to pass the increase along to the advertiser. Thus the certain result would be decreased profits and in many instances no profits. This would create a pressure to divert revenues which are now used in the development of a better radio service.

(3) Under the proposals as suggested by the committee, many broadcast stations would suffer a reduction of 50 per cent or more in their net income. This is true even after allowing for any saving that would result from a reduction in the amount to be paid under the excess profit tax provisions.

(4) Radio broadcasting, under general corporate levies, is paying its share of federal taxes and would of course continue to do so, under any general increase in these schedules which Congress might adopt.

(5) Earlier proposals for a special, punitive tax upon radio broadcasting originated with a small group purporting to represent certain unions in the printing trades field. Radio employs many thousands of persons who are members of labor organizations. I have been advised by the American Federation of Labor that it does not favor a special tax on broadcasting which would have the effect of penalizing certain of their members for the dubious advantage of other members employed by competing industries.

I know it is obvious to you that radio has a most important function to perform in this crisis. Unnecessary obstacles which will impair our ability to do a real job must be avoided. We are willing, as all American industry must be, to make whatever sacrifices may be necessary. All we ask is equality of treatment and, I am confident, that upon reflection you will agree we are entitled to no less. We are advised that Treasury estimates indicate that less than $5,000,000 in additional revenue will be collected from this source. Therefore the fiscal program of the government could not be seriously affected by eliminating this discriminatory levy. We are convinced that the harm that will be done to broadcasting because of the penalty upon radio advertising greatly outweighs any advantage to the government because of the revenues deriving from this source.

I am transmitting these views on behalf of the National Association of Broadcasters, to the chairman and each member of the Ways and Means Committee of the House of Representatives.

Newspaper Hearings

Hearings by the FCC on the question of whether newspapers should be permitted to acquire either FM or standard band stations in the future started Wednesday, July 23, in the auditorium of the Archives Building.

Just before the start of the hearings, the FCC announced that it had denied the petition of the American Newspaper Publishers Association to terminate the proceedings. This action was taken in the form of the following order:

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

Docket No. 6051
In re Orders No. 79 and 79-A

Decision and Order on Motion to Vacate Order

This is a petition by American Newspaper Publishers Association to vacate Commission Order No. 79 and Order No. 79-A and to terminate the proceedings instituted thereunder.

Order No. 79, issued on March 20, 1941, directed that an investigation be undertaken to determine what statement of policy or rules, if any, should be made concerning applications for high-frequency broadcast stations (FM) by persons also associated with the publication of one or more newspapers, and concerning the future acquisition of standard broadcast stations by such persons. This order was supplemented by Order No. 79-A, issued July 1, 1941, setting forth the issues on which testimony would be taken. The hearing was originally scheduled for June 25, 1941, but was continued to July 23, 1941, on the petition of a committee representing certain newspaper publishers.

The instant petition, filed July 15, 1941—eight days before the date set for the hearing—requests the Commission to vacate its Orders No. 79 and 79-A on the ground that the Commission lacks authority to conduct proceedings of the type contemplated by the Order.

Our jurisdiction to issue Order No. 79 and Order No. 79-A was carefully considered prior to the promulgation of those orders. It seems inconceivable to us that an argument could be seriously advanced against the inherent power of any administrative agency, endowed by statute with power to hold hearings, issue subpoenas, etc., to conduct general hearings of the type involved here. One of the principal reasons for the establishment of administrative agencies is the expertness which such agencies are expected to develop in the administration of difficult and complicated matters. If problems involved in the regulation of an agency are complex enough to induce Congress to establish an administrative agency to administer them, it would seem unlikely that Congress would limit its usefulness by denying to it the power to hold general hearings for the purpose of acquainting itself with the problems of the industry and the best solution therefor. Such an intention is not to be imputed to Congress unless the statute creating the agency explicitly so provides.

But our jurisdiction does not rest alone on this inherent power of administrative agencies. The Communications Act explicitly confers on us the power to conduct such proceedings as that involved in Orders 79 and 79-A.

Section 403 of the Act provides:

> "The Commission shall have *full* authority and power at any time to institute an inquiry, on its own motion, *in any case and as to any matter* or thing concerning which complaint is authorized to be made, to or before the Commission by any provision of this Act, or *concerning which any question may arise under any of the provisions of this Act,* or relating to the enforcement of any of the provisions of this Act." (Italics supplied.)

In the administration of Section 309 of the Act, authorizing the Commission to grant or deny applications for station licenses, the question whether the public interest, convenience, and necessity is served by the granting of a license to newspaper interests has arisen from time to time. (*e.g. Port Huron Broadcasting Co.,* 5 F.C.C. 177; *Dorrance D. Roderick,* 3 F.C.C. 616, 5 F.C.C. 563; *The South Bend Tribune,* 6 F.C.C. 783; *Barnes & Weiland et al.* —— F.C.C. —— (Decided April 15, 1940.))

With the recent advent of frequency modulation (FM) broadcasting, this question has taken on an increased importance. Out of 116 applications for FM licenses 45, filed by newspaper interests, confront the Commission with the necessity of determining whether or not the granting of FM licenses to such interests will serve the public interest, convenience or necessity. The Commission's duty to act upon these applications for licenses carries with it the duty to determine the qualifications of the applicants. Under Section 309 each of these applications would have to be set for hearing if the Commission could not determine from the examination thereof that public interest, convenience or necessity would be served by a grant. To deny the Commission the power to institute a general inquiry into the same matter under Section 403, as urged by petitioner, would deprive Section 403 of all meaning, and would lead to the unreasonable result that we are empowered to hold scores of particular hearings in order to arrive at a determination of policy but are not empowered to hold one general inquiry for the same purpose. The power conferred by Section 403, and the further power conferred by Section 4(j) to conduct proceedings "in such manner as will best conduce to the proper dispatch of business and to the ends of justice" were hardly intended to impose such a procedural straitjacket on the Commission.

The Commission's authority under Section 403 to institute the proceedings covered by Orders 79 and 79-A is not, moreover, limited to matters arising under Section 309. An inquiry may be authorized as to "any matter" concerning which "any question" may arise under "any of the provisions of this Act." Thus the issues to be examined pursuant to Order No. 79 may be broad enough to include subjects concerning which the Commission may wish to consider recommending additional legislation in its annual report to Congress, as directed by Section 4(k) of the Act. Even if the questions arising under Order No. 79 and 79-A were not clearly matters arising under Section 309, the Commission could conduct such a general inquiry preliminary to determining whether to make recommendations to Congress for additional legislation.

The instant petition appears to be less concerned with Order No. 79 and Order No. 79-A than with some possible regulations, the precise nature of which petitioner does not state, which it fears the Commission may promulgate at some future date. It would certainly not be conducive to the proper dispatch of business to permit petitioner at this time to argue the validity of purely suppositious regulations which may or may not be promulgated after the hearings are closed. If at the close of the hearings we do determine that the public interest makes regulations necessary or advisable, our procedure allows ample opportunity to argue the validity or invalidity of such regulations at that time.

It Is Ordered, this 23rd day of July, 1941, that the petition filed by American Newspaper Publishers Association to vacate Commission Order No. 79 and 79-A Be, and It Is, Hereby Denied.

Federal Communications Commission.

In opening the hearings, Mr. Fly said he "should like to comment briefly on two or three matters." He said:

"The general question of joint control over newspapers and broadcasting stations has been a topic of interest, both in Congress and elsewhere, for a long time. When the Radio Act of 1927 was being debated, for example, Senator Dill, the Senate sponsor of the bill, pointed out the need for deciding such questions as whether one newspaper in a city should have a radio station when other newspapers do not, and urged that such questions indicated the need for a federal commission to regulate broadcasting. (67 *Cong. Rec.* 12353, June 30, 1926.) There was discussion of newspaper ownership of broadcasting stations before the Senate Committee on Interstate Commerce in January, 1930, at which time Senators Wheeler, Dill, and Brookhart indicated an awareness of the problem. (*Hearings before the Senate Committee on Interstate Commerce* on S. 6, 71st Cong., 2nd sess., pp. 1643, 1718, 1744, 2077.) Senator Neeley expressed opinions on the subject in January, 1935, during the *Hearings on the Confirmation of the Members of the Federal Communications Commission* (74th Cong. 1st sess., p. 195). Representative Monaghan expressed outspoken opposition to newspaper ownership of broadcasting stations in August, 1935. (79 *Cong. Rec.* 14310-14316.) On January 28, 1937, Representative Wearin introduced H.R. 3892, entitled 'A Bill to amend the Communications Act of 1934 by adding thereto provisions designed to prohibit unified and monopolistic control of broadcasting facilities and printed publications, and for other purposes.'

"On March 15, 1937, Senator White commented at some length on newspaper ownership of radio stations, in the course of which he suggested that the Commission ought to formulate views on the subject. He said in part: 'If the Commission senses the situation, and if it has views as to what our policy should be, it has skillfully concealed the fact from Congress.' (81 *Cong. Rec.* 2334-2335.)

"The importance which has thus been continuously attached to the problem and the further fact that the Commission is now faced with a group of newspaper applications for FM facilities, have caused us to conclude that a general inquiry is advisable. Out of 99 applicants for FM licenses as of June 30th, 43 are newspaper interests. These newspaper applications raise the common question of the extent to which and the circumstances in which grants to newspapers will serve the public interest. We could, of course, have considered the question separately as to each of the 43 applicants. The proper dispatch of business, however, as well as the need to achieve that degree of uniformity, consistency, and informed judgment properly expected of administrative bodies, clearly indicate the advisability of these general hearings.

"I would like particularly to emphasize that the purpose of these hearings is to inform the Commission. No conclusions or opinions have been formulated by the Commission. The facts and circumstances which will be developed in these hearings may lead us to the conclusion that no rules or policies whatsoever need to be developed. Or they may lead us to the conclusion that recommendations to Congress should be made, and the problem handled by way of legislation. Or we may conclude that certain policies or regulations can and should be developed within the jurisdiction already committed to us by Congress.

"The Commission believes that discussion of its jurisdiction under existing law to take action with respect to joint control of newspapers and radio stations would be premature at this time. The jurisdictional question itself must be determined partly in the light of the facts and circumstances which the hearings develop, and argument should be based on concrete rather than suppositious proposals. The Commission will afford ample opportunity for the expression of views on the jurisdictional question if and when it contemplates the issuance of any rules.

"I have emphasized the fact that the sole purpose of these hearings is to inform the Commission. I want to add, with equal emphasis, that the Commission is determined to be informed. Our jurisdiction to formulate rules will be determined subsequently; our jurisdiction to make a study of the problem we think clear, as stated in our decision released today on the petition filed by the American Newspaper Publishers Association. Government commissions have a duty to inform themselves of problems pertinent to the field in which they function. The public and the Congress would rightly criticise us for passing over without consideration problems basic to the welfare of the radio industry and the public which it serves. It is for just such reasons that Congress has empowered this Commission to hold hearings concerning any question which may arise under the Act which we administer, and to require the attendance and testimony of witnesses and the production of relevant documents and to pay the attendant expenses of such proceedings. Furthermore, it is wholly in accord with the traditions and institutions of our form of government that we should carry on such a study, and it has been familiar practice at least since the establishment of the Interstate Commerce Commission half a century ago.

"In the interests of comprehensiveness the Commission has itself conducted field investigations in sample localities, and will call witnesses competent to describe various local situations. Let me emphasize that such local matters will be entered into wholly for the light they cast upon the general issues. This is not an inquiry into the activities of particular licensees but into a nation-wide situation. Also the Commission will call some expert witnesses—scholars of recognized authority who will present evidence based on their independent studies.

"The following appearances have been filed in the present hearing and have been allowed:

"Oregonian Publishing Company, licensee of Radio Stations KGW and KEX, Portland, Ore.
"FM Broadcasters, Inc.
"Hildreth & Rogers Company, licensee of Radio Station WLAW, Lawrence, Mass.
"The American Network, Inc.

"In addition, Station WGN, Chicago, Illinois, and KOOS, Marshfield, Oregon, and the Newspaper-Radio Committee have given notice that they desire to be heard. They have been informed that their appearances will be allowed upon the filing of statements showing the nature and relevance of the evidence which they propose to present, and in the case of the Newspaper-Radio Committee, upon the furnishing also of a statement of the persons who are represented by that committee. As contemplated in the Commission's public notice of July 1, 1941, setting forth the 'Procedure for hearings under Order No. 79', requests to appear may be filed at any time during the course of the hearings, and, if in the proper form, will be allowed.

"The present sessions will be devoted to the calling of witnesses by the staff of the Commission and to its presentation of exhibits and documentary evidence. Persons whose appearances have been allowed will be permitted, in the discretion of the Commission, to cross-examine witnesses with respect to phases of the inquiry as to which they themselves propose to adduce evidence. Those persons who have appeared or who hereafter appear will be given notice at some later date as to when they will be afforded an opportunity to introduce evidence.

"It is not contemplated that all the hearings will be held consecutively. Following the calling of certain witnesses by the Commission, an opportunity will be given for those other witnesses who wish to testify at that time. Thereafter we will adjourn for a period to be then determined and then reconvene for the taking of additional testimony.

"One final matter: since the hearings are concerned with the relationship between broadcast stations and newspapers, some understanding of the latter industries is necessary. Inquiry will be made into the operations and functions of each. The Commission does not, of course, contemplate any action with respect to the newspaper industry apart from its relationship to broadcasting. Evidence as to the internal workings of the newspaper inquiry will be adduced therefore only insofar as it throws light upon the relationship which has existed or should exist between the broadcast and newspaper industries.

"We are confident that on the basis of evidence to be submitted by representatives of the broadcasting industry and the newspaper publishing industry, by scholarly authorities, and by persons especially cognizant of local situations in communities of various sizes and kinds, a record will be developed which will aid us in the performance of our duties hereafter, and will enable us to reach a sounder solution of the problem than would be possible if we proceeded without this general inquiry to the determination of particular cases. It is in this spirit of *fact-finding* that the Commission desires to proceed."

Elisha Hanson, counsel for the ANPA, arose to argue his motion to dismiss, but was informed at that time that it already had been overruled. He started to discuss the matter, but was summarily refused the opportunity. Mr. Fly advised him that he and his clients would be permitted to contest the Commission's jurisdiction if and when the Commission proposed any rules and regulations affecting the clients' interests. Judge Thatcher, representing the Newspaper Radio Committee, likewise was refused opportunity to contest the legality of the hearings.

The Commission, however, granted Mr. Hanson permission to file the following statement:

Mr. Chairman and Gentlemen of the Commission:

I appear specially as Counsel for the American Newspaper Publishers Association to address myself to the motion filed on behalf of that Association on July 15, 1941, to vacate Orders Nos. 79 and 79A and terminate this proceeding.

Because of the serious question raised in the body of that motion, I also request that pending your decision thereon all further proceedings herein be stayed until the issue as to your authority to proceed at all is determined.

We are all familiar with the fact that on March 20 last, the Federal Communications Commission entered its Order No. 79, wherein it ordered that an immediate investigation be undertaken "to determine what statement of policy, or rules, if any, should be issued concerning applications for high frequency broadcast stations (FM) with which are associated persons also associated the publication of one or more newspapers" and also what "statements of policy or rules, if any, should be issued concerning future acquisition of standard broadcast stations by newspapers."

I think it will be conceded at the outset that if the Commission has the power to prohibit persons engaged in the newspaper business, because of that fact and only that fact, from receiving approval of applications for licenses for the operation of radio broadcast stations, either in the high frequency or the standard broadcast band, there can be no question as to your authority to conduct a proper inquiry for the purpose of determining a policy in respect of such applicants and promulgating rules barring them from receiving licenses if, in your judgment, they should be barred.

Also, I think, under our settled jurisprudence, it will be conceded that if you do not have the power to prohibit persons engaged in the newspaper business from receiving approval of applications for broadcast licenses on the sole ground that they are engaged in that business, then you do not have any power to make an investigation for the purpose of adopting any statement of policy or rules on the subject.

It has been judicially determined that you do not have such authority.

The United States Court of Appeals for the District of Columbia in a controversy between a licensee and this Commission arising over the granting of an application for a proposed station filed by the owner of a newspaper stated that it knew of no provision of statute or rule of law which forbids broadcasting by the owner of a newspaper. *Tri-State Broadcasting Company* v. *FCC*, 96 F. (2d) 564.

At this point it is pertinent to inquire as to who may or may not hold radio broadcast licenses.

The limitations on the holding and transfer of licenses are specifically and precisely set forth in Section 310 and 311 of the Act.

Under Sec. 310 (a) a station license cannot be granted to or held by

(1) Any alien or the representative of any alien;

(2) Any foreign government or the representative thereof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or its representative, or by any corporation organized under the laws of a foreign government;

(5) Any corporation directly or indirectly controlled by any of those precluded from a license in the preceding paragraph, if

the Commission finds that the public interest will be served by the refusal or revocation of such a license.

Sec. 310 (b) provides that a license shall not be transferred, assigned or disposed of, voluntarily or involuntarily, directly or indirectly, to any person unless the Commission shall, after securing full information, decide that the transfer is in the public interest and give its consent in writing.

Sec. 311 provides for the refusal of licenses and permits in certain cases, those cases being those of persons "finally adjudged guilty by a Federal Court" of certain violations of the Anti-Trust laws.

Such gentlemen, are the limitations of the statute under which your body functions on the holding or transfer of licenses. Solely by reason of being engaged in the newspaper publishing business, a newspaper publisher, whether an individual or a corporation, does not ipso facto become either an alien, a representative of an alien, a foreign government or the representative thereof. Neither does such an individual or corporation become a criminal solely by reason of being engaged in the newspaper publishing business.

Insofar as the application of the Anti-Trust Laws to licensees or applicants for licenses is concerned, this Commission does not have any original jurisdiction whatsoever. Proceedings under those laws must originate elsewhere and this Commission is without power to act until there has been a final judgment of guilt. Then its authority is limited to the person or persons finally adjudged guilty. It cannot be extended to others.

As I have pointed out, the limitations on the holding and transfer of licenses and on the refusal of licenses and permits, are specifically set forth in the statute. So are the limitations on the revocation of licenses and on the application of the Anti-Trust Acts.

This Commission has no power either to exceed or to extend the Act. It must operate within the confines of its authority. It cannot trespass beyond.

Being without authority to extend or increase the limitations of the statute it is without authority to conduct an inquiry to determine whether or not it shall adopt any policy or rules to that end.

Therefore it should vacate its Order No. 79 and terminate this proceeding without further ado.

It may be argued on behalf of that order that the Commission has general powers of inquiry (a) for the purpose of determining if the public interest will be served in the granting of licenses and (b) for the purpose of making reports to the Congress.

An analysis of the statute and a consideration of the controlling decisions of our courts, however, cannot be otherwise than convincing that the Commission in its consideration of the public interest must give consideration to that interest, insofar as applications for broadcast station licenses are concerned, as the facts are developed in connection with a particular application. There is no statutory authority empowering the Commission on its own motion to make general classifications of persons, otherwise qualified under the statutes, for the purpose of laying down a policy or adopting rules either for the purpose of prohibiting persons belonging to a certain class from holding licenses or limiting the number of persons within a certain class who may hold licenses.

Insofar as its reports to Congress are concerned, again the Commission's authority is limited.

One is a general power to be found in Section 4 (k) of the statute. This section requires the Commission to make an annual report to the Congress, just as similar sections in other statutes require such reports from all other legislative agencies. There is nothing in this section that either by inference or implication can be construed as authorizing an inquiry such as that initiated by the Commission's Order No. 79.

Two other sections of the statute namely 215 (a) and 307 (c) provide for reports to Congress. The provisions of Section 215 (a) are limited to common carriers engaged in wire and radio communication and subject to the Act. It does not extend to broadcast stations of any kind or description.

The provisions of Section 307 (c) are limited to non-profit programs and activities, on which the Commission was required to report not later than February 1, 1935.

The foregoing discussion should satisfy that the Commission does not have any authority under the Communications Act of 1934, as amended, to make the inquiry provided for in its Order No. 79. Consideration of the Commission's Order No. 79-A outlining the matters concerning which the Commission proposes to take testimony and receive other evidence shows that that order exceeds any power which the Commission has under the Act and runs into headlong conflict with an adjudication of the powers of the Commission by the Supreme Court of the United States.

Nowhere in the Communications Act of 1934, As Amended, is any power vested in the Commission to regulate the business of any broadcast station licensee, or exercise any supervisory control over any licensee's programs, business management or policy.

The Commission's powers in respect of broadcast station applicants are limited to consideration of specific applications for the purpose of determining (a) if there be an available frequency over which the applicant can broadcast without interference to others, (b) if the applicant is financially able to make good use of the assigned channel, (c) if his equipment is adequate and (d) if his proposed program service is competent to serve his listening public.

That is not my statement, gentlemen, but a summary of a statement made by the Supreme Court of the United States in a case which you yourselves asked that Court to review in order to construe your own powers, when you were not content with a decision in the controversy as rendered by the United States Court of Appeals for the District of Columbia.

I quote a few excerpts from that decision:

> "The Act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management or of policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel."

Again, as the Court said:

> "The Act recognizes that broadcasters are not common carriers and are not to be dealt with as such. Thus the Act recognizes that the field of broadcasting is one of free competition. The sections dealing with broadcasting demonstrate that Congress has not, in its regulatory scheme, abandoned the principle of free competition, as it has done in the case of railroads, in respect of which regulation involves the suppression of wasteful practices due to competition, the regulation of rates and charges, and other measures which are unnecessary if free competition is to be permitted.

Finally the Court said:

> "An important element of public interest and convenience affecting the issue of a license is the ability of the licensee to render the best practicable service to the community reached by his broadcasts." *F. C. C.* v. *Sanders Bros. Radio Station,* 309 U. S. 470.

Gentlemen, that case arose when the licensee of a radio station appealed from an order of this Commission granting approval to the application of a newspaper for the construction of another station in the area that the first station served and in the same city where the newspaper was published.

Now what do we find in respect of your Order No. 79-A? In that order you set forth 10 specific subjects on which you say that you desire information in order to determine what policy you shall lay down or what rules you shall adopt concerning applications for high frequency broadcast stations or the future acquisition of standard broadcast stations by newspapers.

In the order of their presence in Order No. 79-A your questions are as follows:

1. To what extent broadcast stations are at present associated with persons also associated with publication of one or more newspapers, the classification (in terms of power, location, network affiliation, etc.) of broadcast stations so associated, the circumstances surrounding such association, and the tendency toward such association in the future.
2. Whether joint association of newspapers and broadcast stations tends or may tend to prejudice the free and fair presentation of public issues and information over the air, or to cause editorial bias or distortion, or to inject editorial policy or attitude into the public service rendered by broadcast stations as a medium of public communication.
3. Whether joint association of newspapers and broadcast stations tends or may tend to restrict or distort the broadcasting of news, or to limit the sources of news to the public, or to affect adversely the relation between news-gathering services and broadcast stations.
4. Whether the joint association of newspapers and broadcast stations has or may have any effect upon freedom of access to the radio forum, for the discussion of public issues.
5. Whether the joint association of newspapers and broadcast stations tends or may tend to lessen or increase competition

among broadcast stations or to result in the monopolization of local broadcast facilities.

6. Whether the joint association of newspapers and broadcast stations tends or may tend to increase or decrease concentration of control over broadcast facilities or the use thereof.
7. Whether the joint association of newspapers and broadcast stations constitutes or may constitute an undue concentration of control over the principal media for public communication.
8. Whether joint association of newspapers and broadcast stations tends or may tend to result in the utilization of improved facilities and skilled, experienced personnel for the procuring and dissemination of information and opinions by broadcast stations.
9. Whether joint association of newspapers and broadcast stations tends or may tend to insure greater economic stability for broadcast stations and to encourage the maximum technological development of radio.
10. What considerations influence newspaper interests to acquire broadcast stations.

I submit that in the light of the decision of the Supreme Court of the United States in the Sanders Bros. case you have no power to inquire into any one of those matters.

Furthermore, I also submit that the questionnaire which the Commission sent out on June 28 to present licensees deals with subject matter over which the Commission has no authority either under the statute or as construed by the courts. That questionnaire is nothing more nor less than an impertinent effort on your part to inquire into the newspaper publishing business, the business policies of newspapers, the editorial policies of newspapers, the advertising practices of newspapers, the promotional activities of newspapers, the news policies of newspapers, the nature of the work performed by newspaper employees, and the business connections of newspapers over none of which does this Commission have any authority whatsoever. If it be argued that the questionnaire is designed to obtain information for use in connection with the administration of the broadcast provisions of the Communications Act of 1934, As Amended, then again I submit that the questionnaire shows on its face that it is an effort to inquire into matters which the Supreme Court says this Commission has no business with. You do not have a supervisory control over the programs, or the business management, or the policies of radio stations and you are not empowered to make any general inquiry into the nature of programs, business management or policies of radio stations such as you have attempted in this inquiry, as is forcibly illustrated in that questionnaire.

In conclusion I desire to call your attention to the fact that several years ago the Chairman of this Commission asked its General Counsel to submit an opinion on the question as to whether the Commission has authority to deny an application of a newspaper for radio facilities on the ground that it is against the public interest for newspapers to operate stations. Your own General Counsel as of that time told you you had no such authority. Since then the United States Court of Appeals for the District of Columbia has given you the same word and also the Supreme Court of the United States has told you just what your powers are.

Your powers do not embrace authority to adopt any policy or rules the purpose of which is to prohibit persons engaged in the newspaper publishing business from operating radio stations. Being without power to adopt any such policy or rules you are without power to conduct an inquiry for the purpose of determining whether or not you should adopt such a policy or rules.

Therefore, I respectfully submit that my motion to vacate Orders Nos. 79 and 79-A should be granted and this proceeding terminate.

I further submit that if the Commission is not at this time prepared to rule upon that motion it should stay all further proceedings in this inquiry until it determines this question. In the event the Commission decides to stay the inquiry then I should like a reasonable time if your body so desires within which to file a brief in support of my statement this morning.

Insertion in the record of a vast number of Commission exhibits dealing with the relationship of newspapers and radio stations consumed the rest of the Wednesday morning session and a part of the afternoon session. The other Wednesday witness was Elmo Roper, public opinion expert, who discussed at length the survey he made for *Fortune* magazine dealing with the public's opinion about news on the radio and news in the newspapers. He was questioned at length by members of the Commission as to whether these figures represented the facts. He insisted, in all instances, that he represented only the public's opinion.

The first witness Thursday morning was Professor Mitchell V. Charnley of the Minnesota School of Journalism who testified to the different techniques in processing news for newspapers and radio broadcasting. He stated it was his belief that separate staffs to select news for the two media are desirable. On cross examination by Judge Thatcher it was brought out that the witness had not made or supervised any study as to the facts of whether it is usual or unusual for radio stations and newspapers to operate with the same staffs, and that the witness had not made or supervised any study as to the relative merits of service to the public by stations under newspaper management and stations under other management. He stated that he was, therefore, unable to express an opinion on the relative merits of such service.

The next witness was Mr. Marco Morrow who stated he was associated with the Capper newspaper interests and titular head of Senator Capper's radio stations. He testified that in his opinion radio is just another means of reaching the people, as necessary for newspapers as fast presses and cable service, and "inherently a part of journalism." When questioned by Chairman Fly as to whether or not in the case of a single newspaper and a single radio station in a community better service to the public would not be rendered if the two were under separate ownership, he stated that he believed that the better service would be rendered by the radio station owned by the newspaper as the advantages more than offset any danger of abuse by virtue of joint ownership. Commissioner Craven inquired if there was any reason why newspapers as a class should not own radio stations and the witness answered "no."

The next witness, Dr. Albert McClung Lee, assistant professor of marketing at New York University, stated that in his opinion the political and economic views of newspapers affect the enthusiasm of the response to their advertisements; that the long-term trend has been towards elimination of competition in the daily newspaper field and also towards fewer daily newspapers, due to economic restriction. In the course of a lengthy statement on the meaning of freedom of the press, he stated his belief that the present concentration of newspaper ownership prohibits a free press in the sense that that was understood at the time of the adoption of the Constitution.

When pressed under cross examination by Louis G. Caldwell, counsel for the Chicago *Tribune,* the witness stated that a free press under the first amendment of the Constitution means freedom from interference by Congress, as does freedom of speech.

The final witness was de Quincy Sutton of the Commisison staff who discussed at length numerous summaries of various financial reports by licensees to the Commission.

The hearing was recessed until 10 a. m., Wednesday, July 30, in the Auditorium of the Archives Building.

Sales

Per-Inquiry and Free Time

Shapiro & Schoenbrod Agency of Chicago, reported here last week, continue to seek per-inquiry deals on behalf of **Monarch Cameras.** Investigation shows that FTC complaint No. 4169, still pending, involves Arnold F. Shapiro, Robert D. Schoenbrod and the Monarch Manufacturing Co. along with others in a "group of Chicago manufacturing corporations which have operated at different times in cooperation with Henry T. Schiff in the sale of radios, cameras, talking machines, electric sunlamps, clocks, razors and lighters, and electric and other novelties." The Shapiro & Schoenbrod address, 711 West Lake St., Chicago, is one of the addresses listed in the complaint, which was published in NAB REPORTS for June 28, 1940, page 4387, titled "Elgin Razor Corporation." Copies may also be secured from the FTC. Stations are advised to check Monarch copy against the terms of this complaint. Attached to their letters soliciting per-inquiry deals is a sticker reading "The stations listed below are among the many now successfully merchandising the nationally famous Monarck Camera," and the list includes some of the country's leading broadcasters. The NAB has written each of these advising that many stations have misinterpreted the sticker and believe the stations mentioned are doing business on a per-inquiry basis. Of the replies received to date, every one states that the Monarck business it received was placed by the Henry J. Handlesman Agency of Chicago, at full published rates.

Pitluk Advertising Co. of San Antonio, Tex., on behalf of the **Patriotic Plaque Co.**, is seeking *guaranteed* returns from stations in a variation of an attempt at per-inquiry buying.

National Defense

Radio Appeal Gets Auto

During the "Aluminum Man On the Street Broadcast," over WFMJ, Daytona Beach, Fla., last Wednesday, Ray Clancy, program director, received a telephone call from the Halifax Motors, automobile dealers. The call announced that the company was donating a 1926 all aluminum body Franklin sedan to the cause. The aluminum weighed two hundred pounds.

Hold "Aluminum Maneuvers"

On Friday, July 25, WRAL, Raleigh, will hold "Aluminum Maneuvers" for a full hour during the evening. Solicitation of scrap aluminum will be built around red and blue armies, according to Fred Fletcher, program manager.

Two locally prominent citizens were named Generals of the Red and Blue Armies, respectively. These "Maneuver" Generals will make frequent appeals to the audience to join and give "weapons" to their respective armies. A Priorities Administrator and a Military Strategist will work hand-in-hand in recording contributions (by phone) of aluminum (weapons) and listeners (recruits).

Aluminum articles will be designated by these two in terms of weapon equivalents, such as a turkey roaster equals a 50-ton tank, a Jello mould equals a hand grenade, and a coffee pot equals a machine gun, etc.

"Weapons" given to the Red or Blue Armies will be called for by "Army Supplies Transports" (cars) driven by local members of the Junior Chamber of Commerce and Young Business Men's Club, and will be deposited at a central collecting point where the two Generals are "maneuvering" their "aluminum" armies.

The officers of the local Military Recruiting Stations will be the final judges and choose the winner at the completion of the broadcast. Their decision will be based on the superiority of "recruits" (listeners calling in) and "military weapons" (aluminum) contributed to their selected favorite Army by the listener.

Strong Hoosier Campaign

In Indianapolis, Lester W. Lindow, manager, WFBM, is head over heels in the promotion of aluminum collection. He began broadcasting announcements last week. During the current week 5-minute programs are being aired.

Big Cast in N. D. Show

At KQV, Pittsburgh, Manager G. S. Wasser is broadcasting "We're in the Army Now," Mondays, Wednesdays and Fridays, 2:00-2:30 p. m. Talent consists of a cast of five and a twelve-piece orchestra. The program plugs the various services of the Army and Navy as well as giving interesting national defense information. "The program has a splendid following," said Mr. Wasser. He also plugs the "Keep 'em Flying" announcements and others.

"Be assured," he said in a recent letter, "that KQV will continue to cooperate with NAB and the United States Government in this great emergency."

"Keep 'em Flying" Sign-Offs

WAGE, Syracuse, N. Y., WTAW, College Station, Texas, and KVNU, Logan, Utah, are all signing off with "Keep 'em Flying." At KVNU, Manager Reed Bullen, follows "Let's Go U. S. A. . . . Keep 'em Flying" with the playing of the Star Spangled Banner. "It has met with enthusiastic approval."

John Rosser, program director, WTAW, also asserted that the slogan sign off is well received by listeners.

Jack Kern of WAGE is also building a program around the slogan "Keep 'em Flying" for presentation at Loew's theater in Syracuse. This is to be a weekly feature.

Junior Chamber Thanks Radio

A note from Walter A. Bass, Grand Rapids, Mich., president, Michigan Junior Chamber of Commerce, said:

> "Throughout the State the Junior Chambers have had splendid support of local broadcasting stations. All radio stations have given generously to the promotion of Flying Cadet courses which the Junior Chambers have helped to create.
>
> "I want to express sincere appreciation and gratitude to the broadcasting industry for the support you advocate in your bulletin as well as the generous support the Junior Chambers receive from all radio stations for the varied and many activities throughout the year."

Mr. Bass paid special compliment to Stanley Barnett, manager, WOOD-WASH, Grand Rapids, for his support of the Grand Rapids Junior Chamber of Commerce in its campaign to recruit Flying Cadets.

10,000 Repeat Pledge

The Association and the city now has its third group of Air Corps students in training.

Chet Wheeler, manager, KWIL, Albany, Ore., fed the Fourth of July celebration program to the state owned station, KOAC, at Corvallis. The program was also released over a PA system at the local Fourth of July celebration and heard by more than ten thousand people watching the Timber Carnival events. The ten thousand stood at attention and repeated the pledge in unison with the Chief Justice.

BMI NOTES

Song Birthdays

Many songs people have been singing all their lives would seem to be old enough to be in the public domain, but research into copyright records reveals that some of them have to wait a few years before their fifty-sixth birthday.

Under terms of the Copyright Law of 1909 an initial copyright protects a musical composition for a period of twenty-eight years. A renewal of this copyright can then be secured for an additional twenty-eight years, after expiration of which the song enters the public domain.

Still under the second copyright are *Rock-A-Bye Baby*, which becomes public property next year, and *Oh, Promise Me*, originally copyrighted in 1890.

Other American favorites that have been sung since grandfather's day and will become available in the next few years are *Be Home When The Clock Strikes Ten, Boy's Best Friend Is His Mother, Brown October Ale,* from Reginald De Koven's Opera *Robin Hood, Down Went McGinty, I Believe It For My Mother Told Me So, In the Evening By the Moonlight,* and *Her Golden Hair Was Hanging Down Her Neck.*

Tin Pan Alley Into Main Street

Just as radio has widened the horizons of music, so has BMI taken songwriters out of that narrow little square in New York known as Tin Pan Alley into the broad highways of the nation.

A glance over the addresses of the writers who have produced BMI originals shows that it is no longer necessary to live in New York to make a living at songwriting. A glance over the BMI songs which are broadcast most frequently outside of New York shows that the big city does not necessarily determine what the nation whistles and sings. Many tunes which never reach the Hit Parade are played over and over again for the home town folks and return their writers some worthwhile checks for performance rights. Every state in the union is represented by a BMI writer. Many outstanding hits have come from west of the Hudson.

California is the new Mecca with many of its writers clustered around Hollywood, but a few from San Francisco and two from Sierra Madre. Denver is represented by the writers of *Shy Ann From Old Cheyenne* and *X Marks the Spot;* Iowa by *When the Night Was New* and *Years From Now;* Oklahoma by *Stars Went To Sleep;* Texas by *Walking On Air* and *Eloise;* Canada by *Too Late* and *Coast-To-Coast;* Illinois comes through with too many tunes to mention, but among the better known are *You're A Double Lovely, There's An Old Easy Chair By The Fireplace* and *Rip Schottische.*

When we come east, Baltimore does the honors for Maryland, the best known tunes from the city of the little white stoops being *Stompin' Room Only, I Do Mean You* and *Business In Baltimore.* New Jersey has so much talent that we suspect that some of it is only sleeping there. One of the best of the Jersey tunes is *Let's Dream This One Out* by Eddie Lane, while Johnny Messner, the rhythm king of Ridgefield Park didn't do so badly with *Clarinet In A Haunted House,* not to speak of *Toy Piano Minuet* and *Toy Piano Jump.* Northern Ohio will be remembered as the home of Helen Bliss, writer of *I Went Out of My Way,* who lives in Cleveland and shares honors with the two Cleveland boys who collaborated with Ray Herbeck on *Time Stood Still.* Southern Ohio reports George Dunning, writer of *To Be Continued* and *I Can't Remember To Forget.* Pennsylvania is the home of one of BMI's two blind songwriters, Mabel Helen Toole, who wrote *Why Am I Still Dreaming,* while the City of Brotherly Love contributed *A Penny For Your Thoughts.*

Coast-to-Coast

The parade is on for *Hi, Neighbor* and the song is winning acceptance as a "welcomer" the country over. Virtually every beach resort in Southern California is featuring a cordial "Hi" to visitors, and Jones Beach, New York's own, is offering the song as a greeter from Guy Lombardo's band playing there. Ted Lewis, head liner at Loew's State, New York, is billing it right close to his *Is Everybody Happy?*

Thanks

Letter to BMI:

"We received our first royalty check from BMI for the months of Jan., Feb., and March, which showed that they had played our tunes 5600 times. If I had to buy the station time to play these tunes 5600 times it would take a great deal of money—but BMI did this gratis.

"In addition, BMI paid me three cents for each playing instead of two as my contract called for.

"What more fair treatment could anyone ask?

"We also wish to thank you personally for your splendid cooperation."

(signed) O. B. Clow.

U. S. O. Tune

Melody Moderne, Inc., a BMI affiliate, is releasing for public performance a new patriotic tune, *Land of the Free,* with lyrics by Lee Ryer and music by Noel Marchant, dedicated to the United Service Organizations. The U. S. O. has accepted the dedication and has stated its willingness to promote the tune.

New Subscribers

Four new stations bring the BMI list to a total of 668: KBUR, Burlington, Iowa; WTNJ, Trenton, N. J.; W-39-B, Mt. Washington, New Hampshire; W-43-B, Boston, Mass.

Page Boy to Publisher

Versatile Ted Steele, who three years ago was a page boy at NBC and who now plays the Novachord, sings, announces, and is the young man in "Young Man With A Band", an NBC program, has added the formation of a publishing house to his many accomplishments. Ted, frequently referred to as 'A one-man program department', wrote the music of the first offering, *Home Town Blues.* His wife, Doris Brooks, has written the words and added a little touch of something which she thinks will make it a hit.

Say It With a Song

Not the least of the profitable adventures with which BMI has been identified is Greeting Card Hit Parade, Inc. Tieing a friendly greeting to a hit tune, the card offers both music and lyric of the song. For example:

"There's nothing like a song of cheer
To clear a dismal atmosphere.
A lively tune will do the trick
(And, incidentally, do it quick).
So, when you find that things are wrong,
Just hum yourself a little song,
And presto! In the shortest while
Your face once more will wear a smile!"

Then you turn the page and find a song.

More than 200,000 of the cards have been sold through both chain stores and independents. The idea was tried a few years ago and flopped. Apparently, blending of the entertaining lines of the BMI lyrics with the verses did the trick the second time around or perhaps the country is just enjoying a wave of friendliness.

The cards are circulated after the songs have run the gamut of popularity. BMI receives a percentage of the gross revenue which it divides equally with the writers. So, when you think of greetings, think of BMI and pick a card carrying one of the following tunes: *Practice Makes Perfect, So You're the One, Accident'ly On Purpose, There I Go, I Give You My Word* or *Keep An Eye On Your Heart.*

BMI FEATURE TUNES

July 28 - August 4

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. MY SISTER AND I
5. BECAUSE OF YOU
6. G'BYE NOW
7. WITH A TWIST OF THE WRIST
8. THE RELUCTANT DRAGON

Two great numbers—"Yo Te Amo," an unusual novelty, and "Hi, Neighbor!" will be ready next week.

Bright Idea

Laurette Carroll, 14 year old writer of BMI's *Phantom In the Dark,* will be interviewed on the NBC program, *Bright Idea,* some Saturday afternoon soon. Laurette won a beauty prize at the age of three. To disprove the notion that brains can't live with beauty, she has made the record of a brilliant student and is so dependable and so popular that she is a monitor in her school. She draws so well that she will probably become a commercial artist; she is a good swimmer; and she loves best of all to teach tricks to her wirehaired terrier, Mr. Smith.

Daddy and Sister

Sammy Kaye, the pride of Ohio, leads all of the national and regional retail record sales this week with his *Daddy* which takes first place with every member of the geographic family except the west coast where the record buyers place it second to *Maria Elena.* In sheet music best sellers, the *Hut Sut Song* continues to lead the national parade, with *Intermezzo* in second place and *Maria Elena* third. *My Sister And I* is the biggest money maker in the automatic phonographs.

INSURANCE COVERAGES

Additional copies of "Insurance Coverages" are now available to members by request from headquarters. This pamphlet describes the various coverages available from insurance companies. It was prepared by the Insurance Committee under the direction of Roger Clipp, chairman.

FEDERAL LEGISLATION

HOUSE

H. R. 5343 (Lea, D.—Calif.) DAYLIGHT SAVING TIME—To promote the national defense and the conservation of electrical energy by permitting the establishment of daylight-saving time. Referred to Committee on Interstate and Foreign Commerce.

FEDERAL COMMUNICATIONS COMMISSION

Network Rules Postponed

Following a conference held on Monday of this week between Chairman James Lawrence Fly of the FCC and network heads the following joint statement was made public:

"On petition from National and Columbia, without opposition by Mutual, the Commission is being requested to postpone the effective date of its Order of May 2, 1941, from July 30 to September 16, 1941. This postponement is being requested by National and Columbia in order to permit more time for the discussions that have been going on during the past ten days in which the various problems that confront the Commission and the networks are being explored.

"The officials of the networks are hopeful that the additional time will permit of a satisfactory solution of the various problems involved."

The FCC at its meeting on Tuesday took favorable action on the petition and issued the following announcement:

At a meeting of the Federal Communications Commission held at its office in Washington, D. C., on the 22nd day of July, 1941, the Commission having under consideration the petitions of the National Broadcasting Company and of the Columbia Broadcasting System requesting that the Commission postpone the effective date of its order entered in Docket No. 5060 promulgating regulations applicable to radio stations engaged in chain broadcasting:

It Is Ordered, That the last paragraph of the said order of May 2, 1941, entered in Docket No. 5060, BE, AND THE SAME IS HEREBY, AMENDED to read as follows:

> "IT IS FURTHER ORDERED, That these regulations shall become effective immediately: *Provided,* That, with respect to existing contracts, arrangements, or understandings, or network organization station licenses, or the maintenance of more than one network by a single network organization, the effective date shall be deferred until September 16, 1941: *Provided further,* That the effective date of Regulation 3.106 with respect to any station and of Regulation 3.107 may be extended from time to time in order to permit the orderly disposition of properties."

FM Station for Lansing; Hollywood Grant

Construction permit for a new FM (frequency modulation) broadcast station, to serve the Lansing, Mich., basic trade area, was granted by the FCC to WJIM, Inc., of that city. The proposed station is authorized to use 47,700 kilocycles to cover an area of 3,800 square miles with more than 250,000 population. The proposed antenna location is the Olds Tower. The applicant now operates standard broadcast station WJIM, affiliated with the Michigan Radio Network.

In connection with grant to Columbia Broadcasting System, Inc., for a Class C FM station at Hollywood, Calif. (announced July 16), to use 43,100 kilocycles for a service area of 38,000 square miles embracing San Diego and Bakersfield, the Commission stipulates that prior to issuance of construction permit the applicant shall obtain approval by the Commission of the exact coverage pattern and shall submit proof satisfactory to the Commission that the applicant's lease agreement of December 3, 1940, with Mount Wilson Hotel Company is so modified as to eliminate the provisions therein pertaining to exclusivity of use for broadcasting purposes of property on Mount Wilson controlled by the lessor.

Broadcast Measurements

During June experts of the FCC measured 689 broadcast stations, leaving 201 not measured that month.

Of the 689 stations, 636 showed a maximum deviation within 0-10 cycles; 48 stations maximum deviation within 11-25 cycles; 5 stations within a maximum deviation of 26-50 cycles. No stations showed a maximum deviation over either 20 or 50 cycles.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, July 28. They are subject to change.

Monday, July 28

KMA—May Broadcasting Company, Shenandoah, Iowa.—Renewal of license, **930 kc.,** 1 KW night, 5 KW day, unlimited.

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—C. P., **1340 kc.,** 250 watts, unlimited.

WRDO—WRDO, Incorporated, Augusta, Maine.—Renewal of license, **1400 kc.,** 100 watts, unlimited.

Friday, August 1

NEW—Symons Broadcasting Company, Ellensburg, Wash.—C. P., **1110 kc.** (**1140 kc.** NARBA), 1 KW, unlimited time.

To Be Held in Atlanta, Georgia

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **890 kc.,** 1 KW night, 5 KW LS, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

August 22

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—C. P., **1260 kc.**, 1 KW night, 5 KW day, DA-night, unlimited. Present assignment: **1400 kc.**, 250 watts, unlimited.

August 28

NEW—West Allis Broadcasting Company, West Allis, Wis.—C. P., **1480 kc.**, 250 watts, daytime.

September 12

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., **1500 kc.**, 250 watts, unlimited time. Present assignment: **1340 kc.**, 100 watts, S-WHAT.

September 17

KFRO—Voice of Longview, Longview, Texas.—Modification of C. P., **1370 kc.**, 5 KW, unlimited time, DA-night. Present assignment: **1370 kc.**, 1 KW, unlimited time, DA-night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WJIM, Inc., Lansing, Mich.—Granted construction permit for new high frequency (FM) broadcast station to operate on **47700 kc.** with a service area of 3800 square miles (B2-PH-86).

KTUC—Tucson Broadcasting Co., Tucson, Ariz.—Granted consent to transfer of control of Tucson Broadcasting Co. (Station KTUC), from John Merino and Carleton W. Morris to Glenn Snyder, George R. Cook, Burridge D. Butler and Ralph W. Bilby; Carleton Morris is to sell his entire holdings (30 shares or 10%) to Butler for a cash consideration of $1,333 and the assumption by Butler of the obligation of Morris to the corporation in the amount of $2,000; Merino is to sell one share to Butler and 49 shares to Bilby, Butler and Bilby are to assume stock subscription obligations of Morris and Merino to the licensee corporation aggregating $7,000; station operates on **1400 kc.**, 250 watts, unlimited time (B5-TC-269).

KMAC—W. W. McAllister & Howard W. Davis, d/b as Walmac Co., San Antonio, Tex.—Granted modification of license to change frequency from **1400 kc.** to **1240 kc.** and increase hours of operation from shares KONO to unlimited time; 250 watts night and day (B-3-ML-1072).

KLCN—Fred C. Grimwood, Blytheville, Ark.—Granted construction permit to install new transmitter and antenna, increase power from 100 watts daytime to 1 KW daytime and move transmitter locally; **1320 kc.** (B3-P-3037).

RENEWAL OF LICENSES

The Commission granted the following applications for renewal of broadcast station licenses:

KABR, Aberdeen, S. D.; KDFN, Casper, Wyo.; KERN, Bakersfield, Calif.; KFAC, Los Angeles, Calif.; KFH, Wichita, Kans.; KGIR, Butte, Mont.; KGNC, Amarillo, Tex.; KGNF, North Platte, Nebr.; KGNO, Dodge City, Kans.; KIDO, Boise, Idaho; KINY, Juneau, Alaska; KLO, Ogden, Utah; WAAB and auxiliary, Boston, Mass.; KGHF, Pueblo, Colo.; KIEM, Eureka, Calif.; KQV, Pittsburgh, Pa.; KRIS, Corpus Christi, Tex.; KRNT, Des Moines, Iowa; WMBD, Peoria, Ill.; KSCJ and auxiliary, Sioux City, Iowa; KSLM, Salem, Ore.; KWK, St. Louis, Mo.; WBYN, Brooklyn, N. Y.; WAWZ, Zarephath, N. J.; WBRY, Waterbury, Conn.; WDRC, Hartford, Conn.; WEVD and auxiliary, New York, N. Y.; WFEA, Manchester, N. H.; WFNC, Fayetteville, N. C.; WHIS, Bluefield, W. Va.; WKBH, LaCrosse, Wisc.; WMBG and auxiliary, Richmond, Va.; WMPS, Memphis, Tenn.; WNBC, New Britain, Conn.; KTSM, El Paso, Tex.; WOKO and auxiliary, Albany, N. Y.; WQBC, Vicksburg, Miss.; WSAN, Allentown, Pa.; WSFA, Montgomery, Ala.; WSPD, Toledo, Ohio; WTJS, Jackson, Tenn.; WGES, Chicago, Ill.; WHBL, Sheboygan, Wisc.; KUJ, Walla Walla, Wash.; KSO, Des Moines, Iowa; KPMC, Bakersfield, Calif.; KMO, Tacoma, Wash.; KMED, Medford, Ore.; KXYZ, Houston, Tex.; KLRA, Little Rock, Ark.; WALA, Mobile, Ala,; WADC, Tallmadge, Ohio; WAGA, Atlanta, Ga.; WAKR, Akron, Ohio; WBIG, Greensboro, N. Car.

The Commission granted extension of the following station licenses, upon a temporary basis only, pending determination upon application for renewal of license, to not later than September 1, 1941:

KCMO, Kansas City, Mo.; KGB, San Diego, Calif.; KTBS and auxiliary, Shreveport, La.; KTUL, Tulsa, Okla.; WBCM, Bay City, Mich.; WBNS, Bay City, Mich.; WBNX, New York City; WCBA, Allentown, Pa.; WCSC, Charleston, S. C.; WFBC, Greenville, S. C.; WFBL, Syracuse, N. Y.; WGAR and auxiliary, Cleveland, Ohio; WHEC, Rochester, N. Y.; WHK, Cleveland, Ohio; WHP, Harrisburg, Pa.; WING, Dayton, Ohio; WKAT, Miami Beach, Fla.; WPAB, Ponce, P. R.; WSAI, Cincinnati, Ohio; WTSP, St. Petersburg, Fla.

The Commission granted extension of the following station licenses, upon a temporary basis only, pending determination upon application for renewal of license, to not later than October 1, 1941:

WROK, Rockford, Ill.; WSMB, New Orleans, La.; WTAQ, Green Bay, Wisc.; KFRO, Longview, Tex.; KID, Idaho Falls, Idaho; KLPM, Minot, N. Dak.

The Commission granted further extension upon a temporary basis only, pending determination upon applications for renewal of licenses, to not later than September 1, 1941, of the following television station licenses:

W3XE, Philadelphia, Pa.; W3XP, portable (area of Philadelphia).

The Commission granted further extension upon a temporary basis only pending determination upon applications for renewal of licenses, to not later than September 1, 1941, of the following high frequency broadcast station licenses:

W2XVP, New York, N. Y.; W9XLA, Denver, Colo.; W4XA, Nashville, Tenn.; W5XAU, Oklahoma City, Okla.

DESIGNATED FOR HEARING

WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Application for construction permit to make changes in equipment, install directional antenna for day and night use, increase hours of operation from simultaneous day and shares night with WWVA to unlimited time, and increase power from 10 KW night and day to 50 KW night and day; **1190 kc.** (B4-P-2635).

Designated for joint hearing the following four applications:

Air Waves, Inc., Baton Rouge, La.—Application for construction permit for new station to operate on **1400 kc.**, 250 watts night and day, unlimited time, exact site to be determined subject to Commission's approval (B3-P-3203).

Henry Norman Saurage, Baton Rouge, La.—Application for construction permit for new station requesting same facilities as above; exact site and antenna system to be determined subject to Commission approval (B3-P-3192).

Louisiana Communications, Inc., Baton Rouge, La.—Application for construction permit for new station requesting same facilities as above (B3-P-3242).

William J. Bray, James L. Ewing, T. B. Lanford and John C. McCormack, d/b as The Capitol Broadcasting Co., Port Allen, La.—Application for construction permit for new station requesting same facilities as above (B3-P-3191).

South Florida Broadcasting, Inc., Miami, Fla.—Application for construction permit for new station to operate on **1450 kc.**, 250 watts, unlimited time (B3-P-2942). To be heard jointly with:

Pan American Broadcasting System, Inc., Hollywood, Fla.—Application for new station requesting same facilities as above (B3-P-2768).

DENIAL

WBYN—WBYN, Brooklyn, Inc., Brooklyn, N. Y.—Denied request for special temporary authority to operate with main studios located at 132 West 43rd St., New York City, pending grant of application for same.

MISCELLANEOUS

WBRY—American-Republican, Inc., Waterbury, Conn.—Application for modification of construction permit to change frequency from **1590 kc.** to **560 kc.**, decrease power from 5 KW night and day to 1 KW night and day, move transmitter to East Waterbury Road, Newhaven County, Naugatuck, Conn., make changes in directional antenna, and extend commencement and completion dates to 60 days after grant and 180 days thereafter, respectively (B1-MP-1195).

KLCN—Fred O. Grinwood, Blytheville, Ark.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1134).

WGOV—E. D. Rivers, Valdosta, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1017).

KSUB—Southern Utah Broadcasting Co., Cedar City, Utah.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1037).

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1015).

KWSC—State College of Washington, Pullman, Wash.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1068).

KAND—Navarro Broadcasting Assn., Corsicana, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1085).

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted license to cover construction permit as modified to install new transmitter, new antenna, increase in power from 500 watts to 1 KW (B2-L-1423).

WBBB—Alamance Broadcasting Co., Inc., Burlington, N. C.—Granted modification of construction permit for approval of antenna system, approval of transmitter site; **920 kc.**; 1 KW; daytime (B3-MP-1321).

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Granted modification of construction permit for installation of new transmitter, directional antenna for day and night use, increase in power, and unlimited time, for change in frequency to **1470 kc.**, change in directional antenna system, and change in type of transmitter (B2-MP-1332).

KAND—Navarro Broadcasting Assn., Corsicana, Tex.—Granted license to cover construction permit for changes in equipment and increase power to 250 watts on **1340 kc.** (B3-L-1404).

W6XEA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted modification of construction permit for new television broadcast station for extension of commencement and completion dates from January 15, 1941, and July 15, 1941, to July 15, 1941, and January 15, 1942, respectively (B5-MPVB-47).

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to opearte two transmitter units to be installed and operated from the State Lake Bldg., Chicago, Link Transmitter Type No. 50-UTX with 100 watts power for visual and Link Transmitter Type No. 25-UBX 25 watts power to be used for aural; temporary steel tower to be used on roof of said building, in order to conduct tests for the period July 18 to not later than August 17, 1941, in accordance with construction permit.

WNBT—National Broadcasting Co., Inc., New York City—Granted extension of special temporary authority to operate a specially constructed 1 KW peak tower, special emission laboratory model FM visual transmitter in conjunction with the main picture transmitter power amplifier of WNBT on Channel No. 1 in order to make comparisons on FM and A3 emissions and to obtain engineering data for period July 19 to not later than August 17, 1941.

WMIP—Northwest Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter KHCNH, aboard plane owned by Northwest Airlines, Inc., as a relay broadcast station on **2790 kc.**, to relay broadcast program in connection with the Aquatennial to radio station WCCO on July 16, 1941, only.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa—Granted license to cover construction permit to increase night power and make changes in directional antenna system (B4-L-1401). Granted authority to determine operating power by direct measurement of antenna input (B4-Z-892).

WSAY—Brown Radio Service & Lab., Rochester, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1069).

KLPM—John B. Cooley, Minot, N. D.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1006).

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1138).

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1108).

KSTR—KSTP, Inc., St. Paul, Minn.—Granted special temporary authority to operate already licensed ship station WOWB aboard the Yacht *Standick*, owned by Stanley E. Hubbard of St. Paul, Minn., as a relay broadcast station on **2058 kc.** with power of 25 watts in order to relay broadcast program in connection with the Minneapolis Aquatennial to station KSTP on July 15, 1941, only.

W71NY—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted extension of special temporary authority to operate frequency modulation station commercially on **47100 kc.**, 1000 watts, special emission for frequency modulation at 444 Madison Ave., New York City, using Western Electric No. 503-A1 transmitter, 1000 watts driver for No. 504-A1 transmitter, for the period July 17 to not later than September 14, 1941.

W39B—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to operate frequency modulation station commercially on **43900 kc.**, 1000 watts, special emission for frequency modulation, using the transmitter of high frequency experimental station W1XER at summit of Mt. Washington, Sargents Purchase, N. H., for a period July 17 to not later than September 14, 1941, pending completion of construction permit.

KFXM—J. C. Lee and E. W. Lee; Lee Bros. Broadcasting Co., San Bernardino, Calif.—Granted special temporary authority to operate simultaneously with Station KPPC from 7 p. m. PST to the close of the boxing matches presented by Mike Jacobs in Madison Square Gardens, New York City, on July 23, 1941, only.

KFXM—J. C. Lee and E. W. Lee; Lee Bros. Broadcasting Co., San Bernardino, Calif.—Granted special temporary authority to operate simultaneously with Station KPPC from 7 p. m. PST to the close of the Billy Soose-George Abrams non-championship overweight title fight to be held in Madison Square Gardens, New York City, on July 30, 1941, only.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted extension of special temporary authority to broadcast sustaining musical programs from 8:30 to 10 a. m. Monday through Friday from July 16 to August 15, 1941, provided WSVS remains silent.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted modification of construction permit to install directional antenna for night use and increase power, for changes in directional antenna and extend completion date from September 14, 1941, to 180 days after grant; **1320 kc.** (B3-MP-1234).

WKBV—Knox Radio Corp., Richmond, Ind.—Granted special temporary authority to operate from 8 a. m. to 12 noon and from 5 p. m. to 9 p. m. CST, daily except Sunday, for a period not to exceed 10 days, instead of unlimited time, due to shortage of licensed radio operators.

KWLC—Luther College, Decorah, Iowa—Granted special temporary authority to operate from 10:45 to 11:30 a. m. CST, July 16, 1941, in order to broadcast Luther College summer session convocations only (B4-S-320).

Thomas J. Watson, Endicott, N. Y.—Granted petition to intervene in hearing re application of Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y., for construction permit for new station to operate on **1420 kc.**, 250 watts, unlimited time.

The following action was taken by Wakefield, Commissioner, under authority of Paragraph 6 of Administrative Order No. 2, on July 17:

Mid-American Broadcasting Corp., Louisville, Ky.—Granted petition for leave to amend application and remove from hearing docket; amendment to be filed within seven days; application is for a new station.

WGRC—Northside Broadcasting Co., New Albany, Ind.—Granted petition for leave to amend application and remove from hearing docket; amendment to be filed within 15 days; application is for change in facilities.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn. —Withdrew petition to intervene in above two cases (Mid-American Broadcasting Corp. and WGRC).

James F. Hopkins, Inc., Ann Arbor, Mich.—Granted motion to dismiss without prejudice application for new station to operate on **1600 kc.**, 1 KW, unlimited, using directional antenna.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Granted petition to continue hearing on application for construction permit to operate on **1500 kc.**, 250 watts, unlimited time, now set for July 24, to September 12, 1941.

Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Granted petition for order to take depositions in re hearing on application for new station to operate on **1550 kc.**, 1 KW, unlimited time.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.; Clark Standiford (transferor) and C. J. Malmsten, A. C. Sidner, S. S. Sidner, & Arthur Baldwin (transferees).—Granted requests for order to take depositions in Fremont, Nebr., and Phoenix, Ariz., in re hearings on applications for renewal of license of Station KORN and for transfer of control of KORN.

WTNJ—WOAX, Inc., Trenton, N. J.—Granted motion to dismiss without prejudice application for construction permit to operate on **1230 kc.**, 1 KW, unlimited time, directional antenna day and night (Docket No. 5951).

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted motion to sever Dockets 5951 (above mentioned) and 6049 (application for construction permit to operate on **1260 kc.**, 1 KW night, 5 KW day, directional antenna night, unlimited time) and granted continuance of hearing now scheduled for July 25 on applications of WCAM, Camden, N. J., for renewal of license, WCAP, Asbury Park, N. J., for renewal of license, WTNJ, Trenton, N. J., for renewal of license, and WDAS, Philadelphia, Pa., for construction permit to operate on **1260 kc.**, 1 KW night, 5 KW day, unlimited time, directional antenna night, until August 22, 1941.

KFRO—Voice of Longview, Longview, Tex.—Granted petition for continuance of hearing on application for modification of construction permit to operate on **1370 kc.**, 5 KW, unlimited time, directional antenna night, now scheduled for August 4, to September 17, 1941 (Docket 5954).

Frontier Broadcasting Co., Cheyenne, Wyo.—Granted special temporary authority to operate two 2-watt pack transmitters on **30820, 33740, 35820** and **37980 kc.** from July 22 to July 27, 1941, in order to relay broadcast to station KFBC programs in connection with the "Frontier Days" celebration at Cheyenne, Wyoming, only.

WRCA—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate on **9670 kc.** with effective power of 100 KW, using separate power amplifiers feeding separate directional antennas for the period July 20 to not later than August 18, 1941.

WABP—Troy Broadcasting Co., Inc., Troy, N. Y.—Granted special temporary authority to operate already licensed relay broadcast station WABE on **2758 kc.**, 12 watts, from July 23 to July 26, 1941, in order to relay to station WTRY programs in connection with the New York State Amateur Open Golf Tournament, only.

W51C—Zenith Radio Corp., Chicago, Ill.—Granted extension of special temporary authority to operate frequency modulation station commercially on **45.1 mc.**, 5000 watts, special emission for frequency modulation with transmitter at 135 South LaSalle St., Chicago, from July 17 to not later than September 14, 1941.

WABA—Agricultural Broadcasting Co., Chicago, Ill. (WLS).—Granted special temporary authority to operate a special laboratory transmitter as a relay broadcast station on **37980 kc.** with power of ½ watt in order to record on the ground and to rebroadcast over WLS the human voice and the rate of the heart beat, and other scientific data during a free fall in the air prior to the opening of a parachute, from July 17 to not later than August 15, 1941.

KBJA—Golden Empire Broadcasting Co., Redding, Calif.—Granted special temporary authority to operate relay transmitter KRME on **1646, 2090, 2190** and **2830 kc.** with power of 15 watts, from July 19 to July 21, 1941, in order to relay to station KVOV program in connection with the Lake Redding Regatta, only.

W1XTG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted extension of special temporary authority to operate high frequency broadcast station W1XTG on **43400 kc.**, 1000 watts, special emission for frequency modulation, maximum band width not over **200 kc.**, for period August 1, 1941, to not later than October 30, 1941, at Shrewsbury St., Worcester, Mass., pending action on application for new FM station.

W55M—The Journal Co. (The Milwaukee Journal), Milwaukee, Wisc.—Granted extension of special temporary authority to operate frequency modulation station commercially on **45500 kc.**, 1 KW, special emission for frequency modulation, with transmitter located at 606 West Wisconsin Ave., Milwaukee, Wisc., from July 30 to not later than October 27, 1941, and subject to any rules and regulations that may be adopted by the Commission.

WHAL—Harold F. Gross & Edmund C. Shields, Saginaw, Mich.—Granted modification of construction permit for new station, for additional time for commencement and completion of construction from January 14, 1941, and July 14, 1941, to October 14, 1941, and 180 days thereafter, respectively (B2-MP-1335).

West Allis Broadcasting Co., West Allis, Wis.—Continued hearing now scheduled for July 23, until August 28, 1941, in re application for construction permit for new station to operate on **1480 kc.**, 250 watts, daytime (Docket No. 5098).

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to remain on the air from regular sign-off time (10 p. m. EST, July, 9:45 p. m. EST, August) to the conclusion of the Fritzie Zivic-Freddy Cochrane boxing match on July 28, 1941, the Billy Soose-George Abrams bout on July 30, 1941, and the Abe Simon-Buddy Baer bout on August 14, 1941, in the event these bouts run later than the regular sign-off time.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 6:30 p. m. EST, to 12 midnight EST, on August 2, 9, 16, 23 and 30, 1941, only, in order to broadcast both local and network programs (provided WOSU remains silent).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate additional time from sign-off (August 7:15 p. m. EST), until 11 p. m. EST, on the nights of August 24, 25 and 26, 1941, in order to participate in the Sharon Centennial Week, using 250 watts, only.

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted special temporary authority to operate from sign-off time (July, 9 p. m., August, 8:15 p. m. EST), to conclusion of the broadcast of the New York Philharmonic Lewissohn Stadium Concerts, appromately 9:30 p. m. EST, on July 18, 20, 25, 26, and 27, and August 1, 8, and 10, 1941, only.

KBZA-KBZB—Telegraph-Herald, Dubuque, Iowa.—Granted special temporary authority to operate already licensed relay transmitters on **1622, 2058, 2150** and **2790 kc.**, with power of 125 watts for KDJB and 2 watts for KQHS from July 21, 1941, to August 15, 1941, only, in order to relay to Station KDTH special events, particularly the Darlington, Wisconsin, Fair.

WWNY—The Brockway Co., Watertown, N. Y.—Denied request for special temporary authority to operate from sign-off time (July, 8:45 p. m. EDST) to 9:30 p. m. EDST, July 19, 1941, only, in order to broadcast the NBC Spin and Win program from 9 to 9:30 p. m. EDST.

KGEK—Elmer G. Beehler, Sterling, Colo.—Denied special temporary authority to operate from 8 p. m. to 9:30 p. m. MST, on Thursday nights, July 24 and 31, and August 7, 14 and 21, 1941, in order to broadcast musical programs of the Sterling High School Band.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7 to 9 p. m. CST July 19, 1941, in order to broadcast the Purdue University Music Festival, only.

E. Anthony & Sons, Inc., New Bedford, Mass.—Placed in pending files pursuant to Order No. 79, application for new high frequency (FM) broadcast station (B1-PH-98).

WFMD—Monocacy Broadcasting Co., Frederick, Md.—Dismissed without prejudice petition for rehearing of the order of the Commission granting application of WBEN, Inc., Buffalo, N. Y., for construction permit and order of the Commission of September 4, 1940, granting application of WSAZ, Inc., Huntington, W. Va., for construction permit: Denied petition insofar as it requested rehearing of Order of June 4, 1941 granting modification of construction permit of WSAZ, Inc.

APPLICATIONS FILED AT FCC

570 Kilocycles

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Modification of construction permit (B1-P-2706) for installation of new transmitter, changes in directional antenna for day and night use, and increase in power from 1 to 5 KW, requesting changes in directional antenna and extension of completion date to 180 days after grant. Amended: to change type of transmitter.

580 Kilocycles

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Modification of construction permit (B1-P-3019), for increase in power from 1 KW and 5 KW to 5 KW, and changes in directional antenna for day and night use, requesting changes in directional antenna.

590 Kilocycles

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Modification of construction permit (B2-P-2898), for increase in daytime power from 1 to 5 KW and installation of new transmitter, requesting change in type of transmitter.

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—License to cover construction permit (B2-P-2898) as modified, for increase in daytime power from 1 to 5 KW and change in type of transmitter.

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Authority to determine operating power by direct method.

600 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Modification of construction permit (B3-P-2814) to install new equipment, install directional antenna for night use, increase power from 250 watts to 1 KW, change frequency from **1310 to 600 kc.**, requesting new transmitter, increase in power from 1 to 5 KW, change in directional antenna, change of transmitter site, and extension of commencement and completion dates from 1-26-41 and 7-26-41 to 60 days after grant and 180 days thereafter, respectively. Amended: to make changes in directional antenna and change transmitter site.

620 Kilocycles

NEW—Newark Broadcasting Corp., Newark, N. J.—Construction permit for a new broadcast station to be operated on **620 kc.**, 5 KW, directional antenna for day and night use, unlimited time.

660 Kilocycles

KSKY—Chilton Radio Corp., Dallas, Texas.—Modification of construction permit (B3-P-2487) for a new broadcast station, requesting approval of antenna system and approval of studio and transmitter sites.

KVNU—Cache Valley Broadcasting Co., Logan, Utah.—Construction permit to change frequency from **1230 to 660 kc.**, increase power from 250 watts to 1 KW, and install new transmitting equipment an dentaktowd9ie
mitting equipment and antenna.

680 Kilocycles

KFEQ—KFEQ, Incorporated, St. Joseph, Mo.—Construction permit to install new transmitter, directional antenna for day and night use, increase power from 500 watts night, 2½ KW day, to 5 KW day and night, change hours of operation from daytime (local sunset at San Francisco, Calif.), to unlimited time, and move transmitter. Amended: to make changes in directional antenna (day pattern).

KPO—National Broadcasting Co., Inc., San Francisco, Calif.—Construction permit for changes in equipment.

770 Kilocycles

WJZ—National Broadcasting Co., Inc., New York, N. Y.—Construction permit to make changes in equipment.

790 Kilocycles

WEAN—The Yankee Network, Inc., Providence, R. I.—Construction permit to reinstate construction permit (B1-P-2037), as modified, for changes in directional antenna and increase in power, which expired 6-8-41.

850 Kilocycles

KOA—National Broadcasting Co., Inc., Denver, Colo.—Construction permit to make changes in equipment.

860 Kilocycles

WSON—Paducah Broadcasting Co., Inc., Henderson, Ky.—Modification of construction permit (B2-P-3149) for approval of antenna and approval of studio and transmitter site.

910 Kilocycles

WFDF—Flint Broadcasting Co., Flint, Mich.—License to cover construction permit (B2-P-2451) as modified, for a new transmitter, directional antenna for day and night use, increase in power, change in frequency, and move of transmitter.

WFDF—Flint Broadcasting Co., Flint, Mich.—Authority to determine operating power by direct method.

980 Kilocycles

WSIX—WSIX, Incorporated, Nashville, Tenn.—Modification of construction permit (B3-P-3053) for a new transmitter, directional antenna for night use, increase in power from 250 watts to 1 KW night and 5 KW day, change in frequency, and move of transmitter, requesting approval of transmitter site, increase in power from 1 KW night and 5 KW day to 5 KW day and night, changes in directional antenna, and installation of new transmitter.

WSIX—WSIX, Inc., Nashville, Tenn.—Modification of construction permit (B3-P-3053) for a new transmitter, directional antenna for night use, increase in power from 250 watts day and night to 1 KW night and 5 KW day, change in frequency, and move of transmitter, requesting approval of transmitter site, increase in power from 1 KW night and 5 KW day to 5 KW day and night, changes in directional antenna, and installation of new transmitter.

990 Kilocycles

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Modification of construction permit (B3-P-2839) for installation of directional antenna for night use, increase in power to 10 KW, and installation of new transmitter, requesting changes in transmitter and approval of directional antenna.

1030 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. M.—Modification of construction permit (B5-P-2783) for changes in equipment and increase in power, requesting extension of completion date from 8-5-41 to 10-3-41.

1090 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Voluntary assignment of license from Hot Springs Chamber of Commerce to Southland Radio Corporation.

KTHS—Southland Radio Corp., Hot Springs, Ark.—Construction permit to increase power from 5 to 50 KW, with 250-watt synchronous amplifier, change hours of operation from shares KRLD equally to unlimited time, install new transmitter and directional antenna for night use, and change location of transmitter from Hot Springs National Park to near Wrightsville, Ark.

1100 Kilocycles

WTAM—National Broadcasting Co., Inc., Cleveland, Ohio.—Construction permit to make changes in equipment.

1200 Kilocycles

NEW—H. Ross Perkins & J. Eric Williams, d/b as New Haven Broadcasters, New Haven, Conn.—Construction permit for a new broadcast station to be operated on **1200 kc.**, 1 KW, limited time.

1230 Kilocycles

NEW—Edwin A. Kraft, Kodiak, Alaska.—Construction permit for a new broadcast station to be operated on **1230 kc.**, 250 watts, unlimited time.

NEW—Paul Forman Godley, Newark, N. J.—Construction permit for a new broadcast station to be operated on **1230 kc.**, 250 watts, unlimited time.

KRLH—Clarence Scharbauer, Midland, Texas.—License to cover construction permit (B3-P-2981) as modified, for increase in power, new antenna, changes in equipment, move of transmitter, and change in frequency.

KRLH—Clarence Scharbauer, Midland, Texas.—Authority to determine operating power by direct method.

WGRB—Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Modification of construction permit (B2-P-2582) as modified, for a new broadcast station, requesting extension of completion date from 8-12-41 to 1-12-42.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Construction permit to move transmitter and studio, and install new antenna. Amended: Re antenna.

WFTC—Jonas Weiland, Kinston, N. C.—Authority to determine operating power by direct method.

KBTM—Jay P. Beard, d/b as Regional Broadcasting Co., Jonesboro, Ark.—Authority to determine operating power by direct method.

1240 Kilocycles

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—License to cover construction permit (B4-P-3133) for change in type of transmitter, changes in antenna, and move of transmiter. Amended: Re number of tubes.

NEW—John R. Crowder, tr. as Dimple Broadcasting Co., Columbia, Tenn.—Construction permit for a new broadcast station to be operated on **1240 kc.**, 250 watts power, unlimited time, facilities of WSIX requested when vacated.

WIBU—Wm. C. Forrest, Poynette, Wisc.—Authority to make changes in automatic frequency control equipment.

1250 Kilocycles

WREN—The WREN Broadcasting Co., Inc., Topeka, Kans.—Construction permit to install directional antenna for night use, change frequency from **1250** to **1060 kc.**, increase power from 5 to 50 KW, change hours of operation from shares-KFKU to unlimited time, change location of transmitter from southwest of Kansas City to near Jarbola, Kansas, and change location of studio from Kansas City, Missouri, to Topeka, Kansas, and install new transmitter. Amended: to make changes in directional antenna.

1260 Kilocycles

WOL—American Broadcasting Co., Washington, D. C.—License to cover construction permit (B1-P-3033) for move of old W.E. Type 301-B transmitter from Washington, D. C., to near Chillum, Maryland, and use as auxiliary transmitter with 100 watts power for emergency purposes only.

1310 Kilocycles

WRR—City of Dallas, Texas, Dallas, Texas.—Modification of construction permit (B3-P-2229) as modified, for new equipment, installation of directional antenna for night use, increase in power, and move of transmitter, requesting change in frequency from **1280** to **1310 kc.** under NARBA, changes in directional antenna system, change type of transmitter, and extension of completion date to 180 days after grant.

WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to change hours of operation from shares with WCAM and WCAP to unlimited, requesting facilities of WCAM and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Authority to determine operating power by direct method.

1320 Kilocycles

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—License to cover construction permit (B5-P-2721) for increase in power and installation of directional antenna.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Authority to determine operating power by direct method.

1350 Kilocycles

NEW—Rock Hill Broadcasting Corp., Rock Hill, S. C.—Construction permit for a new broadcasting station to be operated on **1350 kc.** under NARBA, 250 watts, daytime. Amended: to specify transmitter and studio sites.

1380 Kilocycles

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Modification of license to change hours of operation from shares with WAWZ to unlimited, requesting facilities of WAWZ.

1390 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license for increase in hours of operation from shares with WSBT to unlimited time.

1400 Kilocycles

KENO—George Penn Foster, Maxwell Kelch, and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Los Vegas, Nev.—Voluntary assignment of construction permit (B5-P-3135) for move of transmitter and studio, from George Penn Foster, Maxwell Kelch, and Calvert Charles Appelgate, d/b as Nevada Broadcasting Company, to Nevada Broadcasting Company.

WINC—Richard Field Lewis, Jr., Winchester, Va.—License to cover construction permit (B2-P-3005) for a new broadcast station.

WINC—Richard Field Lewis, Jr., Winchester, Va.—Authority to determine operating power by direct method.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Authority to determine operating power by direct method.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wisc.—Authority to transfer control to W. E. Walker by purchase of 5 shares of stock from M. F. Chapin.

NEW—Louisiana Communications, Inc., Baton Rouge, La.—Construction permit for a new broadcast station to be operated on **1400 kc.**, 250 watts power, unlimited time.

KTEM—Bell Broadcasting Co., Temple, Texas.—Construction permit for changes in equipment.

1410 Kilocycles

WKBH—WKBH, Inc., LaCrosse, Wisc.—Modification of construction permit (B4-P-2733), as modified, for move of transmitter, installation of new transmitter, directional antenna for night use, increase in power, and change of frequency to **1410 kc.** under NARBA, requesting change of transmitter location from Shelby Township to Campbell Township, and extension of commencement and completion dates from 6-23-41 and 12-20-41 to 30 days after grant and 180 days thereafter, respectively.

WKBH—WKBH, Incorporated, La Crosse, Wisc.—Modification of construction permit (B4-P-2733) as modified, for changes in directional antenna and change of transmitter site, requesting extension of commencement and completion dates to 30 days after grant and 180 days thereafter, respectively.

1420 Kilocycles

WMDF—Grenco, Inc., Greenwood, S. C.—Modification of construction permit (B3-P-2930) for a new broadcast station, requesting installation of new transmitter, changes in antenna move of studio, and frequency of **1450 kc. under** antenna system, move of studio, and frequency of **1450 kc.** under NARBA.

1430 Kilocycles

WBYN—WBYN, Brooklyn, Inc., Brooklyn, N. Y.—Construction permit to install new transmitter, increase power from 500 watts day and night to 500 watts night and 1 KW night, and move studio from Brooklyn to 132 West 43rd Street, New York City.

1450 Kilocycles

WKEU—Radio Station WKEU, Griffin, Georgia.—Construction permit for increase in power and hours from 100 watts day to 250 watts unlimited, move transmitter, and make changes in antenna.

NEW—Coastal Broadcasting Co., Inc., New Bern, N. C.—Construction permit for a new broadcast station to be operated on **1450 kc.,** 250 watts power, unlimited time.

KWAL—Chester Howarth & Clarence Berger, Wallace Idaho.—Authority to determine operating power by direct method.

1460 Kilocycles

WBNS—WBNS, Inc., Columbus, Ohio.—Authority to install automatic frequency control equipment for auxiliary transmitter.

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Modification of construction permit (B4-P-2727) as modified, for installation of new transmitter and new directional antenna for night use, move of transmitter, and increase in power, requesting use of old transmitter at new site.

1600 Kilocycles

NEW—The Gazette Co., Cedar Rapids, Iowa.—Construction permit for a new broadcast station to be operated on **1600 kc.,** 5 KW, directional antenna for night use, unlimited time. Amended: to make changes in directional antenna.

FM APPLICATIONS

W75C—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of construction permit (B4-PH-5) for a new high frequency broadcast station, requesting change in coverage from 10,800 to 10,950 square miles and changes in antenna system. Amended: to change population from 4,645,500 to 4,913,756.

NEW—WHEC, Inc., Rochester, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.;** Coverage: 2,318 square miles; Population: 551,374. Amended: to change coverage to 3,200 square miles and population to 599,256.

NEW—News Syndicate Co., Inc., New York, N. Y.—Construction permit for a new frequency broadcast station to be operated on **44700 kc.;** Coverage: 8,500 square miles; Poulation: 11,212,416. Amended: to change frequency to **47900 kc.**

TELEVISION APPLICATIONS

W9XBT—Balaban & Katz Corp., Portable-Mobile, Area of Chicago, Ill.—Reinstatement of construction permit (B4-PVB-72) for a new television relay station to be operated on **204000-210000,** and **210000-216000 kc.,** requesting change in equipment and reduction in power from 250 to 40 watts.

NEW—Don Lee Broadcasting System, Hollywood, Calif.—Construction permit for a new commercial television broadcast station (formerly W6XAO), to be operated on Channel No. 1, **50000-56000 kc.,** A5 and special emission for frequency modulation, ESR 3840, unlimited time.

NEW—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Construction permit for a new television (commercial) broadcast station (formerly W2XWV) to be operated on Channel No. 6, **78000-84000 kc.,** A5 and special emission for frequency modulation, ESR 1750, unlimited time.

W2XBB—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-42) as modified, for a new television broadcast station, requesting extension of commencement and completion dates from 1-22-41 and 7-22-41 to 8-22-41 and 1-22-42, respectively.

MISCELLANEOUS APPLICATIONS

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—License to cover construction permit (B1-PIB-28) as modified, for change in frequencies, equipment, and increase in power.

WSAZ—WSAZ, Inc., Portable-Mobile, area of Huntington, W. Va.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150** and **2790 kc.,** power of 40 watts, A3 emission. Amended: To change frequencies to **1606, 2074, 2102** and **2758 kc.**

NEW—First Baptist Church, Pontiac, Mich.—Extension of authority to transmit programs from First Baptist Church at Pontiac, Michigan, to radio station CKLW, Windsor, Ontario, Canada, for period beginning 8-13-41.

WHAE—Courier-Journal and Louisville Times Co., Louisville, Ky.—Reinstatement of construction permit (B2-PRE-361) for new relay broadcast station, changing equipment and power from 50 to 100 watts.

NEW—Golden Empire Broadcasting Co., Portable-Mobile, area of Redding, Calif.—Construction permit for a new relay broadcast station to be operated on **1646, 2090, 2190** and **2830 kc.,** power of 15 watts, A3 emission.

NEW—Golden Empire Broadcasting Co., Portable-Mobile, area of Chico, Calif.—Construction permit for a new relay broadcast station to be operated on **1646, 2090, 2190** and **2830 kc.,** power of 15 watts, A3 emission.

NEW—Redwood Broadcasting Co., Inc., Portable-Mobile, area of Eureka, Calif.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820,** and **37980 kc.,** power of 2 watts, A3 emission.

WNYE—Board of Education, City of New York, Brooklyn, N. Y.—Modification of construction permit (B1-PED-18) for change in frequency, power, emission, and equipment, requesting change in type of transmitter and extension of commencement and completion dates from 5-25-41 and 11-25-41 to 90 days after grant and 180 days thereafter, respectively.

W47A—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—License to cover construction permit (B1-PH-23) as modified, for a new high frequency broadcast station.

NEW—Pinellas Broadcasting Co., Portable-Mobile, area of St. Petersburg, Fla.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820,** and **37980 kc.,** power of 25 watts, A3 emission.

NEW—The Moody Bible Institute of Chicago, Chicago, Ill.—Construction permit for a new studio transmitter broadcast station to be operated on **333400 kc.,** power of 25 watts, special emission for frequency modulation.

KEIY—Oregonian Publishing Co., Portable-Mobile, area of Portland, Ore.—Construction permit to make change in equipment and decrease power from 4.5 to 3.5 watts.

KEIZ—Oregonian Publishing Co., Portable-Mobile, area of Portland, Ore.—Construction permit to make changes in equipment and decrease power from 4.5 to 3.5 watts.

WTHB—The Tribune Company, Portable-Mobile, area of Tampa, Florida.—License to cover construction permit (B3-PRY-241) for new relay broadcast station.

KEMA—May Broadcasting Co., Portable-Mobile, area of Shenandoah, Iowa.—License to cover construction permit (B4-PRY-243) for a new relay broadcast station.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Modification of construction permit (B1-P-2730) as modified, for a new transmitter, increase in power, and changes in directional antenna, requesting extension of completion date from 8-4-41 to 10-3-41 (**1370 kc**).

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Extension of authority to transmit programs to CFRB and CKAC and other stations under the control of the Canadian Broadcasting Corporation (period 9-15-41 to 9-15-42).

NEW—Frontier Broadcasting Co., Portable-Mobile, area of Cheyenne, Wyo.—License to cover construction permit (B5-PRE-393) for a new relay broadcast station.

NEW—Frontier Broadcasting Co., Portable-Mobile, area of Cheyenne, Wyo.—License to cover construction permit (B5-PRE-394) for a new relay broadcast station.

NEW—Evansville on the Air, Inc., Portable-Mobile, area of Evansville, Ind.—Construction permit for a new relay broadcast station to be operated on **156750, 158400, 159300,** and **161100 kc.,** power of 30 watts, special emission for frequency modulation.

NEW—Radio Service Corporation of Utah, Salt Lake City, Utah.—Construction permit for a new studio transmitter broadcast station to be operated on **331000 kc.,** power of 25 watts, special emission for frequency modulation.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Middlebrook Hospital & Clinic—James R. Middlebrook, M. D., individually and doing business under the name of Middlebrook Hospital and Clinic, Del Rio, Tex., is charged, in a complaint with false advertising and misrepresentation.

The complaint charges that the respondent allegedly specializes in the surgical and medical treatment of diseases and disorders of the prostate gland and has caused to be disseminated through the United States mails various letters, circulars and other advertising literature purportedly descriptive of the conditions giving rise to the need for such operations or treatments and further designed to induce prospective patients to travel to the respondent's places of business for treatment. (4539)

Spangler Candy Company—Arthur G. Spangler, Ernest D. Spangler and Mrs. Faie Spangler, trading as Spangler Candy Co., Bryan, Ohio, are charged in a complaint with the use of lottery methods in the sale and distribution of candy manufactured by them. (4540)

STIPULATIONS

During the past week the Commission has announced the following cease and desist orders:

American Poultry Journal—Henry G. Eisert, B. M. Eisert, and Henry F. Eisert, doing business under the trade name of American Poultry Journal, 536 South Clark St., Chicago has entered into a stipulation to cease certain representations in the sale of their periodical the "American Poultry Journal."

The respondents agree to cease representing that one must subscribe to the American Poultry Journal to become eligible to participate in a chick raising contest sponsored by them, and to desist from the representation that a person, by subscribing to the American Poultry Journal, will become eligible to participate in a chick raising contest or any other contest or in contest prizes when there are not disclosed in connection with such representation conditions which must be met before eligibility is established. (02828)

Associated Writers—Howard N. Rose, trading under the name of Associated Writers, 816 Oakwood Ave., Columbus, Ohio, which he terms an unincorporated association of free lance writers, and engaged in the sale and distribution of membership certificates, press cards and press car signs to persons allegedly engaged in the business of writing, has stipulated to cease and desist from making use of the word "Associated" in any way so as to import or imply that the business conducted by him is that of an association, and from representing that "Associated Writers" has authority to issue press cards, press car signs for automobile windshields, or any other documents which permit the holder thereof to go within police or fire lines during fires, accidents or other situations where the public is excluded. (3169)

Borin Art Products Corporation, 1325 South Cicero Ave., Chicago, a corporation engaged in the production of framed pictures and mirrors, has entered into a stipulation in which it agrees to cease and desist from use of the term "Sheet" or "Sheet Glass" or any other words of similar import as descriptive of mirrors made of window glass without clearly disclosing that the glass in such mirrors is in fact window glass; from describing, branding, labeling or otherwise directly or indirectly representing any mirror as being made of or containing crystal glass or as being crystal when in fact such glass is not crystal glass, and from use of the term "Copper Colored Backs" or other words of similar implication as descriptive of its mirrors so as to imply that the coloring of the backs is the result of the application thereto by the electrolytic process of a paint which contains metallic copper. (3170)

Colcombet-Werk, Inc., 58 West Fortieth St., New York, textile fabrics distributor, has entered into a stipulation to cease advertising, branding, labeling, invoicing or selling products composed in part of rayon and in part of silk without disclosing in immediate connection and in equally conspicuous type each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent. If, according to the stipulation, the rayon content predominates, the word "Rayon" should precede the word "Silk," and if the silk content predominates, the word "Silk" should precede the word "Rayon." (3172)

Lampson's, Inc., 115 Chauncy St., Boston, operator of a chain of men's haberdashery stores, has entered into a stipulation to cease and desist from the use on labels or in printed or advertising matter of any fictitious or exaggerated sales price which is in excess of the price for which its products are customarily sold. According to the stipulation, the respondent corporation advertised certain shirts and hosiery at prices in excess of the regular prices and offered them at purported reductions. (3176)

Lucien Lelong, Inc., 55 East Washington St., Chicago, a corporation engaged in the sale of cosmetic and toilet preparations, has stipulated to cease and desist from representing through the use of the words "Paris" or "London" or other terms, symbols or picturizations indicative of French or other foreign origin of such products, that the perfumes, colognes or other cosmetic preparations are compounded or made in France or in any other foreign country; provided, however, that the country of origin of the various ingredients may be stated when immediately accompanied by a statement that such products are compounded or made in the United States. (3174)

Martin Stringer, Inc., 665 Fifth Ave., New York, textile fabrics distributor, stipulated that in the sale of its products it will cease employing the words "Pure Dye" or other silk-connoting words to describe a product not composed of silk. If, according to the stipulation, the product consists partly of silk and partly of other fibers or materials, the word "Silk" or other silk-connoting word, used properly to describe the silk content, shall be accompanied by other words in equally conspicuous type to accurately designate each constituent fiber or material in the order of its predominance by weight. (3175)

Steve Stuart, Elkhart, Ind., trading under his own name and engaged in selling perfume oils in interstate commerce, has entered into a stipulation in which he agrees to cease and desist from further use of the word "Imported" or other words of similar implication or meaning on labels affixed to his products or in any other way as descriptive of such products which are not of foreign origin; from use, in the labeling of the products, of trade names used by nationally or widely known perfumers the effect of which may tend to convey the belief to purchasers that the products are those of such perfumers, if and when such is not the fact; and from labeling or otherwise referring to the products as "Flower Oils" or through the use of the name of a flower so as to imply that the products have been made or compounded from the absolute or true oil of flowers or of the named flower, when such is not the case. (3171)

J. & R. Wilson, Inc., 133 Steuart St., San Francisco, a corporation engaged in the sale and distribution, both individually and as agent for The Beldam Packing & Rubber Co., Ltd., an English firm, of packing material for steam engines, designated "'V' Packing," has stipulated in connection with the sale or offering for sale of the product, to cease and desist from the use of the words or phrases "Imitations have Limitations but Beldam's 'V' Pilot Packing for Steam and Water is Genuine," "Only Genuine when Bearing this Seal" or "Sole Patentees & Manufacturers" or other words or phrases of similar meaning. (3173)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Golf Products Company—Ben Gordon (also known as Benjamin Gordon) and Louis Gordon trading as Bengor Products Company and as Golf Products Company, 878 Broadway, New York City, have been ordered to cease and desist from false advertising and misrepresentation in the sale and distribution of two medicinal preparations, one being designated as "Dupree Pills" and as "Dr. Gordon's Single Strength Pills," and the other as "Dupree Pills Double Strength" and as "Dr. Gordon's Double Strength Pills." (4479)

Wilbert W. Haase Co., Inc., Forest Park, Ill., which licenses the manufacture and sale of the "Wilbert" burial vault, and two of its officers and three licensee manufacturing companies has been ordered to cease and desist from making misleading representations in the sale of concrete burial vaults.

The other respondents are Wilbert W. Haase, president and majority stockholder of the Haase and American Vault corporations; Sidney L. Schultz, secretary-treasurer of the Haase corporation; American Vault Works, Inc., Forest Park, Ill; Lee A. Wolfkill, trading as Washington Vault Works, Rockville, Md.; and Baltimore Concrete Products Co., trading as Baltimore Wilbert Vault Co., Baltimore. (3808)

Hollywood Racket Manufacturing Company, Inc., 7462 Melrose Avenue, Hollywood, Calif., sellers and distributors of tennis, badminton and squash rackets, has been ordered to cease and desist from misrepresentation in the sale of rackets. (3931)

National Grain Yeast Corporation, Belleville, N. J., and Republic Yeast Corporation, Newark, N. J., have been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act, in the sale of bakers' yeast.

The order against National Grain Yeast Corporation also prohibits violation of the brokerage provision of the Robinson-Patman Act and the giving of secret gratuities to employees of prospective buyers without the knowledge of such buyers in contravention of the Federal Trade Commission Act. (3903-4367)

Refrigeration & Air Conditioning Institute, Inc., Chicago, has been ordered to cease and desist from making misleading representations in the sale of courses in refrigeration and air conditioning which consist mainly of home study instruction and include also several weeks of shop training in Chicago. (3811)

Rex Drug Company, a corporation, and Louis Podrofski, individually and trading as Rex Drug Company, and as an officer of Rex Drug Company, 201 East 35th St., Chicago, have been ordered to cease and desist from false advertising in connection with the sale of a medicinal preparation. (4342)

Helena Rubinstein, Inc., 715 Fifth Ave., New York City, has been ordered to cease and desist from the dissemination of certain misleading representations in the sale of cosmetic preparations. (4254)

Stetson China Co., Inc., 1801 West 74th St., Chicago, distributor of dinnerware, has been ordered to cease and desist from misrepresentation concerning its products. (4477)

Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 30, August 1, 1941

RADIO TIME SALES TAX

Possibility that the House Ways and Means Committee, on its own motion, would remove the radio time sales tax from the new revenue bill developed Thursday.

The committee was scheduled to meet Saturday, and again Monday. At one of these meetings, the committee was to vote on a proposal to offer an amendment on the House floor to remove the radio tax. Only committee amendments can be considered under the rule governing debate and amendment on the floor.

The NAB legislative committee has been at work in Washington throughout the week, explaining the effect this discriminatory bill would have on the industry.

The NAB board of directors will meet next Wednesday and Thursday to review the situation and to map plans for carrying the fight to the Senate if the tax is not removed in the House.

The House Ways and Means Committee is made up of the following:

Robert L. Doughton, of North Carolina
Thomas H. Cullen, of New York
Jere Cooper, of Tennessee
John W. Boehne, Jr., of Indiana
Wesley E. Disney, of Oklahoma
Frank H. Buck, of California
Richard M. Duncan, of Missouri
John D. Dingell, of Michigan
A. Willis Robertson, of Virginia
Patrick J. Boland, of Pennsylvania
Milton H. West, of Texas
Raymond S. McKeough, of Illinois
Knute Hill, of Washington
Arthur D. Healey, of Massachusetts
Aaron Lane Ford, of Mississippi
Allen T. Treadway, of Massachusetts
Frank Crowther, of New York
Harold Knutson, of Minnesota
Daniel A. Reed, of New York
Roy O. Woodruff, of Michigan
Thomas A. Jenkins, of Ohio
Donald H. McLean, of New Jersey
Bertrand W. Gearhart, of California
Frank Carlson, of Kansas
Benjamin Jarrett, of Pennsylvania

Some members of the House were under the impression that the tax carried the approval of the American Federation of Labor because several (Continued on page 642)

Application of Proposed Radio Time Sales Tax to Affected Groups of Stations and Networks, 1940 Basis

(Compiled by NAB Research Department)

Time Sales Group	No. of Stations	Net Time Sales Retained	Rate of Tax	Amount of Tax
1,000,000 or More	8	$ 12,301,466	15%	$ 1,845,220
500,000 to 1,000,000	42	26,651,476	10%	2,665,148
100,000 to 500,000	188	39,555,996	5%	1,977,800
Total	238	78,508,938		6,488,168
3 National Networks	...	33,275,943	*15%	4,991,391
5 Regional Networks	...	771,833	** 5%	38,592
Total	...	$112,556,714		***$11,518,151
Industry Total	765	$133,964,769		

* Assumes all 3 National Networks have retained time sales of over $1,000,000.

** Assumes all 5 Regional Networks have retained time sales of over $100,000 but less than $500,000.

*** It now appears that 1941 sales will run about 15 per cent above 1940. If 1942 sales increase 5 per cent above 1941, the tax for 1942 will be approximately $13,900,000.

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

RADIO TIME SALES TAX

(Continued from page 641)

small printing trades unions affiliated with the A. F. of L. had proposed a similar levy. William Green, A. F. of L. president, notified both the Ways and Means and Senate Finance committees that the A. F. of L. had not endorsed the tax. Unions in the radio field have taken an active role in fighting the tax.

Using as a basis the FCC releases of 1940 operating data, it is found that the proposed tax on radio time sales will affect 238 stations with time sales of $100,000 or over. The affected stations constitute 31% of the total of 765 reporting stations for the year 1940. The retained time sales of the 238 stations taxed in the three brackets of 5%, 10% and 15% amount to $78,508,938 or 79% of the retained time sales of $99,916,993 of the total of 765 stations.

The amount of tax payable by the 238 stations is calculated to be $6,488,168 on the 1940 basis. This represents an additional expense deductible from income to the extent of 28% of the net income (before Federal income taxes) of $23,533,440 reported in 1940. This percentage naturally varies between the three tax brackets. For the 8 stations in the 15% bracket (time sales of $1,000,000 or more) the tax payable is $1,845,220 or 40% of the net income of $4,587,798. For the 42 stations in the 10% tax bracket (time sales of $500,000 to $1,000,000) the tax payable is $2,665,148 or 29% of the net income of $9,336,703. For the 188 stations in the 5% tax bracket (time sales of $100,000 to $500,000) the tax payable is $1,977,800 or 21% of the net income of $9,608,939. Included in this latter group of 188 stations are 13 which had an aggregate operating deficit of $522,444. For these stations the effect of the proposed bill is to further increase the amount of such deficits by the amount of tax payable.

It is assumed that the retained time sales of the 3 national networks will be taxed at 15%. CBS and NBC retained time sales are many times the lower limit of $1,000,000 of the 15% bracket. Mutual is questionable, but lacking definite information, the rate of 15% is applied to the total reported for the 3 networks. The amount taxable is $33,275,943 and the tax at 15% is $4,491,391. This represents 60% of the net income before Federal income taxes of $8,342,450 reported by the 3 networks. These network figures apply to network operations only. M&O stations are included with the data covering all stations.

In addition, there are 5 regional networks included in the FCC data. Combined time sales amounted to $771,883. Assuming all had retained time sales of over $100,000 (the average is $154,377) the tax rate applicable is 5% and the amount of the tax is $38,592. This represents 23% of the net income of $169,610.

Recapitulating for the entire industry, retained time sales of $112,556,714 or 84% of the total of $133,964,769 are subject to the tax. The total of the tax computed in the 3 brackets is $11,518,151, which represents 35% of the net income before Federal income taxes of $33,296,708.

This tax will be a deduction from income prior to the calculation of Federal income and excess profits taxes. Consequently it will reduce the amounts of such taxes payable to the Federal Government in proportion to the reduction of net income in individual cases. The net tax yield to the Federal Government or net Federal taxes payable by the industry, cannot be calculated in the absence of detailed information by individual stations. The Treasury Department apparently has estimated the reduction in income and excess profits taxes to be in the neighborhood of $7,000,000, which accounts for the estimate of the net yield of $5,000,000 from the time sales tax.

In these calculations it has not been possible to take into account the provision which acts as a cushion when a station's net time sales are just over the lower limit of a bracket or move from one bracket to the next highest one. This constitutes a possible error of a very minor nature. If there are any stations whose net time sales are just over the lower limit of any of the three brackets, they will not have to pay, in effect, the full percentage of tax called for within that bracket. Not having individual figures, it is not possible to determine whether there are any stations within the narrow limits where this cushioning provision operates.

Revenue Bill of 1941

TITLE VI—RADIO BROADCASTING AND NETWORK TAX

SECTION 601

Tax on Radio Broadcasting Stations and Networks

Subtitle B of the Internal Revenue Code is amended by inserting after Chapter 6 the following new chapter:

"CHAPTER 6A

"SEC. 1220. TAX ON RADIO BROADCASTING STATIONS AND NETWORKS.

"(a) RATE.—For each calendar year beginning after December 31, 1941, there shall be imposed upon every person with respect to operating a radio broadcasting station or engaging in network broadcasting for any part of such year, an excise tax computed as follows:

"(1) If the net time sales exceed $100,000 and do not exceed $500,000, an amount equal to 5 per centum of the net time sales, or an amount equal to the net time sales in excess of $100,000, whichever is the lesser.

"(2) If the net time sales exceed $500,000 and do not exceed $1,000,000, an amount equal to 10 per centum of the net time sales, or an amount equal to $25,000 plus the amount of the net time sales in excess of $500,000, whichever is the lesser.

"(3) If the net time sales exceed $1,000,000, an amount equal to 15 per centum of the net time sales, or an amount equal to $100,000 plus the amount of the net time sales in excess of $1,000,000, whichever is the lesser.

"(b) DEFINITIONS.—For the purposes of this section—

"(1) 'Network broadcasting' means the making of arrangements with persons operating radio broadcasting stations for the simultaneous broadcast of an identical program by two or more connected stations and the distribution of programs by wire or radio to such persons.

"(2) 'Time sales' means the gross amount received or accrued from the sale of broadcast time. Where the sale is for a consideration other than money the gross amount considered to be received or accrued shall be the seller's published card rate for broadcast time. Where the sale is for a consideration, less a commission to an advertising agency (whether such sale is made to such agency or its principal) the amount of such commission (not in excess of 15 per centum of such consideration) shall be excluded in determining the gross amount received or accrued with respect to such sale.

"(3) 'Net time sales' means time sales minus the amounts paid or incurred for broadcast time to other persons operating radio stations or engaged in network broadcasting.

"SEC. 1221. RETURNS.

"(a) REQUIREMENT.—Every person liable for tax under section 1220 shall make a return under oath. Such return shall contain such information and be made in such manner as the Commissioner with the approval of the Secretary may by regulations prescribe.

"(b) TIME FOR FILING.—

"(1) GENERAL RULE.—Such return shall be made within two months after the close of the year with respect to which such tax is imposed.

"(2) EXTENSION OF TIME.—The Commissioner may extend the time for making the returns, under such rules and regulations as he may prescribe with the approval of the Secretary, but no such extension shall be for more than sixty days.

"(c) PLACE FOR FILING.—The return shall be made to the collector for the district in which is located the principal place of business of the taxpayer, or, if it has no principal place of business in the United States, then to the collector at Baltimore, Maryland.

"SEC. 1222. OTHER LAWS APPLICABLE.

"All provisions of law (including penalties) applicable in respect of the taxes imposed by chapter 6 shall, insofar as not inconsistent with this chapter, be applicable in respect of the tax imposed by this chapter."

Committee Report

TITLE VI—RADIO BROADCASTING STATIONS AND NETWORKS

Section 601

Radio Broadcasting Stations and Networks

This section imposes an excise tax for the calendar year 1942 and each succeeding calendar year upon every person who during the year operates a radio broadcasting station or engages in network broadcasting at any time during such calendar year. The tax is equal to a given percentage of net time sales during the year. A net time sale is the gross amount received or accrued from a sale of radio time, not including the amount of any commission to an advertising agency (up to 15 percent of the gross amount), and minus any amounts paid or incurred by the taxpayer, pursuant to the sale of radio time by him, for broadcasting time to other persons operating radio stations or engaged in network broadcasting. Such other persons are in turn liable with respect to the amounts so paid to them. If the taxpayer is on a cash basis of accounting, net time sales are computed with reference to amounts received and amounts paid. In the case of a taxpayer on an accrual basis of accounting, net time sales are computed with reference to amounts accrued and liabilities incurred.

The rates of tax are 5 percent where the net time sales during the year exceed $100,000 and do not exceed $500,000, 10 percent where the net sales exceed $500,000 and do not exceed $1,000,000, and 15 percent where the net sales exceed $1,000,000. The tax is measured in each case by the entire amount of the net time sales but the liability of a taxpayer in one classification cannot exceed the maximum liability under the next lower classification plus the amount of the taxpayer's net time sales in excess of the maximum net time sales taxable under the lower classification. If the net sales do not exceed $100,000 no tax is imposed.

A return for the calendar year must be made prior to March 1 of the succeeding year.

Taxes on Advertising

EXTENSION OF REMARKS
OF
HON. FRANK E. HOOK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1941

TELEGRAMS FROM MICHIGAN CITIZENS

Mr. HOOK. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following telegrams:

IRONWOOD, MICH., *July 29, 1941.*

HON. FRANK E. HOOK,
House of Representatives,
Washington, D. C.:

In behalf our two radio stations, WATW, Ashland, Wis., and WJMS, Ironwood, Mich., we protest as unfair, confiscatory, and discriminatory, the proposed taxing of radio and outdoor advertising revenue in occupational tax provision of general tax bill. Urgently request you consider carefully all points brought to your attention by National Association of Broadcasters and proceed to drastic modification or elimination of advertising taxation feature of the bill. Certainly due consideration should be given to great demands made by Government Department and defense program for free radio and billboard publicity. We have always complied with each request and propose to continue to do so, but such discriminating taxes, omitting newspapers, magazines, direct mail, etc., will make our costs much higher. Though applying to large stations now, the step will affect small stations as well.

UPPER MICHIGAN-WISCONSIN
BROADCASTING CO., INC.,
N. C. RUDDELL,
Vice President and General Manager.

White Introduces Sweeping FCC Law Amendments

Senator White (R-Maine) on Thursday introduced a bill to make sweeping changes in the Communications Act of 1934, and urged Congress to act upon it immediately.

The senator made the following detailed explanation of the measure:

The bill today introduced by Senator White has its source in S. 1268, a bill introduced by Senator Wheeler in the last Congress; in S. 1520 introduced in the last Congress by Senator White; in recommendations recently made to the Federal Communications Bar Association by a committee thereof; in court decisions; and in recommendations found in the Report of the Attorney General's Committee on Administrative Procedure. This measure should not be regarded as a general revision of our Communications Act of 1934, but the changes in the organization of the Federal Communications Commission, in procedure, in the sections of present law with respect to appeals to the courts, in the efforts made to assure equality of right and opportunity among those who utilize radio for public discussion and finally the attempt to further provide against censorship, make this bill of supreme importance and justify, indeed demand, its study and approval in substantially its present form by the present Congress.

There follows an explanation of the Sections of the bill.

Section 1

This section defines the terms "license," "station license" or "radio station license," appearing throughout the Act, as that instrument of authorization required by the Act or the Commission's Rules and Regulations for the use or operation of radio apparatus. This definition is made necessary because of a recent tendency upon the part of the Commission to treat what are in fact licenses as instruments of a different character thereby making possible avoidance of compliance with procedural and appellate provisions of the Act intended as safeguards against arbitrary administrative action, provisions necessary to he respected if orderly procedure is to be had. This broad definition of the term license tends to insure that result.

Sections 2 and 3

Sections 2 and 3 basically change the administrative setup and functions of the Commission. They can be summarized as the separation of the Commission of seven members into two statutory divisions of three members each and a clarification of the status and functions of the Chairman or seventh man of the Commission.

Under this plan, the whole Commission would have power and authority to adopt and promulgate any rule or regulation of general application required or authorized by the Act, including procedural rules and regulations for the Commission and each division. The whole Commission would have plenary authority over amateur services, emergency services, the qualification and licensing of operators, the selection and control of personnel, the assignment of bands of frequencies to the various radio services and many other subjects and services as at present. But the present judicial and quasi-judicial functions of the Commission would be vested in the proposed divisions insofar as those functions relate to the most important and controversial subjects within the jurisdiction of the Commission.

Jurisdiction to hear and determine all cases arising under the Act or regulations, relating to broadcast, television, facsimile and kindred communications intended for public reception is vested in the Division of Public Communications. Similar jurisdiction with respect to common carriers and communications intended for a designated addressee is vested in the Division of Private Communications. This plan not only recognizes the basic and fundamental differences between the two types of communications involved and the nature of the questions presented by each but it also provides a method for obtaining proper consideration of those cases by persons who will be able to devote their time and attention to the questions committed to them without undue interruption or interference occasioned by the demands of basically different problems.

Under the plan proposed, the status of the Chairman would be that of an executive officer and coordinator participating fully in all matters within the jurisdiction of the Commission except the determination and decision of contested matters which are made the exclusive business of the divisions. Experience has amply demonstrated that the Chairman can not be expected to devote the time and attention necessary to the proper handling and disposition of these matters and also efficiently to discharge the many other duties which are unavoidably his under the Act. As to these other duties, an attempt has also been made to clarify the status of the Chairman and to make him, and him only, the official spokesman and representative of the Commission in certain important respects.

When the present Act was before the Congress in 1934, the bill passed by the Senate provided for a mandatory separation of the Commission into divisions as is now proposed but this plan was later abandoned and the present Commission has been operating under a law which permitted but did not require it to organize itself into divisions. For the last two or three years the division plan has been entirely abandoned and it seems certain that such abandonment has operated to the detriment of orderly procedure. We believe students of our legislation are thoroughly convinced of the wisdom of the mandatory division plan for at least two important reasons. They recognize that there are fundamental differences in the two classes of communications above referred to; that rate making and public utility concepts are the very essence of private communications but have little, if any, application to communications with the public directly; that there has been a tendency upon the part of the Commission to confuse the two and to apply the same concepts and philosophies in the regulation of the two. This must be avoided. In the second place, it is apparent that the subject of public or mass communications and the problem incident to the regulation thereof are so interesting and attractive that they draw public attention; that on the other hand, there is very little of news value or opportunity for publicity in the regulation of common carriers and that this has had the result of centering the attention of the Commission and its presonnel almost exclusively on broadcasting and related problems and of preventing the giving of sufficient attention to equally important problems relating to private communications.

The changes proposed in these two sections would bring about a much needed and desired separation of the judicial and legislative functions of the Commission; would contribute to a sounder knowledge on the part of the Commissioners of the communication problems committed to them; would make for orderly procedure and harmony of decision; and would speed up the disposition of cases before the Commission and the divisions thereof.

Sections 4 and 5

These sections proposed certain amendments to the procedural sections of the present Act (Sections 308 and 309). These amendments are made necessary by the restrictive character of the language now employed and by the disposition of the Commission to give that language an extremely literal rather than a broad interpretation. The result has been to deprive applicants for certain types of licenses of the right to be heard before their application is denied and to deprive persons who are adversely affected by the action of the Commission in granting the application of others, of an opportunity to be heard before the Commission.

The amendment to Section 308 will make it clear that all instruments of authorization granted by the Commission entitling the holders to construct or operate radio apparatus should be the subject of a written application. The amendments to Section 309 make it clear that any person filing an application described in Section 309 is entitled as a matter of right to have his application handled in a definite procedural way.

The procedure to be followed in the handling of applications is that which was successfully followed by the Commission for a considerable period of time pursuant to rules and regulations enacted by it but which method was recently abandoned apparently upon the theory that the Commission was according to applicants and others in interest greater rights than those which the Act guaranteed to them. Since the right to notice and hearing is of the very essence of orderly procedure, amendments to the Act which leave no doubt that such right is secured are absolutely imperative. The amendments proposed would assure this result.

Section 6

This section proposes a redraft of the transfer section of the present Act (Section 310 (b)). As now drafted, this section in terms relates only to station licenses and does not apply to construction permits or other instruments of authorization which the Commission may issue under its rules and regulations. The redraft would remedy this deficiency. The present transfer section is also silent concerning the procedure to be employed by the Commission in passing upon such applications and the proposed amendment would remedy this defect by providing that transfer applications be handled in the same manner and in accordance with the same procedure employed in the handling of applications for original instruments of authorization.

Aside from these questions of procedure, the decisions of the Commission relating to transfer applications have given rise to the theory that the proposed transferee of a station license may he subjected to conditions not required of an applicant for an original license. This is believed to be unsound and has been due, at least in part, to the fact that the statutory standard employed in the present transfer section differs slightly in phraseology from that used elsewhere in the Act. By providing for the use of the same statutory standard in the proposed amendment and by the use of other clarifying language, it is believed that this cause for controversy will be eliminated.

Section 7

This section proposes amendments to Section 315 of the present Act relating to the use of broadcast facilities by candidates for public office. The amendments proposed are the deletion of the proviso clause now appearing in that section which provides that the licensee shall have no power of censorship over the material broadcast under the provisions of this section and the substitution therefor of clearer language to the same purpose found in a proposed new Section 332. This present proviso has been the source of much uncertainty and controversy. I believe the change urged clarifies and enforces the Congressional intent.

Section 8

This section of the bill proposes the addition of an entirely new section to the Act (Sec. 330) which will require the identification of the speaker in the case of broadcasts dealing with public or political questions either local, State or national in their scope and application. Ever since the enactment of the Radio Act of 1927, the law has carried a provision requiring that in the case of the commercial use of a station the person or organization sponsoring such broadcast be identified in connection with the broadcast. Such a provision is found in Section 317 of the present Act. The proposed new Section would merely carry the principle of identification further and make it obligatory in the discussion of political or public questions to make clear not only who the speaker is but whose views he expresses. It is unfortunately a fact that most propaganda by radio is found in sustaining programs or programs which have no commercial sponsor. The adoption of this new section would carry the salutory principle of identification into a field where it is much needed.

Section 9

Section 9 of the bill proposes the inclusion of a new section (Sec. 331), the effect of which would be to require the licensee of any station to afford a right of reply where public officers, other than the President of the United States, use his station for the discussion of public or political questions. This right of reply is to be exercised by the accredited representatives of the opposition political party or parties, and is to be afforded upon the same terms and conditions as the initial discussion. This substantially enlarges the scope of Section 315 of the 1934 Act. The subject matter of this proposed section merits immediate consideration.

Section 10

Section 10 of the bill proposes the addition of another new section (Sec. 332), the effect of which would be to clarify the duties and responsibilities of a licensee where his station was used by a candidate for public office or by public officers or others for the discussion of public or political questions. The "no censorship" clause of Section 315 of the present Act does not adequately define the duties of a licensee under such circumstances. The proposed new section (Section 332) affords the licensee an opportunity to examine the material to be broadcast before its intended use and to delete therefrom any material which is slanderous or libelous or which the licensee may have reason to believe would subject him or his station to any action for damages or to a penalty or forfeiture under any local, State or Federal law or regulation. This section specifically provides that no licensee of any broadcast station shall have the power to censor, alter, or in any way affect or control the political or partisan trend of any material submitted by a candidate for public office or by public officers or others discussing public and political questions. With the exception of material which might subject the licensee to damages or penalties or material which is submitted for broadcast by or upon behalf of any person or organization which advocates the overthrow of government by force or violence, the licensee has no discretion.

Section 11

Section 11 of the bill proposes a new sentence as an amendment to Section 326 of the present Act which codifies an interpretation placed upon the Act by the Supreme Court of the United States in the case of the Federal Communications Commission versus Sanders Brothers Radio Station decided March 25, 1940. In this case the Supreme Court said:

> "But the Act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management or of policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel."

Notwithstanding this pronouncement of the Supreme Court, notwithstanding the fact that no language can be found in the Act which confers any right upon the Commission to concern itself with the business phases of the operation of radio broadcast stations and notwithstanding the further fact that Section 3(h) of the Act provides that a person engaged in radio broadcasting should not be regarded as a common carrier, the Commission has nevertheless concerned itself more and more with such matters. The charge is made that the Commission is attempting to control both the character and source of program material and the contractual or other arrangements made by the licensee for the acquisition of such material.

The amendment proposed spells out in black and white what it is believed was not only the original intention of Congress but is its present intention, with respect to this subject, in the hope that confusion and controversy can be eliminated. The amendment preserves the prohibition now contained in the Act against interference with the right of free speech and that against the utterance of obscene, indecent or profane language by means of radio communication.

Section 12

Section 12 is designed to clarify provisions of existing law relative to proceedings to enforce or set aside orders of the Commission and in appeals from decisions of the Commission. The present law upon this subject is now found in Section 402 of the Act.

Paragraph (a) of Section 402 deals with actions to enforce or set aside orders of the Commission except those appealable under paragraph (b) of that section. More specifically, paragraph (a) of this section relates to those orders of the Commission entered in matters involving common carriers and certain other orders relating to radio broadcast stations not now appealable to the United States Court of Appeals for the District of Columbia under paragraph (b) of Section 402. Under the proposed amendment, all orders entered by the Commission in the performance of its licensing functions would be appealable under paragraph (b) and would not be brought before a statutory three judge district court. Moreover, suits brought before a statutory three judge court to enjoin the enforcement of an order of the Commission could be brought in the District of Columbia as well as in other judicial districts.

The principal changes proposed in paragraph (b) of Section 402 can be summarized as follows: (1) persons desiring to appeal from orders of the Commission entered in cases where the Commission exercises its licensing functions would be permitted to appeal either to the United States Court of Appeals for the District of Columbia, as at present, or to the United States Circuit Court of Appeals for the district in which they reside or have their principal place of business; (2) language is adopted which will remove doubt as to which cases are appealable and which will extend the right of appeal to persons which should have such right but which have been excluded due to imperfections in the present Act; (3) the time in which an appeal must be taken is made thirty rather than twenty days, as at present, and the contents of the Notice of Appeal are specified with certain particularity along the lines now provided by the rules of the United States Court of Appeals for the District of Columbia; (4) jurisdiction is expressly conferred upon the Court to which an appeal is taken to grant temporary relief either affirmative or negative in character; (5) the Court is given authority to specify by rule what the record upon appeal shall contain; (6) the questions which can be raised upon appeal and which the Court must consider in determining an appeal are specifically enumerated; and (7) the Commission will be required to comply with the mandate or decision of the Court upon the basis of the record upon which an appeal is taken unless the Court upon petition shall otherwise determine. Other provisions of the present Act relating to the right of persons to intervene in an appeal and the right to review by writ of certiorari the judgment rendered by the courts upon such appeal are retained.

All of these changes are, in my opinion, not only desirable but necessary if adequate judicial review of the Commission's exercise of its licensing function is to be made effective. Present language of Section 402 and particularly paragraph (b) thereof is so vague as to result in great doubt concerning the proper court in which to seek judicial review in many cases. Moreover, recent decisions of the United States Court of Appeals for the District of Columbia and of the Supreme Court of the United States are such as to cast further doubt upon the meaning and application of these provisions. An illustration of this is afforded by a recent decision of the United States Court of Appeals for the District of Columbia which finds that court to be without jurisdiction to grant interim or temporary relief to any licensee where an order of the Commission is appealed from notwithstanding the fact that it has been the uniform practice of that court to grant such relief in meritorious cases since the first appeal taken to that court under the Radio Act of 1927.

Generally speaking, the same considerations which controlled the Attorney General's Committee on Administrative Procedure in the making of its recommendations concerning judicial review of the decisions and orders of other administrative tribunals have prompted the amendments to Section 402 here proposed. But I have gone further in certain respects than the Attorney General's Committee and have attempted to adapt the theory of that report to the peculiar problems incident to the licensing of radio stations and the review of decisions and orders of the Commission in licensing such stations.

Section 13

Section 13 of the bill provides for such changes in Section 405 of the present law relating to the subject of rehearings as are necessary to conform to the changes in the administrative organization of the Commission proposed in sections 2 and 3 of the bill. Further provision is made for delaying the effective date of any decision, order or requirement made in any case which is the subject of petition for rehearing until after final decision upon such petition. An attempt has also been made to eliminate doubt now prevalent concerning when his petition for rehearing must be filed before judicial review of the Commission's order can be had. Under the provisions of the amendment proposed, the petition for rehearing will not be a condition precedent to judicial review except where the party seeking such review was not a party to the proceeding before the Commission resulting in such order or where the party seeking such review relies upon questions of law or fact upon which the Commission has been afforded no opportunity to pass.

Section 14

Section 14 of the bill proposes an amendment to paragraph (a) of Section 409 of the present Act which deals with the cases heard by less than a quorum of the Commission or either division thereof. The procedure employed by the Commission in cases of this character has lead to a great deal of controversy and there has been a decided lack of uniformity both in the handling of such matters and the character of reports submitted by the hearing officer. The proposed amendment requires not only the submission of a uniform type of report setting out in detail and with particularity all basic or evidentiary facts developed as a result of the evidence taken but also conclusions of fact and law upon each issue submitted for hearing. It further makes mandatory the hearing of oral argument by the Commission or the division having jurisdiction of any case upon request of any party before the entry of a final order. The Commission or division is also required to accompany any final order with a full statement in writing of all the relevant facts as well as conclusions of law upon those facts.

Here again an attempt has been made to conform to the recommendations of the report of the Attorney General's Committee on Administrative Procedure, and these provisions, if enacted, would be wholly consistent with those recommendations or any legislation which may result therefrom.

Section 15

Section 15 of the bill proposes the addition of an entirely new section. This section is designed to curb an alleged tendency upon the part of the Commission to discriminate in a manner not authorized by the statute between applicants for broadcast and other radio facilities and to require as a condition to grants made the doing of certain acts which the Commission has no authority under the statute to require.

When the Congress enacts a law creating an administrative tribunal and defines its powers, duties and functions, we consider it as fundamental that the delegation of authority thus made must be limited by the enabling Act. Such a tribunal has and must exercise these powers which are specifically enumerated. In addition, it must exercise those powers which are necessarily incident to the exercise by it of those powers expressly enumerated. It is not, however, authorized or permitted to set itself up as a general legislative body making its own rules of conduct and decision wholly apart from and beyond the language of the statute. The tendency to do this, prevalent among virtually all administrative tribunals, has recently become very aggravated at the Commission. This, in my opinion, must be arrested by the enactment of specific legislation along the lines here suggested.

The White Bill

Be it enacted by the Senate and House of Representatives in Congress assembled, "That section 3 of Title I of the Communications Act of 1934 be amended by adding after paragraph (aa) of said section the following:

"(bb) The term "license", "station license", or "radio station license" means that instrument of authorization required by this Act, or the Rules and Regulations of the Commission enacted pursuant to this Act, for the use or operation of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name the same may be designated by the Commission."

Sec. 2. Amend paragraph (b) of section 4 of said Title I by striking out the last sentence of said paragraph and by inserting in lieu thereof the following:

'Not more than four members of the Commission and not more than two members of either division thereof shall be members of the same political party."

Sec. 3. Amend section 5 of said Title I by striking out the whole of said section and by inserting in lieu thereof the following:

"(a) The members of the Commission other than the Chairman shall be organized into two divisions of three members each, said divisions to be known and designated as the Division of Public Communications and the Division of Private Communications and no member designated or appointed to serve on one division shall have or exercise any duty or authority with respect to the work or functions of the other division, except as hereinafter provided. The President shall designate the Commissioners now in office who shall serve upon a particular division but all Commissioners other than the Chairman subsequently appointed shall be appointed to serve upon a particular division and the Chairman subsequently appointed shall be appointed to serve in that capacity.

"(b) The Division of Public Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications intended to be received by the public directly, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(c) The Division of Private Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications by a common carrier or carriers, or which are intended to be received by a designated addressee or addressees, and shall make all ajudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(d) The whole Commission shall have and exercise jurisdiction over the assignment of bands of frequencies to the various radio services; over all matters arising under the provisions of part 2 of Title III of this Act, as amended; over all signals and communications of an emergency nature, including distress signals by ships at sea and communications relating thereto, signals and communications by police and fire departments and other like emergent signals and messages; over all signals and communications by and between amateur stations; over the qualification and licensing of all radio operators; over the adoption and promulgation of all rules and regulations of general application required or authorized by this Act, including procedural rules for the Commission and the Divisions thereof; over the selection and appointment of all officers and other employees of the Commission and the Divisions thereof; and generally over all matters with respect to which authority is not otherwise conferred by other provisions of this Act. In any case where a conflict arises as to the jurisdiction of the Commission or any division thereof, such question of jurisdiction shall be determined by the whole Commission.

"(e) The Chairman of the Commission shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the whole Commission, to represent the Commission in all matters relating to legislation and legislative reports, to represent the Commission or any division thereof in all matters requiring conferences or communications with representatives of the public or other governmental officers, departments, or agencies and generally to coordinate and organize the work of the Commission and each division thereof in such manner as to promote prompt and efficient handling of all matters within the jurisdiction of the Commission. The Chairman of the Commission shall not be a member of or serve upon either of said divisions, except that in the case of a vacancy or the absence or inability of any Commissioner appointed to serve thereon, the Chairman may temporarily serve on either of said divisions with full power as a member thereof until the cause or circumstances requiring said service shall have been eliminated or corrected.

"(f) Each division of the Commission shall choose its own chairman, and, in conformity with and subject to the foregoing provisions of this section, shall organize its membership and the personnel assigned to it in such manner as will best serve the prompt and orderly conduct of its business. Each division shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions over which it has jurisdiction. Any order, decision, report made or other action taken by either of said divisions with respect to any matter within its jurisdiction, shall be final and conclusive, except as otherwise provided by said Communications Act of 1934 as hereby amended. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.

"(g) In the case of a vacancy in the office of the Chairman of the Commission or the absence or inability of the Chairman to serve, the Commission may temporarily designate and appoint one of its members to act as Chairman of the Commission until the cause or circumstance requiring said service shall have been eliminated or corrected. During the temporary service of any such commissioner as Chairman of the Commission, he shall continue to exercise the other duties and responsibilities which are conferred upon him by this Act.

"(h) The term "Commission" as used in this Act shall be taken to mean the whole Commission or a division thereof as required by the context and the subject matter dealt with. The term "cases and controversies", as used herein, shall be taken to include all adversary proceedings whether judicial or quasi-judicial in nature, and whether instituted by the Commission on its own motion or otherwise, and the term "adjudications" means the final disposition of particular cases, controversies, applications, complaints, or proceedings involving named persons or a named res."

Sec. 4. Amend paragraph (a) of section 308 of Title III by striking out all appearing before the first proviso clause in said paragraph and inserting in lieu thereof the following:

"The Commission may grant the instruments of authorization required by this Act entitling the holders thereof to construct or operate apparatus for the transmission of energy, or communications, or signals by radio only upon written application therefor received by it:"

Sec. 5. Amend section 309 of said Title III by striking out the whole of said section and inserting in lieu thereof the following:

"(a) If upon examination of any application provided for in Section 308 hereof, the Commission shall determine (1) that public interest, convenience or necessity would be served by the granting thereof, and (2) that such action would not aggrieve or adversely affect the interest of any licensee, applicant or other person, it shall authorize the issuance of the instrument of authorization for which application is made in accordance with said findings.

"(b) If upon examination of any such application the Commission is unable to make either or both of the findings specified in paragraph (a) hereof, it shall designate the application for hearing and forthwith notify the applicant and other parties in interest of such action and the grounds or reasons therefor. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest, whether originally notified by the Commission or subsequently admitted as interveners, shall be permitted to participate. Such hearing shall be preceded by a notice to all such parties in interest specifying with particularity the matters and things in issue and not including issues or requirements phrased generally or in the words of the statute.

"(c) When any instrument of authorization is granted by the Commission without a hearing, as provided in paragraph (a) hereof, such grant shall remain subject to protest as hereinafter provided, for a period of thirty days. During such thirty-day period, any person, who would be entitled to challenge the legality or propriety of such grant under the provisions of Section 402 of this Act may file a protest directed to such grant, and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a proper party in interest and shall specify with particularity the matters and things in issue but shall not include issues or allegations phrased generally or in the words of the statute. Upon the filing of such protest, the application involved shall be set for hearing upon the issues set forth in said protest and heard in the same manner in which applications are heard under paragraph (b) hereof. Pending hearing and decision upon said protest, the effective date of the Commission's action to which said protest is directed shall be postponed to the date of the Commission's decision after hearing unless the authorization involved in such grant is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing on said protest.

"(d) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (1) the station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein; (2) neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act; (3) every license issued under this Act shall be subject in terms to the right of use or control conferred by Section 606 hereof."

Sec. 6. Amend paragraph (b) of section 310 of said Title III by striking out the whole of said paragraph and by inserting in lieu thereof the following:

"No instrument of authorization granted by the Commission pursuant to this Act entitling the holder thereof to construct or operate radio apparatus shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such instrument of authorization, to any person except upon application to the Commission and upon a finding by the Commission that the proposed transferee or assignee possesses the qualifications required of an original permittee or licensee and is capable of constructing or operating under such instrument of authorization in the public interest, convenience and necessity. The procedure to be employed in the handling of such applications shall be that provided in Section 309 of this Act, as amended."

Sec. 7. Amend section 315 of said Title III by striking out the whole of said section and by inserting in lieu thereof the following:

"Sec. 315. If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcast station, he shall afford equal oppportunities to all other such candidates for that office in the use of such broadcast station, and the Commission shall make rules and regulations to carry this provision into effect. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate."

Sec. 8. Add to said Title III the following new section:

"Sec. 330. No licensee of any radio broadcast-station shall permit the use of such station for the discussion of any public or political question whether local, State or national in its scope and application, unless the person or persons using such station shall, prior to such use, disclose in writing and deliver to the licensee the name or names of the person or persons or organization upon whose instance or behalf such broadcast is to be made or conducted. Upon the making of any such broadcast the name of the speaker or speakers using the station, together with the other information required by this section, shall be announced both at the beginning and at the end of such broadcast. Public officers, speaking as such, whether local, State, or national, and whether elective or appointive, shall be relieved of compliance with the foregoing provisions, but in all cases the licensee shall cause an announcement to be made both at the beginning and at the end of the broadcast, stating the name of the speaker, the office held by him, whether such office is elective or appointive, and by what political unit or public officer such power of election or appointment is exercised. Where more than one broadcasting station or a network of such stations is used as herein provided, the requirements of this section will be met by compliance therewith at the station which originates such broadcast."

SEC. 9. Add to said Title III the following new section:

"Sec. 331. In all cases where public officers other than the President of the United States use a radio broadcast station for the discussion of public or political questions, the licensee of any station so used shall afford a right of reply to any person designated by the accredited representatives of the opposition political party or parties. In all cases, the right of reply herein provided shall be afforded upon the same terms and conditions as the initial discussion and the Commission shall make such rules and regulations as are necessary to carry this provision into effect."

SEC. 10. Add to said Title III the following new section:

"Section 332. No license of any radio broadcast station shall have the power to censor, alter, or in any way affect or control the political or partisan trend of any material broadcast under the provisions of Sections 315, 330 and 331 hereof: Provided, however, that no licensee shall be required under the provisions of this section or otherwise to broadcast any material for or upon behalf of any person or organization which advocates the overthrow of government by force or violence and that no licensee shall be required to broadcast any material which is slanderous or libelous or which might subject the licensee or its station to any action for damages or to a penalty or forfeiture under any local, State or Federal law or regulation. In all such cases the licensee shall have the right to demand and receive a complete and accurate copy of the material to be broadcast a sufficient time in advance of its intended use to permit an examination thereof and the deletion therefrom of any material necessary to conform the same to the requirements of this section, and the Commission shall make rules and regulations to carry this provision into effect."

SEC. 11. Amend section 326 of said Title III by inserting before the first sentence thereof a new sentence so that as amended said section shall read as follows:

"Nothing in this Act shall be understood or construed to give the Commission the power to regulate the business of the licensee of any radio broadcast station and no regulation, condition or requirement shall be promulgated, fixed or imposed by the Commission, the effect, or result of which shall be to confer upon the Commission supervisory control of station programs or program material, control of the business management of the station or control of the policies of the station or of the station licensee. Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication."

SEC. 12. Amend section 402 of Title IV by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 402. (a) The provisions of the Act of October 22, 1913 (38 Stat. 219), as amended, relating to the enforcing or setting aside of orders of the Interstate Commerce Commission are hereby made applicable to suits to enforce, enjoin, set aside, annul or suspend any order of the Commission under this Act, (except those appealable under the provisions of paragraph (b) hereof), and such suits are hereby authorized to be brought as provided in that Act. In addition to the venues specified in that Act, suits to enjoin, set aside, annul or suspend, but not to enforce, any such order of the Commission may also be brought in the District Court for the District of Columbia.

"(b) Appeals may be taken from decisions and orders of the Commission to the Circuit Court of Appeals of the United States within any circuit wherein the appellant resides or has his principal place of business, or to the United States Court of Appeals for the District of Columbia in any of the following cases:

"(1) By any applicant for any instrument of authorization required by this Act, or by the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio whose application is denied by the Commission.

"(2) By any party to an application for authority to assign any such instrument of authorization or to transfer control of any corporation holding such instrument of authorization whose application is denied by the Commission.

"(3) By any applicant for the permit required by Section 325 of this Act or any permittee under said section whose permit has been modified, revoked or suspended by the Commission.

"(4) By any other person who is aggrieved or whose interests are adversely affected by any order of the Commission granting or denying any application described in subparagraphs (1), (2) and (3) hereof.

"(5) By the holder of any instrument of authorization required by this Act, or by the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio, which instrument has been modified, revoked, or suspended by the Commission.

"(6) By any radio operator whose license has been revoked or suspended by the Commission.

"(c) Such an appeal shall be taken by filing a Notice of Appeal with the appropriate court within thirty days after the entry of the order complained of. Such Notice of Appeal shall contain a concise statement of the nature of the proceedings as to which appeal is taken; a concise statement of the reasons on which the appellant intends to rely, separately stated and numbered; and proof of service of a true copy of said notice and statement upon the Commission. Upon the filing of such notice, the court shall have exclusive jurisdiction of the proceeding and of the questions determined therein and shall have power, by order directed to the Commission or any other party to the appeal, to grant such temporary relief as it may deem just and proper. Orders granting temporary relief may be either affirmative or negative in their scope and application and may be such as to permit either the maintenance of the status quo in the matter in which the appeal is taken or the restitution of a position or status terminated or adversely affected by the order appealed from and shall, unless otherwise ordered by the court, be effective pending hearing and determination of said appeal and compliance by the Commission with the final judgment of the court rendered in said appeal.

"(d) Upon the filing of any such Notice of Appeal, the Commission shall, not later than five days after date of service upon it, notify each person shown by the records of the Commission to be interested in said appeal of the filing and pendency of the same and shall thereafter permit any such person to inspect and make copies of said notice and statement of reasons therefor at the office of the Commission in the City of Washington. Within thirty days after the filing of an appeal, the Commission shall file with the court a copy of the order complained of, a full statement in writing of the facts and grounds relied upon by it in support of the order involved upon said appeal, and the originals or certified copies of all papers and evidence presented to and considered by it in entering said order.

"(e) Within thirty days after the filing of an appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a Notice of Intention to Intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said Notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the order of the Commission complained of shall be considered an interested party.

"(f) The record upon which any such appeal shall be heard and determined by the court shall contain such information and material and shall be prepared within such time and in such manner as the court may by rule prescribe.

"(g) At the earliest convenient time the court shall hear and determine the appeal upon the record before it and shall have power upon such record to enter judgment affirming or reversing the order of the Commission. As to the findings, conclusions and decisions of the Commission, the court shall consider and decide so far as necessary to its decision and where raised by the parties, all relevant questions of (1) constitutional right, power, privilege, or immunity; (2) the statutory authority or jurisdiction of the Commission; (3) the lawfulness and adequacy of the Commission procedure; (4) findings, inferences, or conclusions of fact unsupported, upon the whole record, by substantial evidence; and (5) administrative action otherwise arbitrary or capricious.

"(h) In the event that the court shall render a decision and enter an order reversing the order of the Commission, it shall remand the case to the Commission to carry out the judgment of the court and it shall be the duty of the Commission, in the absence of proceedings to review such judgment, to forthwith give effect thereto, and unless otherwise ordered by the court, to do so upon the basis of the proceedings already had and the record upon which said appeal was heard and determined. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under Section 240 of the Judicial Code, as amended, by appellant, by the Commission, or by any interested party intervening in the appeal.

"(i) The Court may, in its discretion, enter judgment for costs in favor of or against an appellant, or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof."

Sec. 13. Amend section 405 of said Title IV by striking out the whole thereof and by inserting in lieu thereof the following:

"Sec. 405. After a decision, order, or requirement has been made by the Commission or any division thereof in any proceeding, any party thereto or any other person aggrieved or whose interests are adversely affected thereby may petition for rehearing. When the decision, order, or requirement has been made by the whole Commission, the petition for rehearing shall be directed to the whole Commission; when the decision, order, or requirement is made by a division of the Commission, the petition for rehearing shall be directed to that division; petitions directed to the whole Commission requesting a rehearing in any matter determined by a division thereof shall not be permitted or considered. Petitions for rehearing must be filed within thirty days from the entry of any decision, order or requirement complained of and except for those cases in which the decision, order or requirement challenged is necessary for the maintenance or conduct of an existing service, the filing of such a petition shall automatically stay the effective date thereof until after decision on said petition. The filing of a petition for rehearing shall not be a condition precedent to judicial review of any such decision, order or requirement, except where the party seeking such review was not a party to the proceedings before the Commission resulting in such decision, order or requirement, or where the party seeking such review relies on questions of fact or law upon which the Commission has been afforded no opportunity to pass. Rehearings shall be governed by such general rules as the Commission may establish. The time within which an appeal must be taken under Section 402 (b) hereof shall be computed from the date upon which the Commission enters its order disposing of all petitions for rehearing filed in any case, but any decision, order, or requirement made after such rehearing reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order."

Sec. 14. Amend paragraph (a) of section 409 of said Title IV by striking out the whole of said paragraph and by inserting in lieu thereof the following:

"(a) In all cases where a hearing is required by the provisions of this Act, or by other applicable provisions of law, such hearing shall be a full and fair hearing. Hearings may be conducted by the Commission or a division thereof having jurisdiction of the subject matter or by any member or any qualified employee of the Commission when duly designated for such purpose. The person or persons conducting any such hearing may sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission. In all cases, whether heard by a quorum of the Commission or a division thereof, or by any member or qualified employee of the Commission, the person or persons conducting such hearing shall prepare and file an intermediate report setting out in detail and with particularity all basic or evidentiary facts developed by the evidence as well as conclusions of fact and of law upon each issue submitted for hearing. In all cases the Commission, or the division having jurisdiction thereof, shall, upon request of any party to the proceeding, hear oral argument on said intermediate report or upon such other and further issues as may be specified by the Commission or the division and such oral argument shall precede the entry of any final decision, order or requirement. Any final decision, order or requirement shall be accompanied by a full statement in writing of all the relevant facts as well as conclusions of law upon those facts."

Sec. 15. Add to said Title IV the following new section:

"Section 417. Penalties, denials, prohibitions and conditions other than those expressly authorized by statute shall not be exacted, enforced or demanded by the Commission in the exercise of its licensing function or otherwise and no sanctions not authorized by statute shall be imposed by the Commission upon any person. Rights, privileges, benefits or licenses authorized by law shall not be denied or withheld in whole or in part where adequate right or entitlement thereto is shown. The effective date of the imposition of sanctions or withdrawal of benefits or licenses shall, so far as deemed practicable, be deferred for such reasonable time as will permit the persons affected to adjust their affairs to accord with such action or to seek administrative reconsideration or judicial review."

Newspaper Hearings

FCC hearings on Order No. 79, concerning newspaper ownership of radio stations, were resumed Wednesday, when de Quincy V. Sutton of the Commission staff concluded his testimony covering numerous tabulations prepared by the Commission. He was followed on the stand by Dr. L. G. H. Weld, Director of Research for McCann-Erickson, New York, who explained his Radio Advertising Index and other advertising indices, and the sources of his material.

On Thursday, the morning session was taken up by the testimony of State Senator Means of South Carolina, and John M. Rivers, President of WCSC, Charleston, S. C., concerning the effect on WCSC of the ownership of WTMA by the Evening Post Publishing Co., publishers of the *Evening Post* and the *News and Courier* of Charleston. Hall T. McGee and Arthur E. Bradham, of the Evening Post Publishing Co., testified as to the joint operation of the newspapers and the radio station, stating that the newspapers were seeking to publicize the station in the community. On the point of failure to publish the program log of WCSC, Mr. McGee stated that it had been decided to publish the log as news when Senator Means made a speech in Columbia, S. C., that caused deferment of the action decided upon.

John Shepard, III, President of F-M Broadcasters, Inc., read a statement he had prepared, and which had the approval of the FMBI board, urging the Commission to give a prompt decision on pending F-M applications as the development of frequency modulation has without question, he said, been retarded by the issuance of Order No. 79.

John R. Latham, Executive Vice-President of The American Network, Inc., organized to provide F-M network program service, closed the Thursday session. He urged the elimination of F-M stations from Order No. 79, and that the Commission make a definite announcement that it will not attempt to make rules and regulations which would have the effect of preventing newspapers or newspaper interests from owning and operating F-M stations, thereby enabling The American Network to complete its organization and make high quality programs available to the F-M station associated with the network.

The hearings will continue today, when it is expected they will be recessed until mid-September.

Mr. Shepard's statement follows:

My name is John Shepard, 3rd. I reside at Brookline, Massachusetts. I am the President of FM Broadcasters, Inc., at present composed of 51 memberships held by 44 different persons or organizations. At the time the resolution, which has been introduced, was passed there were 42 members of the Association. The objects of the Association are set forth in the Certificate of Incorporation.

Among the 44 members of the Association at present there are 14 that have a newspaper connection or affiliation. Of the approximately 110 applications for commercial operation in the FM field which have been filed and either acted upon or are pending action by the Commission, 38 are to the best of my knowledge connected or affiliated with newspapers.

Since the Association is devoted to the cause of development in the field of frequency modulation, it was directed that I appear before the Commission and present the views of our Association with respect to the Commission's Order 79 and the effect which we deemed it would have on the development of frequency modulation and the effect which would result from a determination that newspapers could not properly own FM radio stations.

We are all agreed, I believe, that FM should be encouraged. This Association is bending its every effort toward the development of FM. The Commission has expressed its desire that FM develop rapidly and firmly and it is indeed the sense of Congress, as expressed in the Communications Act of 1934, that new uses of radio in the public interest be encouraged.

For any new industry to develop, there are three primarily essential elements: the necessity for it, the method of doing it, and the means to do it with. Necessity has brought about the invention by Major Armstrong of frequency modulation and the efforts and expenditures of money by him and others have developed the method by which the necessity can be met so that now we have entered the time when the means for developing frequency modulation in the public interest is the only remaining essential element to be met.

Every entry into the FM field today contributes to its development and is a pioneer in the sense that immediate profits cannot be looked for and every source of capital is needed to help this development. Every source of nourishment withheld from a new industry is as bad as spending that much capital to halt its growth. In addition the withholding of any capital fails to encourage other capital to enter the field.

Idle frequencies cannot render a service to the public, nor can they help a new industry to develop. There will be fewer idle frequencies if all people who are qualified under the Communications Act and who are willing to develop these frequencies are allowed to do so. By the term, "qualified" we mean American citizens with the technical and financial ability to develop these frequencies and render a real service to the potential listening public. I say, "potential listening public" because it is only in those areas where service is being rendered that people are buying sets to any great extent and many of these sets are being bought on the faith of the purchaser that there will be adequate service. So long as a listener gets good service I do not believe he cares whether the licensee has other industrial or business connections as long as he is legally, financially and technically qualified under the law and is giving a good program service.

We must recognize that with all the encouragement it can get FM still has a "hard row to hoe." Every new station which goes on the air is adding competition and every denial lessens competition.

It should be borne in mind, because of the short license period of one year, it is necessary that this new development be financed by those who have an established business to provide the necessary capital.

May I at this time urge the Commission to give a prompt decision on this matter as the development of frequency modulation has without question been retarded by the issuance of Order Number 79.

BMI FEATURE TUNES

August 4 - August 11

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. HI, NEIGHBOR
5. YO TE AMO, OH BABY
6. MY SISTER AND I
7. BECAUSE OF YOU
8. THE RELUCTANT DRAGON

In preparation: A rhythm novelty, *Delilah.*

BMI NOTES

Sing America First

Organization during the past week of ACES (American Composers, Entertainers and Songwriters) is in keeping with the growing trend to democratize music. There is no doubt that hillbilly ballads have come into greater favor with the public as a result of BMI's open door to music. They form one of the few classifications of music which our country can claim as its very own, and as such, every effort should be made to popularize them and see that their writers are properly compensated.

Many of these writers are entertainers, but a steady income from the royalties on performances of their music helps to bridge the gap between engagements, and if they produce songs of lasting appeal, a system of performance payments provides lasting income.

Hillbilly tunes are associated with the happiest times in American life—barbecues, scenes around the campfires, maple syrup parties—hayrides. Most of them are sad and cling to themes that are born of loneliness. Now and then a bright one emerges. Of such is *You Are My Sunshine*, which, we predict, will be the first hillbilly tune to make the Hit Parade. It ranks number ten this week in national sheet music best sellers and in the mid-west has climbed to number eight.

Bonds and Music

Phil Kornheiser, now at BMI after twenty years experience as General Manager of Leo Feist, played a prominent part in the recruiting drives and in the sale of Liberty Bonds during the first World War. He was the first to mount pianos on army trucks and persuade songwriters to entertain street crowds with the performance of their new tunes. His most enthusiastic assistant was the late Will Rogers, who could sell more bonds than any ten security salesmen. When there was a lull in the purchases, Will would pick out someone in the crowd and match him to see who bought the next bond. Others who participated in the Kornheiser song parade were Eddy Cantor, Earl Carrol and Arthur Fields. Songs popularized in this way included, *Good Bye, Broadway, Hello, France,* and *Where Do We Go From Here, Boys.*

War Tunes

The war clouds have yet to produce an outstanding song. The best so far is *Til Reveille* by Bobby Worth and Stanley Cowan, and *Good Bye, Dear, I'll Be Back in a Year,* is beginning to show in the leaders. Everyone is trying hard and scarcely a day goes by at BMI when the editors do not examine a score of patriotic tunes.

The "V" campaign has inspired *V—For Victory* by Peter Van Steeden and Art McKay. The lyrics follow:

Verse: "Three dots and a dash spell 'V'
A dash and three dots spell 'B',
The 'B' for the bonds that means defense.
The 'V' is for victory, so let's commence.

Chorus: Sing V FOR VICTORY.
For democracy will win.
So let everyone begin singing
V FOR VICTORY.
Use your dollars and your sense,
Buying for our defense.
In the lowlands, in the highlands,
In the valiant British islands,
In the U. S. A. from day to day
We can see that where love of freedom rings,
V stands for Victory.
In Poland's plains, in ancient Greece,
In Norway's hills, there is no peace.
But they're all showing the hostile horde
That 'V' is mightier than the sword.

—Copyright 1941 by Broadcast Music, Inc.

New BMI Publishers

Signing of contracts with publishers continues to be an almost daily occurrence at BMI as the music of new houses, large and small, is made available to subscribers. Following the completion this week of contracts, performance, broadcasting and television rights to BMI licensees are granted in the music of L. H. Buckley; Jim Cornelius; Hollywood Hit Publishers; Musico; and Charles Rinker Music Publishing Company.

Forty-five new BMI Arrangements of public domain music have been added to the ever-growing BMI catalogue and include Kenn Sisson's arrangement of Charles B. Ward's *The Band Played On*. Also made available is the BMI Choral Edition featuring male quartet arrangements of thirty-nine BMI popular tunes.

Mother Writes—Father Publishes

One of BMI's latest offerings, *A Mother's Lullaby,* with lyrics by Ann Garrett Penn of Danville, Virginia, and music by Arthur Norris, will be featured at the National Tobacco Festival in South Boston, Virginia, and broadcast from there on September 5th. The song has been published by Richard T. Penn, husband of the lyricist, and dedicated to their son, George Rucker Penn, II. It was written during a visit to the Penn home in Danville by Mr. and Mrs. Arthur Norris. Mrs. Norris sings under the name of Lola Galli, and is the sister of Marie Gambarelli.

The words follow:

"An angel's lips from the blue above,
Brushed your blue eyes to sleep with her love;
What tender dreams did God unfold,
In your little head of downy gold.
Rest sweet, my baby, in heavenly peace,
And pray God, my dear, that your dreams shall not cease,
For your tiny eyes reveal from within,
His love for mankind and should ne'er grow dim.
The world should stop where you've begun,
With love and hate the same, dear, as one;
Your dreams are sunshine out of the sky,
So sleep well, my little one, where you lie."
—Copyright, 1941, Richard T. Penn.

Mr. Penn has addressed a card to the Program Directors of 647 radio stations carrying the picture of their little son. On it he writes:

"Just a word about the song that has been acclaimed so lovely—"'A Mother's Lullaby' was written by a mother, the mother of the baby whose picture you see on the card (our baby boy). Its beautiful melody was composed and dedicated to him by Arthur Norris, our friend. And though, neither his mother nor myself are in the music business, it is with pleasure that we cooperate with BMI in sending you a copy of our song and we hope that you and your radio audience will enjoy 'A Mother's Lullaby'".

"I Guess I'll Have to Dream the Rest"

The increasing popularity of *I Guess I'll Have To Dream The Rest* reveals another talent of Martin Block, nationally famous as the producer of *Make Believe Ballroom*. Although the song does not mark Block's first venture into Tin Pan Alley, it is his first hit. It was written by Block in collaboration with Mickey Stoner and Harold Green.

Originally introduced by Glenn Miller, *I Guess I'll Have To Dream The Rest* has been recorded by Miller, by Tommy Dorsey and Bobby Byrne. It is a favorite in the music machines throughout the country.

Block started off in the business world as office boy to Owen D. Young and remained with Mr. Young for almost three years. Thereafter he began a roving career and his jobs, never lasting more than three months, included that of clothing salesman, drugstore clerk, cloak and suiter and magazine solicitor. In the 1920's, Block decided to become a radio announcer. New York stations weren't receptive and he went to California where he worked as announcer for a group of some twenty stations. In 1935, he returned to New York and persuaded WNEW to schedule the *Make Believe Ballroom* program. Today his show, broadcast twice a day, is one of the Metropolitan area's most popular attractions.

Intriguing

Delilah, a new bounce tune by Henry Manners and Jimmy Shirl, which has everybody bouncing at BMI, will be introduced next Monday night, August 4th, by Guy Lombardo. Strangely enough, it is the first tune carrying the name of an American girl since the craze set in for Latin-American music. We have had *Maria Elena,* now it's *Delilah.*

Cole Carries On

Maury Cole, head of M. M. Cole Company, is in New York to supervise his company's exhibit at the Annual Convention of the National Association of Music Merchants at the Hotel New Yorker. To satisfy current demand for new music, Mr. Cole has acquired the catalogues of P. C. Brockman, containing many familiar tunes, most of which are on records. He is now engaged in clearing this music for broadcasting.

"Popularity of radio singers with the public", Mr. Cole said, "is creating a demand for albums of their best known numbers".

Two biggest Cole songs remain *Mexicali Rose* and *I Only Want A Buddy Not A Sweetheart,* with the new tune, *Foolish,* winning favor rapidly.

Weddings

Following a long period of inactivity, romance has reared its roguish head at BMI. It may not be necessary to be in love to write love songs and to write about love songs, but apparently it helps. And apparently all of the contact with radio talent has not been left to the Contact Men's Union.

Alex Kramer, composer of *So You're the One, It All Comes Back To Me Now, High On A Windy Hill* and *My Sister And I,* is about to be married to Sally Jo Nelson. The exact date of the wedding has not been set, but according to Miss Nelson, "it will be sometime this year". A native of McKeesport, Pennsylvania, Sally Jo Nelson has won fame as a contralto singer of rhythm and ballad numbers on major network programs. She plans to continue her career after marriage.

Alan M. Fishburn, Editor of Continuity for BMI since September, 1940, will be married in October, according to present plans, to Geraldine Kay, stage and radio actress, now playing a leading part in "Orphans of Divorce" on the NBC Blue Network, and recently heard in "Second Husband" and "Manhattan at Midnight". Prior to her radio appearances, Miss Kay played with Leslie Howard in "Escape" and with Nazimova in "The Good Earth".

Mr. Fishburn is leaving BMI to become associated with NBC in Chicago as a program director and producer. He directed "Your Family and Mine" for Sealtest, Inc., over NBC and CBS networks in 1938 and 1939. In the legitimate field, he staged the American premier of T. S. Eliot's "Murder in the Cathedral", and Auden & Isherwood's "The Ascent of F-6" in 1936 and 1937 respectively. He wrote "Let's Go To Work" for WOR in 1940.

Alexander the Swoose

Alexander Swoose, that strange little animal of aquatic parentage, is finally available to all BMI subscribers. The song, popularized by Kay Kyser and others, has been licensed directly up to the present time, but now comes to BMI through the Mann Music Company.

Master Swoose is the most likeable comical character invented since Mickey Mouse and there have been reports that his adventures will be recorded in celluloid.

KROC Comments

From Cal Smith, Music Director of KROC, Rochester, Minnesota:

"You might be interested in this reaction to BMI music that I received last week when I attended a stage performance by Paul

Whiteman and his orchestra at the Orpheum Theatre in Minneapolis.

"Naturally, the Whiteman theme, *Rhapsody In Blue*, received some applause, but as the show progressed and current BMI tunes were played, the audience showed their appreciation by applauding loudly. ASCAP favorites received little and sometimes *no* applause. It was interesting to me to have this audience reaction to BMI, because we're 100% BMI here at KROC. I've noticed, too, that local bands broadcasting over this station more and more are getting requests to play and play again BMI owned or controlled tunes. Out hats are off to BMI and all it stands for!"

Sales

Shapiro & Schoenbrod Explain

The Shapiro & Schoenbrod Agency of Chicago solicited per-inquiry deals on behalf of Monarck Cameras and listed 18 stations as "among the many now successfully merchandising" the product. As previously reported here, investigation showed that these stations received the Monarck business from a different agency, and at full rates. Because of the widespread misunderstanding created, we publish the Shapiro & Schoenbrod reply to the NAB:

". . . As to any false impressions I sincerely wish to say that there was no ulterior motive in listing 18 radio stations. . . In doing so we made no representations that Shapiro & Schoenbrod had bought time with all these stations nor had we inferred or wished to infer that these stations were on a per inquiry basis. Persons active in radio know that most of these stations listed would not accept an account under these terms. . . .

"Please believe us when we say that we are in complete accord with the policies of the NAB. However, it was the opinion of our client that there were certain types of stations during the summer whose listening audience did not merit any consistent expenditures and who nevertheless possessed markets worth consideration. It was the desire of our client to test these markets in as conservative a fashion as possible. Consequently we took the action of which you have knowledge, offering a per inquiry deal to several stations expecting that those who were interested would so advise us and the rest would merely ignore our solicitation. Any letters that we sent out were forwarded as of July 14, 1941. No more have been sent out and we do not intend to forward any more.

"It is indeed regrettable that misunderstandings have arisen, and in the future we shall endeavor to avoid any such occurrences. In closing may I say that any cooperation that you desire from Shapiro & Schoenbrod will be gladly extended."

Labor

Cost of Living

The Labor Department reports that the cost of living for wage earners and lower salaried workers increased 3.4 per cent during the three months ended June 15. The cost of living June 15 was 6 per cent higher than it was when the European war broke out.

The department's index on June 15 stood at 104.6. In this index, 100 represents the average cost of living in 1935-39.

New A. F. of M. Agreements

The networks have made new contracts with the American Federation of Musicians, covering musicians employed in New York City. They provide for employment of 130 staff musicians by NBC and half that number by CBS. The regular weekly rate for 25 hours of commercial or sustaining and commercial work is $150.

Wage and Hour Act

Traveling time. There have been a great many questions about how to calculate *hours worked* in the case of announcers and engineers traveling for remotes. Here is the way it works:

If an employee is sent out for a single day, returning the same day, his working time is calculated from the time he leaves the studio until he returns to the studio, lunch hour excepted.

If an employee is sent out for more than one day, he is each day to be paid for his usual working day, provided he does not actually work longer than his usual time in any of his days out of town.

The Wage and Hour Division now holds that there is nothing in the Act to prevent an employer from paying an employee a lesser hourly rate for traveling time than he pays for regular time. For instance, an announcer who regularly receives $40 for a 40 hour week ($1 an hour) could be paid 30 cents an hour for time spent in traveling. His rate for overtime purposes then would be determined by dividing his total compensation by his total hours worked. Whether the institution of such a plan would be good personnel policy, however, is another question.

Any broadcaster having any questions about this matter should address the NAB Labor Relations Director.

New Union

A new union entered the broadcasting picture recently when NBC and CBS signed contracts with the I.A.T.S.E. (stage hands, movie operators, movie cameramen, etc.) covering certain television employees.

National Defense

First Reports Arrive

First two July National Defense Broadcast Reports to be received by NAB came from: George E. Joy, manager, WRAK, Williamsport, Pa., and Gerald J. Morey, manager, WNLC, New London, Conn. They arrived in the same mail Thursday morning. Next mail two hours later brought reports from Lester Spencer, program manager, WHIO, Dayton, Ohio; Simon Goldman, manager, WJTN, Jamestown, N. Y.; WBRK, Pittsfield, Mass., and W. A. Wilson, manager, WOPI, Bristol, Tenn.

As soon as other station executives have had sufficient time to forward reports the industry will have an outstanding story to tell. It is hoped to receive reports from all U. S. stations.

Keep 'em Flying

Seven hundred and fifty (750) stations have signified their longtime cooperation in the "Keep 'em Flying" campaign in behalf of the Army. Previously unreported cooperating stations are:

KDTH—Dubuque, Iowa
KIDW—Lamar, Colo.
KODL—The Dalles, Ore.
KGRM—Greenwood, Miss.
WHAZ—Troy, N. Y.
WILM—Wilmington, Del.

Kay Pyle, general manager, KFBI, Wichita, has a new station break announcement given at least once each hour. It is:

> "KFBI, the Air Capital of the United States, Wichita, Kansas. Keep 'em Flying."

Aluminum Campaign

WSUN, St. Petersburg, Fla., did its part in the aluminum recovery drive. Besides carrying a heavy schedule of announcements, the station offered the use of its mobile unit to aid in the house-to-house campaign. WSUN announcers who volunteered their services collected a variety of articles which ranged from permanent waving machines to stoves.

To launch the aluminum campaign in Los Angeles, station KRKD arranged a broadcast from the steps of the Los Angeles City Hall. After Mayor Fletcher Bowron officially declared the aluminum drive open a group of Girl Scouts each deposited a piece of scrap aluminum in a huge bin, thereby making natural sound effects for KRKD's microphone. Other speakers on the show were Lucille Ball, Ann Shirley, Helen Gahagan, Sol Lesser and various civic leaders. George Hjelte, director of the Los Angeles City Playground and Recreation Department, was chairman of the Los Angeles Aluminum Drive.

New ND Sustainers

WRVA, Richmond, is presenting a weekly series of national defense dramatizations from the studio. This, wrote Walter R. Bishop, director of public relations, is in addition to your spot announcements.

KROD, El Paso, Texas, has a new show, "Calling All Men," each Monday, Wednesday and Friday for the exclusive purpose of publicizing various ND releases. Shows are each a quarter hour, wrote William Jolesch, director of publicity, "and we believe that much benefit will result in the El Paso-Southwest listening area."

Muzak License

In connection with Neville Miller's statement (NAB Reports, p. 595) about the license granted by the FCC to the Muzak Corporation, Muzak says:

> "Muzak will not use radio as a means of transmitting its musical program to restaurants and hotels. This is a special service and will be continued as such over telephone lines. The air will be used solely for transmitting programs to the general public. Such a service is not possible over telephone lines at costs low enough to enable the public to obtain the service.
>
> "It has never been our thought that the program service which we will give the public will serve as a substitute for the fine programs furnished the public by advertising sponsors. Our program will be so to speak a standby service always available to those who are not interested in the sponsored programs available from time to time. In fact we shall probably remind our subscribers from time to time or call their attention to radio programs of special interest. Likewise our news service will be supplemental to other news broadcasts, merely keeping our subscribers informed of the most recent news."

FEDERAL COMMUNICATIONS COMMISSION

Noncommercial FM for Chicago

The Chicago Board of Education was granted a construction permit for a new noncommercial educational broadcast station to serve the elementary, high school, junior college, and adult educational classes in that city's public school system. The station, which will use FM (frequency modulation) emission, is authorized to operate on 42,500 kilocycles with power of 1000 watts.

The Board of Education which now broadcasts approximately 25 programs each week over local standard broadcast stations, proposes to use the noncommercial service to transmit scholastic programs during school hours, and for perhaps one hour in the evening on five days a week. Subjects will embrace music, art, science, literature, news, social studies, safety, national defense, and Pan Americanism. The board has appropriated $10,750 for this purpose. The transmitter will be at 228 North LaSalle Street.

This is the seventh station of its kind which the Commission has authorized to date.

FM Towers

The FCC made the following statement concerning the location of antennas for high frequency (FM) broadcast stations on tower radiators of standard broadcast stations:

> The purpose of the following is to clarify the Commission's requirements regarding the common location of antennas for high frequency (FM) broadcast stations with those of standard broadcast station.[1]
>
> The Commission will consider an application for authority to install the high frequency antenna in accordance with the principles set forth in the rules and standards for high frequency broadcast stations independently of the operating and economic advantages which obtain through common location of two stations. If the site and antenna system comply with the Commission's rules certain additional requirements must be met in order to insure that the operation of the standard broadcast station is not adversely affected.
>
> In the instance where the standard broadcast station involved employs a non-directional antenna the licensee will be required to file FCC Form No. 306 giving new resistance measurements after the installation and testing of the high frequency broadcast antenna. During the installation of the antenna and until the new resistance determination is approved, the licensee should apply for authority to operate the station by the indirect method of power determination (informal application). Applications for license for the associated high frequency broadcast station will not be considered until Form 306 is filed for the standard broadcast station.
>
> When it is proposed to install a high frequency antenna on one element of a standard broadcast directional antenna, it will be necessary to file application for modification of construction permit for the standard broadcast station with the application for construction permit for the high frequency broadcast station. The granting of the modification for the standard station will, of course, be contingent upon the granting of the construction permit for the high frequency broadcast station. FCC Form No. 304 should include a complete engineering study setting forth fully the effect of the high frequency antenna upon the operation of the standard broadcast antenna system. Depending on the individual case the Commission may require certain field measurements on the standard broadcast station following the installation of the high frequency (FM) antenna system. The application for license to cover the construction permit for the FM station will not be considered until the licensee has made a satisfactory showing with Form 302 that the installation of the FM antenna has not adversely affected the operation of the standard broadcast station.
>
> The installation of the high frequency antennas on towers of standard broadcast stations may require certain additional lighting. The applicant should supply complete information showing the mechanical details thereof so that the additional hazard to air navigation may be evaluated together with the additional lighting which may be required.

From the FCC Mail Bag

A certain West Coast amateur sent the Federal Communications Commission a routine application for modification of license to permit change of address. Not realizing that the Commission's routine functioning has to be subordinated to more important duties in connection with the national defense, this amateur became impatient that he did not receive instant action and sent a follow-up "letter" transcribed on a phonograph record. After the necessity of playing it to see what it was all about, the Commission attached the disk to the "ham's" application papers.

A certain broadcast station asks whether its customary use of the Morse Code "V" before and after news broadcasts is complicated by the fact that this symbol has become a victory signal by Great Britain in her war efforts. The Commission has no reason to believe that continued use of this symbol by the station in question violates any law or is contrary to the public interest.

"Has a person who has been convicted of a felony and has served the prison sentence imposed the right to make application for a radio operator's license?" a Californian asks. The Commission replies:

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[1] See Section 3.45 (e) of the Rules Governing Standard and High Frequency Broadcast Stations and Section 19 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

"Section 303(l) of the Communications Act of 1934, as amended, provides that the Commission shall 'have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States as the Commission finds qualified.' The Act does not specifically prohibit the issuance of a radio operator's license to one convicted of a felony, unless, of course, loss of the individual's United States citizenship resulted from such conviction. The duty of determining the qualifications of any applicant for an operator's license is, however, imposed upon the Commission, and in the fulfillment of that duty all of the facts concerning any particular application must be weighed. In any event, there is no statutory bar to the filing of an application for license by such person."

Add radio program suggestions which the Commission itself cannot consider, though advising the parties to write to stations or networks direct:

Suggestion by a Salisbury, Md., resident that newspapers and radio stations be restricted in the publishing of vivid accounts of airplane disasters.

Suggestion by an Atlanta listener than an announcement be made before and after each newscast originating abroad that such broadcast has been censored.

A representative of a certain labor union writes the Commission:

"I wish to congratulate the Federal Communications Commission on the statement made in the last paragraph of your notice dated July 15, 1941, and addressed to Shipowners, Ship Masters, Radiotelegraph Operators, and others concerned, in which you make it clear that the suspension of the Six Months Law for marine Radio Officers does not mean that inexperienced men should be employed when experienced men are available. That is a very fine statement and you deserve credit for making it public, and I thank you for it."

FCC Assignments

The FCC announces that the work, business and functions of the Commission for the month of August have been assigned as follows:

Commissioner Walker:	Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.
Same:	Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearings, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; provided, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be held before the Commission during the week beginning Monday, August 4. They are subject to change.

Tuesday, August 5

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, **920 kc.,** 500 watts night, 1 KW day, S-KUSD.

NEW—Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—C. P., **1420 kc.,** 250 watts, unlimited time.

Wednesday, August 6

KGLU—Gila Broadcasting Co., Safford, Ariz.—Renewal of license, **1450 kc.,** 250 watts, unlimited time.

Thursday, August 7

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—C. P., **1110 kc.,** 50 KW, unlimited time, DA-night. Present assignment: **1110 kc.,** 50 KW, unlimited time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., **1110 kc.,** 50 KW, unlimited time, DA-night. Present assignment: **780 kc.,** 10 KW, simultaneously day, S-WBBM-N, S.A. synchronized with WBBM-N—Exp.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license, **770 kc.,** 50 KW, unlimited time. Present assignment: **780 kc.,** 50 KW, simultaneously day, S-KFAB-N, S.A. synchronized with KFAB-N—Exp.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—C. P., **770 kc.,** 1 KW, daytime. Present assignment: **1090 kc.,** 1 KW, limited to WBAL and WTIC.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

August 27

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Renewal of license, **990 kc.,** 1 KW, daytime.

WRDO—WRDO, Incorporated, Augusta, Maine.—Renewal of license, **1400 kc.,** 100 watts, unlimited time.

August 28

NEW—West Allis Broadcasting Co., West Allis, Wis.—C. P., **1480 kc.,** 250 watts, daytime.

KMA—May Broadcasting Co., Shenandoah, Iowa.—Renewal of license, **960 kc.,** 1 KW night, 5 KW day, unlimited time.

September 3

To Be Held in Atlanta, Georgia

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **920 kc.,** 1 KW night, 5 KW LS, unlimited time.

September 18

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P., **1060 kc.,** 10 KW, unlimited time, DA-day and night. Present assignment: **1400 kc.,** 250 watts, unlimited time.

September 22

WJPR—John R. Pepper, Greenville, Miss.—C. P., **1600 kc.,** 1 KW, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WFAM, Inc., LaFayette, Ind.—Granted construction permit for a new station to operate on **1230 kc.,** 100 watts, unlimited time. Exact transmitter site and antenna system to be determined subject to Commission's approval. To use old WFAM call letters (B4-P-3146).

Howard H. Wilson, Oshkosh, Wisc.—Granted construction permit for new station to operate on **1490 kc.,** 250 watts, unlimited time (B4-P-3110).

Trent Broadcast Corp., Trenton, N. J.—Granted construction permit, conditioned upon certain interference precautions, for a new station to operate on **920 kc.,** 1 KW power, unlimited time, using directional antenna day and night (B1-P-2861).

Board of Education, City of Chicago, Chicago, Ill.—Granted construction permit for new noncommercial educational broadcast station to operate on **42500 kc.;** emission: special for frequency modulation, 1 KW power, unlimited time (B4-PED-22).

KUTA—Utah Broadcasting Co., Salt Lake City, Utah—Granted modification of construction permit (B5-P-2342) to increase day power to 5 KW, make changes in equipment, changes in directional antenna and move transmitter to North Lake St. and Midland Ave. (9 miles north of main business district of Salt Lake City), extend commencement date to 60 days after grant and completion date to 180 days thereafter (Station operates on **570 ks.,** 250 watts, unlimited time, with C. P. for 1 KW, unlimited time, DA night and day.) (B5-MP-1248).

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Granted construction permit to change frequency from **1480** to **590 k.;** increase power from 500 watts night, 1 KW day, to 5 KW day and night; install new equipment and directional antenna for night use, and move transmitter to 4 miles northwest of Atlanta between Gun Club Road and Sweat Drive (B3-P-2938).

KVOD—Colorado Radio Corp., Denver, Colo.—Granted construction permit to install a new transmitter, increase power from 1 to 5 KW, and make changes in directional antenna for day and night use, same pattern day and night; **630 kc.** (B5-P-2663).

KMYR—F. W. Meyer, Denver, Colo.—Granted modification of license to increase night power from 100 to 250 watts; **1340 kc.,** 250 watts day, unlimited time (B5-ML-1074).

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted modification of license to increase time of operation to unlimited; **1390 kc.,** 500 watts night, 1 KW LS (Sundays), C. P. for 5 KW unlimited time, (DA) (B4-ML-1082).

KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted construction permit to change frequency from **920** to **940 kc.,** increase power from 1 to 5 KW day and night, make changes in directional antenna system for day and night use and install new transmitter, upon condition that applicant takes care of all blanketing complaints (B5-P-3159).

KITE—First National Television, Inc., Kansas City, Mo.—Granted renewal of license on a temporary basis for a period of 60 days; **1590 kc.,** 1 KW, unlimited time (B4-R-1019).

KWAL—Chester Howarth and Clarence Berger (Assignors), Silver Broadcasting Company (Assignees), Wallace, Idaho—Granted consent to assignment of license of station KWAL from Chester Howarth and Clarence Berger, to Silver Broadcasting Co.; station operates on **1450 kc.,** 250 watts, unlimited time (B5-AL-308).

WHIP—Hammond-Calumet Broadcasting Co., Hammond, Ind.—Granted renewal of license for station WHIP and construction permit, subject to certain engineering requirements, to change hours of operation from specified to unlimited, and install directional antenna for both daytime and nighttime use; **1520 kc.,** 5 KW power (B4-P-2399—Docket 5863).

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Texas—Granted renewal of license for station KGFI upon a regular basis for the period ending December 1, 1941, in lieu of the temporary license under which station is now operating. Station has now furnished the Commission satisfactory evidence of the fact that James G. Ulmer has been completely eliminated from any connection whatsoever with the station and will not in the future be associated or connected therewith.

WCAB—WCAU Broadcasting Co., Newton Square, Pa.—Granted request to extend effective date of Sec. 4.45 of the Commission's Rules as it applies to WCAB to October 25, 1941 (This section requires all international stations to operate with power of not less than 50 KW; station WCAB now uses 10 KW).

WCBX—Columbia Broadcasting System, Inc., near Wayne, N. J.—Granted request to extend effective date of Sec. 4.45 of the Commission's Rules as it applies to WCBX to October 25, 1941 (This section requires all international stations to operate with power of not less than 50 KW; station WCBX now uses 10 KW).

RENEWAL OF LICENSES

The following stations were granted renewal of licenses on a regular basis: KALE, Portland, Ore.; KGCX, Wolf Point, Mont.; KGER, Long Beach, Cal.; WBBR, Brooklyn, N. Y.; WHAZ, Troy, N. Y.; WHOM and auxiliary, Jersey City, N. J.; WLOL, Minneapolis, Minn.

WORK—York Broadcasting Co., York, Pa.—Present license extended upon a temporary basis only for the period August 1 to September 1, pending determination upon application for renewal (B2-S-805).

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Present license extended upon a temporary basis only for the period August 1 to September 1, pending determination upon application for renewal (B4-S-494).

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Present license extended upon a temporary basis only for the period August 1 to September 1, pending determination upon application for renewal (B4-S-494).

KELA—Central Broadcasting Corp., Chehalis, Wash.—Present license extended upon a temporary basis only, pending determination upon application for renewal of license, for the period August 1 to October 1, 1941 (B5-S-949).

KCRC—Enid Radiophone Co., Enid, Okla.—Present license extended upon a temporary basis only, pending determination upon application for renewal of license, for the period August 1 to October 1, 1941 (B3-S-465).

KSRO—Ernest L. Finley, Santa Rosa, Cal.—Present license extended upon a temporary basis only, pending determination upon application for renewal of license, for the period August 1 to Ooctober 1, 1941 (B5-S-939).

WCNW—Arthur Faske, Brooklyn, N. Y.—Present license extended upon a temporary basis only, for the period August 1 to September 1, 1941, pending receipt and determination upon application for renewal of license (B1-S-216).

WKAT (Aux.)—A. Frank Katzentine, Miami Beach, Fla.—Present license extended upon a temporary basis only, for the period August 1 to September 1, 1941, pending receipt of and determination upon application for renewal of license (B3-S-947).

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), New York—Present license extended upon a temporary basis only, for the period August 1 to September 1, 1941, pending receipt of and determination upon application for renewal of license (B1-S-271).

DESIGNATED FOR HEARING

Cuyahoga Valley Broadcasting Co., Cleveland, Ohio—Application for new station to operate on **1300 kc.,** 1 KW, daytime only (B2-P-1897).

Tidewater Broadcasting Co., Norfolk, Va.—Application for new station to operate on frequency **1490 kc.,** 250 watts power, unlimited time (B2-P-3127).

R. M. Wallace and G. E. Schnibben, d/b as Norfolk County Broadcasting Co., Norfolk, Va.—Application for new station to operate on **1490 kc.,** 250 watts, unlimited time. Exact site to be determined subject to Commission's approval (B2-P-3209).

Portsmouth Radio Corp., Portsmouth, Va.—Application for new station to operate on **1490 kc.,** 250 watts, unlimited time (B2-P-3097). This application will be heard together with applications of Tidewater Broadcasting Co. and Norfolk County Broadcasting Co., listed above.

Seaboard Broadcasting Corp., Tampa, Fla.—Application for construction permit for new station to operate on **1590 kc.,** 1 KW, unlimited time (B3-P-2813).

WTNJ—WOAX, Inc., Trenton, N. J.—Application for modification of license (B1-ML-1084), for unlimited time (facilities of WCAM and WCAP, with which it shares time on **1310 kc**), to be heard in consolidation with application of WDAS, Philadelphia, to use **1260 kc.** (Docket 6049); WCAM, Camden, N. J., for renewal and modification of license (Dockets 5361 and 6144); WCAP, Asbury Park, N. J., for renewal and modification of license (Dockets 5778 and 6145).

MISCELLANEOUS

WING—Great Trails Broadcasting Corp., Dayton, Ohio.—Granted special temporary authority to conduct point to point communication service over station WING for five-minute periods on the hour, beginning at 8 a. m. EST, and ending at 2 p. m. EST, July 24, 1941, only, in order to allow Mayor Brennan and his committee to issue instructions to the 1600 women and 1600 girl and boy scouts, each equipped with a portable radio, who are participating in the Dayton National Defense Aluminum Collection Day activities.

City of New York, Municipal Broadcasting System, N. Y.—Granted special temporary authority to operate regularly licensed relay broadcast station at the Statue of Liberty National Monument, Bedloes Island, for the purpose of transmitting program material to station WNYC in connection with ceremonies at the Ninety-second Anniversary of Emma Lazarus, arranged by the National Park Service and American Committee for the Foreign Born, on July 22, 1941, only, waiving Section 4.21 as it precludes use of relay broadcast station where wire facilities are available.

WCAM-WCAP—City of Camden, N. J., Radio Industries Broadcast Co., Asbury Park, N. J.; WTNJ—WOAX, Inc., Trenton, N. J.—Continued hearing in re applications of WCAM and WCAP for renewals and modification of licenses and WTNJ for renewal of license, now scheduled for July 25, 1941, until a date to be hereafter fixed by further order of the Commission.

Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted petition for leave to amend application for FM station to change frequency from **43100 kc.** to **46100 kc.**, and mileage from 20,437 to 10,000 square miles, and application removed from hearing docket.

WRDO—WRDO, Inc., Augusta, Maine.—Motion for 60-day postponement of hearing on application for renewal of license, now scheduled for July 28, granted for a period of 30 days.

Symons Broadcasting Co., Ellensburg, Wash.—Petition to dismiss without prejudice application for new station to operate on **1110 kc.**, 1 KW, unlimited time, granted.

KMA—May Broadcasting Co., Shenandoah, Iowa.—Motion for 60-day continuance of hearing of application for renewal of license now scheduled for July 28, granted for period of 30 days.

WGST—Georgia School of Technology, Atlanta, Ga.—Motion to continue the hearing on application for renewal of license now scheduled for August 1, granted for September 3.

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted modification of license to increase power of auxiliary transmitter from 1 KW night, 5 KW LS, to 5 KW day and night using DA at night (B4-ML-1078). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-1149).

WYNE—Board of Education, City of New York, Brooklyn, N. Y. —Granted modification of construction permit (B1-PED-18, which authorized change in equipment, frequency, emission and power) for change in type of transmitter, and extension of commencement date to 90 days after grant and completion date to 180 days thereafter, respectively (B1-MPED-6).

WEIM—Ruben E. Aronheim, Fitchburg, Mass.—Granted modification of construction permit (B1-P-3061, authorizing a new station to operate on **1340 kc.**, 250 watts, unlimited time) for approval of antenna and approval of transmitter site at Summer St., Fitchburg, Mass. (B1-MP-1338).

WJZM—Wm. D. and Violet Hutton Hudson, Clarksville, Tenn.—Granted modification of construction permit (B3-P-2983 for a new station to operate on **1400 kc.**, 250 watts, unlimited time) for approval of antenna, transmitter, studio site and transmitter site (B3-MP-1313).

WSON—Paducah Broadcasting Co., Inc., Henderson, Ky.—Granted modification of construction permit (B2-P-3149 for new station to operate on **860 kc.**, 250 watts, daytime), for approval of studio and transmitter location on Zion Road, SE of Henderson, and approval of antenna (B2-MP-1357).

WINC—Richard Field Lewis, Jr., Winchester, Va.—Granted license to cover construction permit for new station to operate on **1400 kc.**, 250 watts, unlimited time (B2-L-1452). Also granted authority to determine operating power by direct measurement of antenna power (B2-Z-1161).

WTAL—Fla. Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted license to cover construction permit (B3-P-3175) which authorized changes in transmitting equipment (B3-L-1443).

KECA (Aux.)—Earle C. Anthony, Inc., Los Angeles, Cal.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1162).

KFI (Aux.)—Earle C. Anthony, Inc., Los Angeles, Cal.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1154).

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Granted license to cover construction permit (B2-P-2251, for new station), **1490 kc.**, 100 watts night, 250 watts, unlimited time (B2-L-1441). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-1143).

WDBJ—Times-World Corp., Roanoke, Va.—Granted license to cover construction permit (B2-P-2522), for installation of DA for night use, increased power, approval of transmitter location at present site, **960 kc.**, 5 KW, unlimited time, DA night (B2-L-1445). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-1148).

WKST—WKST, Inc., New Castle, Pa.—Granted license to cover construction permit (B2-P-2809, for installation of DA for night use, increase in hours of operation and power, change in frequency under NARBA, **1280 kc.**, 1 KW, unlimited time, DA (B2-L-1449). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-1157).

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted license to cover construction permit (B2-P-2658, for installation of new transmitter, changes in DA system, and increase in power to 5 KW (B2-L-1446). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-1150).

WHN—Marcus Loew Booking Agency, New York City.—Granted construction permit to make changes in present auxiliary transmitter and move to site of new main transmitter, E. Rutherford, N. J. (B1-P-3232).

KOB—Albuquerque Broadcasting Co., Albuquerque, New Mexico. —Granted modification of construction permit (B5-P-2785, for new transmitter, increase in power from to 10 to 50 KW), for extension of completion date to August 5, 1941 (B5-MP-1346).

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted license to cover construction permit (B1-P-243, which authorized increase in power and installation of DA for night use, **980 kc.**, 5 KW, unlimited time, DA-N) (B1-L-1450). Also granted authority to determine operating power by direct measurement of antenna power (B1-Z-1158).

W2XBB—Bamberger Broadcasting Service, Inc., New York, N. Y. —Granted modification of construction permit as modified for new television broadcast station, for extension of commencement and completion dates from January 22, 1941, and July 22, 1941, to August 22, 1941, and January 22, 1942, respectively (B1-MPVB-51).

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted modification of construction permit (B1-P-2902 for new transmitter, installation of DA for day and night use, increase in power and move of transmitter) for extension of completion date to October 17, 1941 (B1-MP-1342).

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Granted modification of construction permit (B1-P-2948, for new transmitter, increase in power, change in frequency) for authority to install modulation monitor and automatic frequency control equipment (B1-MP-1353).

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio—Granted modification of construction permit (B2-P-2547, to install new transmitter and DA for night use, increase power, change in hours of operation) for authority to install new transmitter (B2-MP-1348).

KTBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Granted modification of construction permit (B5-P-2028, for a new station) for approval of antenna, of transmitter site at 204 S. 11th St., Tacoma; change in type of transmitting equipment to be installed, and for **1490 kc.**, and 250 watts power (B5-MP-1341).

KRKO—The Everett Broadcasting Co., Inc., Everett, Wash.—Granted license to cover construction permit (B5-AF-33, for new transmitter, vertical antenna, increase in power, move of transmitter and change in hours of operation), **1400 kc.**, 100 watts night, 250 watts LS, S-KEVR (B5-L-1444). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-1147).

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—Granted license to cover construction permit (B-P-3069, which authorized move of formerly licensed RCA 1-D, 1 KW, transmitter from fronting on Kapiloani Blvd., Honolulu, to Kapiolani Blvd., Honolulu, for use as auxiliary transmitter for emergency purposes only (B-L-1454).

WMIS—Natchez Broadcasting Co., Natchez, Miss.—Granted license to cover construction permit (B3-P-2999, for new station), **1490 kc.**, 250 watts, unlimited time (B3-L-1426). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-990).

Southern California Broadcasting Co., Pasadena, Cal.—Granted petition for leave to amend application for construction permit to change transmitter site, etc., and removed application from hearing docket.

Edward Tom O'Brien, David Shepard, Howard S. Johnson and John W. Boler, d/b as Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Granted petition to amend application for new station to change frequency from **1550** to **1400 kc.**; power from 1 KW to 250 watts, unlimited time, on condition that amendment be filed within 10 days from date; the application removed from hearing docket and severed from that of the Gazette Co., Cedar Rapids, Ia., Docket 5330.

WBNX—WBNX Broadcasting Co., Inc., New York City—Petition for leave to amend application for new FM station to change frequency from **47500** to **48300 kc.**, granted; request to remove from hearing docket, dismissed.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted petition to intervene in the hearing on application of KWK, St. Louis, for authority to operate on **680 kc.**, 50 KW, unlimited time, DA day and night.

KMO—Carl E. Haymond, Tacoma, Wash.—Granted modification of construction permit (B5-P-2707), for new transmitter, increase in power to 5 KW and changes in antenna) for extension of completion date to Oct. 22/41 (B5-MP-1350).

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted license to cover construction permit (B5-P-2848, for increase in power, installation of DA for night use) (B5-L-1455). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-1165).

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted license to cover construction permit (B4-P-2886) for new transmitter and directional antenna for night use, move of transmitter, increase power, and change in hours; **1070 kc.**, 1 KW night, 5 KW LS, unlimited time (B4-L-1448). Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-1152).

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted license to cover construction permit (B3-P-2901), which authorized installation of DA for night use; change hours of operation from daytime to unlimited; increase power from 1 KW to 1 KW night, 5 KW LS, installation of new transmitter and move of transmitter (B3-L-1447). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-1151).

WBNS—WBNS, Inc., Columbus, Ohio—Granted authority to determine operating power of auxiliary transmitter by direct measurement of antenna input (B2-Z-915).

KGU—Marion A. Mulrony and Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted authority to determine operating power by direct measurement of antenna input (B-Z-1168).

WQAM—Miami Broadcasting Co., Miami, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1153).

KINY—Edwin A. Kraft, Juneau, Alaska.—Granted authority to determine operating power by direct measurement of antenna input (B-Z-1153).

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1027).

KELA—Central Broadcasting Corp., Centralia-Chehalis, Wash.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1133).

KFPL—C. C. Baxter, Dublin, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1083).

WQAN (Aux.)—The Scranton Times (A Corp.), Scranton, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1064).

WJBW—Charles C. Carlson, New Orleans, La.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1159).

WEVD—Debs Memorial Radio Fund, Inc., New York City.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-998).

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-859).

KGKB—East Texas Broadcasting Co., Tyler, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1172).

KITE—First National Television, Inc., Kansas City, Mo.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1136).

KPDN—R. C. Hoiles, Pampa, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1086).

WMSD—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1052).

KVIC—Radio Enterprises, Inc., Victoria, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1123).

KEX—Oregonian Publishing Co., North Portland, Ore.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1059).

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted extension of special temporary authority to operate on unlimited time basis for period not to exceed 30 days beginning July 24 and ending no later than Aug. 22 (B2-S-379).

WOWO—Westinghouse Radio Station, Inc., Ft. Wayne, Ind.—Granted extension of special temporary authority to operate unlimited time for the period July 24 to Aug. 22 (B4-S-492).

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate with composite 100-watt broadcasting transmitter on **1070 kc.** during regularly licensed hours of operation for a period not to exceed 30 days, while main transmitter is being moved to new location and proof of performance tests are being conducted in accordance with construction permit (B4-S-924).

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted extension of special temporary authority to operate daytime with a nondirectional antenna until sunset at Sacramento, for a period beginning July 26 and ending no later than August 24.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from sign-off time (July 7:30 P. M. CST) to 9:30 P. M., CST, July 25 and 26, for the purpose of broadcasting certain portions of Kendall County Centennial Celebration (B4-S-995).

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Denied extension of special temporary authority to operate from local sunrise at Glenside, to local sunrise at Knoxville, Tenn. (Station WNOX), instead of daytime as stipulated in reallocation, for the period July 27 to Aug. 25, pending action on formal application for such authority (B2-S-339).

KGEK—Elmer G. Beehler, Sterling, Colo.—Denied request for special temporary authority to operate from 8. P. M. to 9:30 P. M., MST, on Thursday nights, August 7, 14, 21, 28, 1941, in order to broadcast band concerts.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate additional time from 8 P. M., CST, to conclusion of Zivic-Cochrane bout on July 28 and Soose-Abrams bout on July 30, 1941, only, using 500 watts only.

WHCU—Cornell University, Ithaca, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1105).

WTBO—Asso. Broadcasting Corp., Cumberland, Md.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-888).

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted authority to install automatic frequency control equipment (B2-F-227).

WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Granted authority to install automatic frequency control equipment (B4-F-229).

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted authority to install automatic frequency control equipment (B2-F-230).

W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted special temporary authority to operate FM station commercially on **47100 kc.**, 10 KW, at 444 Madison Ave., New York City, for period of 30 days pending completion of antenna construction in accordance with construction permit (B1-PH-45, B1-MPH-8).

W2XOY—General Electric Co., New Scotland, N. Y.—Granted extension of special temporary authority to operate a FM experimental broadcast station on **43200 kc.**, 2500 watts, special emission for FM, with transmitter located at New Scotland, N. Y., for the period July 29 to August 28, 1941.

W47A—The Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Granted extension of special temporary authority to operate with main studio at the transmitter of high frequency broadcast station W47A for a period of 30 days beginning July 31, 1941, and ending not later than August 29, 1941, pending completion of ST transmitter at main studio specified in construction permit.

WNBM—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate relay broadcast station WNPM on additional frequencies of **4797.5, 6425, 9135, 12862.5** and **17310 kc.** with a 500-watt NBC composite transmitter, Type P-500-A, Serial No. 1, crystal control, high level modulation, with 4 RCA-850 tubes in the last radio stage under the permissive proviso of section 308(a) of the Communications Act of 1934, as amended, aboard the *S. S. Brazil,* while en route from New York City to Buenos Aires, and the *S. S. Argentina,* while en route from Buenos Aires to New York City, only, for a period of 75 days, beginning August 1, 1941, and ending not later than October 14, 1941, in order to relay to station WJZ and the NBC Blue Network program material to be used in the series of programs entitled "News of the Americas" (provided no interference is caused any other radio service).

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from sign-off time (July 6:45 p. m., CST), to 10 p. m., EST, on July 24, in order to broadcast program for Chamber of Commerce in cooperation with National Defense Aluminum Collection Drive, only (B3-S-819).

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited to a minimum of 8 hours daily, for period August 4 to September 24, in order to observe vacation period between regular University sessions.

Burlington Broadcasting Co., Burlington, N. C.—Placed in pending files pursuant to Order No. 79, application for new station to operate on **1280 kc.**, 500 watts, daytime (B3-P-2490, Docket No. 5781).

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Denied petition to reconsider and grant without hearing the application for construction permit to change transmitter site, install new technical equipment and directional antenna system for nighttime use, and change operating assignment from **1400 kc.** to **1260 kc.**, increase power from 250 watts, unlimited to 5 KW day, 1 KW night (B2-P-3115, Docket No. 6049).

WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Denied petition to reconsider and grant application for construction permit to use frequency **590 kc.** with power of 1 KW, unlimited time, in lieu of present operation on **1200 kc.** with power of 250 watts, unlimited (Docket No. 6087).

APPLICATIONS FILED AT FCC

610 Kilocycles

WLAD—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Construction permit to increase power from 250 watts to 1 KW, using directional antenna night, install new transmitter and directional antenna, and change frequency from **1450 kc.** to **610 kc.**

640 Kilocycles

WHKC—United Broadcasting Co., Columbus, Ohio.—Construction permit to install new vertical antenna system and change transmitter site.

670 Kilocycles

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Construction permit to make changes in transmitter.

760 Kilocycles

WJR—WJR, The Goodwill Station, Detroit, Mich.—Authority to determine operating power by direct method for auxiliary transmitter.

930 Kilocycles

WBEN—WBEN, Inc., Buffalo, N. Y.—License to cover construction permit (B1-P-2757) as modified, for increase in power, installation of new transmitter and directional antenna for night use, and move of transmitter.

WBEN—WBEN, Inc., Buffalo, N. Y.—Authority to determine operating power by direct method.

1000 Kilocycles

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Authority to determine operating power by direct method.

1090 Kilocycles

WBAL—WBAL Broadcasting Co., Baltimore, Md.—Modification of construction permit (B1-P-2200) as modified, for installation of new transmitter and directional antenna for night use, change in hours of operation, increase in power, and move of transmitter, requesting changes in transmitting equipment.

WBAL—WBAL Broadcasting Co., Baltimore, Md.—License to cover construction permit (B1-P-2200) as modified, for installation of new transmitter and directional antenna for night use, change in hours of operation, increase in power, and move of transmitter.

WBAL—WBAL Broadcasting Co., Baltimore, Md.—Authority to determine operating power by direct method.

1260 Kilocycles

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Construction permit to reinstate construction permit (B2-P-2628) as modified, for equipment changes, changes in directional antenna system, increase in power from 1 KW night, 5 KW day, to 5 KW day and night, and move of transmitter.

1310 Kilocycles

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Modification of construction permit (B5-P-2920) as modified, for extension of completion date from 7-31-41 to 8-31-41.

1330 Kilocycles

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Authority to determine operating power by direct method.

1340 Kilocycles

WWPG—Lake Worth Broadcasting Corp., Lake Worth, Fla.—Modification of construction permit (B3-P-3161) for approval of antenna and approval of transmitter and studio sites.

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—License to cover construction permit (B4-P-3155) for increase in power from 100 watts to 250 watts and changes in transmitting equipment.

1390 Kilocycles

KCRC—Enid Radiophone Co., Enid, Okla.—Modification of construction permit (B3-P-2810) for increase in power, installation of directional antenna for day and night use, and installation of new transmitter, requesting to install new type transmitter and make changes in directional antenna.

1400 Kilocycles

KONO—Eugene J. Roth, tr/as Mission Broadcasting Co., San Antonio, Texas.—Modification of license to change hours of operation from shares with KMAC to unlimited, requesting facilities of KMAC when KMAC goes to new frequency.

1450 Kilocycles

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—License to cover construction permit (B2-P-2700) as modified, for a new transmitter and antenna system, increase in power and move of transmitter.

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Authority to determine operating power by direct method.

WLAN—Thomas J. Watson, Endicott, N. Y.—Modification of construction permit (B1-P-1679) for a new broadcast station, requesting installation of new transmitter, approval of antenna, and approval of transmitter location and booster amplifier.

1600 Kilocycles

NEW—Peter Q. Nyce, Alexandria, Va.—Construction permit for a new broadcast station to be operated on **740 kc.,** 1 KW, daytime. Amended: to request **1600 kc.,** 1 KW, unlimited time, 250 watts day and night for booster amplifier.

MISCELLANEOUS APPLICATIONS

WBLR—Columbus Broadcasting Co., Inc., Portable-Mobile, area of Columbus, Ga.—License to cover construction permit (B3-PRY-237) for a new relay broadcast station.

NEW—Telegraph-Herald, Portable-Mobile, area of Dubuque, Iowa.—License for a relay broadcast station (formerly licensed to Mason City, Globe-Gazette Co., under call KQHS), to be operated on **1622, 2058, 2150,** and **2790 kc.,** power of 2 watts, A3 emission.

NEW—Telegraph-Herald, Portable-Mobile, area of Dubuque, Iowa.—License for a relay broadcast station (formerly licensed to Mason City Globe-Gazette Co., under call KDJB), to be operated on **1622, 2058, 2150,** and **2790 kc.,** power of 125 watts, A3 emission.

KGEI—General Electric Co., near Belmont, Calif.—License to cover construction permit (B5-PIB-24) as modified, for move of transmitter and increase in power.

WHER—Westinghouse Radio Stations, Inc., Mobile, area of Boston, Mass.—License to cover construction permit (B2-PRY-244) for installation of new transmitter and increase in power.

WGEA—General Electric Co., Schenectady, N. Y.—License to cover construction permit (B1-PIB-25) as modified, for increase in power, installation of new transmitter, and change in frequencies.

NEW—James Broadcasting Co., Inc., WJRL, Portable-Mobile, area of Jamestown, N. Y.—License to cover construction permit (B1-PRE-391) for a new relay broadcasting station.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Battle Creek Drugs, Inc., a corporation, and Consolidated Royal Chemical Corp., doing business as Consolidated Drug Trade Products and as BonKora Co., are charged, in a complaint, with false advertising and misrepresentation. Battle Creek Drugs, Inc., maintains its principal office and place of business in Battle Creek, Mich., and Consolidated Royal Chemical Corp. is located at 544 South Wells St., Chicago. (4541)

Fort Worth Peanut Company—William Parrish Bennett, trading under the names of Fort Worth Peanut Company and Bill's Peanut Company, 1001 Bryan St., Fort Worth, Texas, is charged, in a complaint, with the use of lottery methods in the sale and distribution of his products. The complaint alleges that the respondent sells to dealers certain assortments of peanuts so packed and assembled as to involve a game of chance, gift enterprise or lottery when sold and distributed to ultimate consumers. (4544)

Granite Railway Co., 1245 Hancock St., Quincy, Mass., and J. S. Swingle, Inc., 327 Willard St., Quincy, Mass., are charged in complaints with misrepresentation in the distribution and sale of granite. Both respondents are engaged in the quarrying, distribution and sale of granite blocks to be manufactured into monuments. (4545-4546)

J. T. Jarrell Company—A complaint has been issued charging J. T. Jarrell Co., Little Rock, Ark., broker in the sale of food products, particularly canned fruit and vegetables, with violation of the brokerage provision of the Robinson-Patman Act through receiving and accepting from numerous sellers brokerage fees, or allowances or discounts in lieu thereof, on purchases of food products made for its own account in commerce. (4547)

Sterling Appliance Co.—Complaints have been issued against two Los Angeles firms, charging misrepresentation and false advertising in the sale of short wave diathermy devices for treating diseases. The respondents are Nolan B. Stadley, trading as Sterling Appliance Co., distributor of the "Sterling Short Wave Diathermy," and George S. Mogilner and James Walker, trading as Merit Health Appliance Co., selling the "Merit Short Wave Diathermy." (4542-4543)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

American Institute of Business Administration, Inc., and Paul Kline, its president, 126 Liberty St., New York City, have been ordered to cease and desist from the dissemination of misleading representations in the sale of correspondence courses in accountancy and business law. (4195)

Lake Shore Seed Company—David S. Wright, doing business as Lake Shore Seed Company, Dunkirk, N. Y., has been ordered to cease and desist from certain misrepresentations in the sale of seeds. The respondent is engaged in the business of selling and distributng vegetable and garden seeds purchased by him from various growers and packing such seeds for transportation to buyers in various States. (3994)

Lincoln Chair & Novelty Company—A. M. Druckman, doing business as Lincoln Chair & Novelty Co., 142 East 32nd St., New York City, has been ordered to cease and desist from misrepresentation in the sale of furniture. (4445)

Metal Paper Fastener Institute—A cease and desist order has been issued against five companies manufacturing pins, paper clips and fasteners used as office supplies, the order applying to them separately and as members of the Metal Paper Fastener Institute and the Pin Manufacturers' Institute, of the Organization Service Corporation, New York. Prohibiting a combination or agreement which results in price fixing and other practices, the order also is directed against Organization Service Corporation and two of its officers.

Respondents in the case are: Organization Service Corporation, 74 Trinity Place, New York: Herbert S. Blake, its president, and Thomas B. Jordan, its vice president and the secretary of the Metal Paper Fastener Institute and the Pin Manufacturers' Institute, of Organization Service Corporation; Scovill Manufacturing Co., Waterbury, Conn., operating as one of its divisions; The Oakville Co., Oakville, Conn.; Noesting Pin Ticket Co., Inc., New

York; Vail Manufacturing Co., Chicago; F. Kelly Co., Derby, Conn., and William Prym, Inc., New York.

The Commission order directs the respondent manufacturing companies, through Organization Service Corporation or through the respondents Blake or Jordan, and the respondent Organization Service Corporation and these two officers of Organization Service Corporation, to cease and desist, by agreement, combination or understanding, (1) from fixing, establishing, maintaining or adhering to the prices to be charged for any or all of their products; (2) from changing simultaneously the prices to be charged for such products; (3) from sponsoring, calling or holding any formal or informal meeting or conference for fixing, establishing, maintaining or adhering to such prices; (4) from reporting, compiling or exchanging statistical information concerning prices charged on consummated sales where the purpose is to fix, establish, maintain or adhere to prices to be charged for their products; (5) from adopting, contributing to, or participating in, the dissemination of any information relating to prices charged or to be charged for their products when the purpose or effect is to effectuate the fixing and maintenance of prices; and (6) from employing, adopting, contributing to, or participating in, any inquiries pertaining to prices, conditions, or terms of completed sales where the purpose, intent or effect is to cause, or tend to cause, adherence to, or maintenance of, uniform prices to be charged by the respondent members for any or all of their products. (4351)

Nassif Candy Co., Wheeling, W. Va., has been ordered to cease and desist from the use of lottery methods in the sale and distribution of candy. (4025)

D. Wroblewski & Company—A Brooklyn, N. Y., dealer and three corporations selling medicinal and cosmetic preparations have been ordered to cease and desist from misrepresentations in the sale of their products. The respondents are D. Stefan Wroblewski, trading under the names D. Wroblewski & Co., D. S. Wroblewski, Inc., Daferu Drug Co., Inc., Wroblewski Drug Co., Inc., Kalwaryjskie Laboratories, Inc., and D. Wroblewski & Co., Ltd., and the corporations D. S. Wroblewski, Inc., Daferu Drug Co., Inc., and D. Wroblewski & Co., Ltd., all of 55 Keap St., Brooklyn. (4196)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Amogen Company—J. R. Hodges, trading as Amogen Company, 147 North St., San Antonio, Texas, engaged in selling a laxative designated "Amogen Tablets", has stipulated to discontinue representing that Amogen Tablets get the poison out of the system; cause the bile to flow; are effective in the treatment of biliousness, malaria, common colds and fever, poor digestion, acid or gas on the stomach, the results of eating and drinking too much, headaches, neuralgia, rheumatism and other pains and fever, sallow complexion, pimples, sores, boils, skin irritations, coated tongue, bad breath or taste in the mouth, or that Amogen Tablets will enable one to maintain good health and to avoid sickness. (02831)

Bi-Tone Corporation, Inc., Bluefield, W. Va., seller of medicinal preparations, has entered into a stipulation to cease certain representations in the sale of products designated "Bi-Tone Liver Pills" and "Bi-Tone Wonder Tonic." The respondent agrees to cease using the word "Liver" as a part of the brand name of Bi-Tone Liver Pills or from otherwise representing that the preparation produces a beneficial effect on the liver; to cease advertising that "Bi-Tone Wonder Tonic" increases vitality or resistance to disease, and other similar accomplishments; and that the liver pills, when taken in conjunction with Bi-Tone Wonder Tonic, correct ailments originating in the liver, cause it to become active and healthy, or correct any condition which causes one to feel sluggish, run-down and listless. (02834)

Bristol-Myers Company, Rockefeller Center, New York City, engaged in selling a medicinal cream used as a counter-irritant and analgesic for certain aches and pains of the body, designated "Minit-Rub," has entered into an amended and substitute stipulation in which it agrees to cease and desist from representing that Minit-Rub affords relief from chest colds other than to relieve the symptoms associated with, or resulting from, chest colds; that it penetrates to any muscle, other than superficial muscles or such muscles as may be reached by reflex action; that it affords long-lasting relief; that it is a special analgesic, or contains drugs other than those commonly used in analgesics; that it contains pain-soothing ingredients that act at once in affording relief; that it stimulates the circulation at the seat of the trouble, in any case other than where the seat of the trouble is superficial or muscular; that it relieves the discomfort of improper breathing due to colds better than any other preparation; that it overcomes insomnia, or is efficacious for this condition other than where the condition is due to excited nerves; that it relieves throbbing or nervous headaches other than those due to temporary fatigue, overstrain, nervous tension or nasal congestion; that it affords relief from muscular aches, pains or discomforts of every kind, or by any other terminology, that it is of benefit in affording relief from any aches, pains or discomforts in muscles other than superficial muscles or such muscles as may be reached by reflex action, or that it affords effective relief from sprains. (01864)

Copeland Products, Inc., 244 Wolf St., Syracuse, N. Y., entered into a stipulation to cease representing in advertisements that the medicinal preparation "Dis-R-Tabs," when used in the treatment of dogs, will prevent or remedy run-down condition, permanent disability, distemper and other ailments, or be of benefit in the treatment of coughs beyond its value as an expectorant. The respondent further stipulates that it will discontinue representing that this product is an antiseptic or destroys germs in a dog's respiratory tract, or protects it against infection, and that the preparation is of benefit when administered to humans for the prevention or treatment of colds, bronchitis, sinusitis, coryza, rhinitis or similar ailments. (02836)

R. B. Davis Company, Hoboken, N. J., engaged in selling a food product designated "Cocomalt", has stipulated in connection with the dissemination of advertising of the product to discontinue representing that Cocomalt substantially aids the digestion of starchy foods or that Cocomalt stimulates the appetite for other foods except to the extent that it may stimulate the appetite where lack of appetite is caused by Vitamin B_1 deficiency. The stipulation is supplemental to a stipulation (Stipulation 0978) previously accepted by the Commission from the respondent. (02830)

Marvel Company—J. Clayton Cridlebaugh, trading as The Marvel Company, Arcadia, Calif., engaged in selling an antipick device designated "Marvel Hen Specs" advertised and sold mainly for the purpose of controlling cannibalism in poultry, has entered into a stipulation in which he agrees to cease and desist from representing that Marvel Hen Specs will materially reduce tapeworm infestations or infestations other than those caused by fly eating; that any function which can be accomplished by a competitive antipick device can be accomplished only by Marvel Hen Specs, or that Marvel Hen Specs are the only antipick device that has no mechanical action. (02832)

Dr. H. A. Pietri Co., Eladio Santini and Sylvia Pietri, of 83 Hamilton Place, New York, entered into a stipulation in which they agree to cease representing that their hair dye preparation "Zenaida" will banish gray hair, restore hair to its original color and that it does not stain the clothing, hands or scalp. The respondents also agree to cease representing, by use of the prefix "Dr." in their trade name, that Zenaida is a preparation manufactured or offered for sale by a doctor of medicine. (02835)

Pilot Full Fashion Mills, Inc., Valdese, N. C., and from Ira M. Schey and B. A. Jacob, Jr., have entered into a stipulation to cease certain representation in the sale of hosiery. According to the stipulation, the respondent Schey is president of Pilot Full Fashion Mills, Inc., and he and the respondent Jacob have conducted a jobbing and selling agency under the name of Jacob & Schey in New York City.

The respondents agree to cease and desist from the use of the term "Two-Fifty-One" or the figures "2-51" as descriptive of hosiery which is not 51 gauge, 2 thread construction, and from the use of such term or figures or of any other term, words or figures as a mark or stamp upon or otherwise to describe the hosiery, the effect of which causes or may cause purchasers or prospective purchasers to believe that the hosiery referred to is 51 gauge or any designated gauge other than is actually the fact. (3177)

C. Tischhauser, Inc., 66 Worth St., New York City, manufacturer and distributor of handkerchiefs, has stipulated to desist from labeling or otherwise referring to certain handkerchiefs as having been woven or embroidered in whole or in part on a hand loom, or from in any way using the words "hand loom" as descriptive of such handkerchiefs or any part of them, or from the use of the words "hand loom" as referring to any handkerchief or portion thereof which has not in fact been woven on a hand loom. (02833)

Daniel Wiener, textile fabrics distributor, 47 West 57th St., New York, has entered into a stipulation to cease certain representations in the sale of his products.

The respondent agrees to cease employing the words "Taffetas" or "Faille Taffetas" or other words connoting silk to describe a product not composed of silk. The stipulation provides that if the product is composed in part of silk and in part of other fibers or material, the silk-connoting words, used properly to describe the silk content, shall be accompanied by other words in equally conspicuous type to accurately designate each constituent fiber or material in the order of its predominance by weight. (3178)

FTC CASE CLOSED

The Federal Trade Commission has closed its case against Golding Brothers Co., Inc., 316 Broadway, New York City, engaged in the manufacture and sale of cloth fabrics.

The respondent was charged, in a complaint issued by the Commission, with falsely representing certain dyed fabrics as being perspiration proof. According to the Commission's order closing the case, the fabrics in question were dyed and labeled as perspiration proof by a third party pursuant to a contract with the respondent which called for the use of perspiration proof dyes. In tests made by the respondent one of several colors used by the dyer proved to be unstable and the respondent promptly and voluntarily discontinued the false representations within approximately two months from the date on which the fabrics were first offered for sale and before the issuance of the Commission's complaint in the proceeding.

The Commission ordered that the case growing out of the complaint be closed without prejudice to the Commission's right, should future facts so warrant, to reopen it and resume proceedings.

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 31, August 8, 1941

Federal Time Sales Tax

Under a strict rule against amendment, the House approved and sent to the Senate the new general revenue bill including the radio time sales tax.

The fight has now moved to the Senate.

Hearings before the Senate Finance Committee were scheduled to start Friday, August 8. The NAB and other opponents of the radio tax were tentatively slated to appear Monday, August 18.

Here are the members of that committee:

Walter F. George, of Georgia.
David I. Walsh, of Massachusetts.
Alben W. Barkley, of Kentucky.
Tom Connally, of Texas.
Josiah W. Bailey, of North Carolina.
Bennett Champ Clark, of Missouri.
Harry Flood Byrd, of Virginia.
Peter G. Gerry, of Rhode Island.
Joseph F. Guffey, of Pennsylvania.
Prentiss M. Brown, of Michigan.
Clyde L. Herring, of Iowa.
Edwin C. Johnson, of Colorado.
George L. Radcliffe, of Maryland.
Robert M. LaFollette, Jr., of Wisconsin.
Arthur Capper, of Kansas.
Arthur H. Vandenberg, of Michigan.
James J. Davis, of Pennsylvania.
Henry Cabot Lodge, Jr., of Massachusetts.
John A. Danaher, of Connecticut.
Robert A. Taft, of Ohio.

The NAB Board, at its meeting this week, considered at length the best means of combating the tax proposal, and the Legislative Committee will continue its daily work.

Numerous representatives spoke against the radio time sales tax provision during House debate on the new Revenue Bill.

Representative Leavy (D.-Wash.) said that the tax seemed to be "extremely discriminatory" and that "if you do tax anyone, they ought all to be taxed."

Representative Gearhart (R.-Calif.) pointed out that "newspapers and national magazines, with which radio competes for advertising revenue with which to maintain its service to the public, gets off scot-free."

"This special penalty on radio advertising will unquestionably drive many advertisers from radio to other competing media," he said. "The resulting loss of revenue would undoubtedly impair the ability of radio stations to serve the public."

Mr. Gearhart also pointed out that the International Allied Printing Trades Council was the first to agitate for a special punitive tax on radio broadcasting.

"To show that all labor unions do not share the ideas of the printers," he added, "it is only fair to point out that three large A. F. of L. unions, the International Brotherhood of Electrical Workers, the American Federation of Musicians and the American Federation of Radio Artists, have registered their opposition to this discriminatory tax."

Representative Voorhis (D.-Calif.) urged the Ways and Means Committee to consider an amendment to remove the radio tax.

Representative Izac (D.-Calif.) said he had "tried to view this from every angle but for the life of me I cannot see the fairness of such a tax on one medium and not on another."

Representative Patrick (D.-Ala.) said he was "sure the inequality and consequences will give the radio stations a harder job than they ought to have to undertake to overcome and absorb."

"There is not in the United States an organization or a band of people who has come forward with more full-hearted support of the nation and who has given more time than the radio stations," he said. "Radio is a fine art that as a matter of public good should be encouraged and supported."

Representative Brooks (D.-La.) urged the Ways and Means Committee to reconsider the tax.

ASCAP Accepts NBC Proposal

Niles Trammell, president of NBC, announced August 2 that he had been advised by the Board of Directors of ASCAP that it had approved a proposal under which ASCAP music would be returned to the Red and Blue networks and the managed and operated stations of NBC.

Following approval of the proposal by ASCAP, attorneys for both NBC and ASCAP immediately began drafting a contract covering the terms of the agreement. Mr. Trammell expressed the hope that the contract would be drawn up and ready for signature as quickly as possible.

The network contract between NBC and ASCAP will not be signed by NBC, however, Mr. Trammell explained, until NBC affiliates have agreed to refund to NBC 2¾% of the stations' compensation on network business, except in those states where such refunds are prohibited by law.

"Wires have been sent to all NBC stations and we hope to have telegraphic approvals from them so as to enable us shortly to sign the contracts which are now being prepared," Mr. Trammell said. "When these contracts are signed, arrangements will be made to return ASCAP music to our networks for both commercial and sustaining programs."

The action of the ASCAP Board approved a proposal made to NBC by the ASCAP negotiating committee which was based upon a proposal made by NBC in June. In wiring NBC affiliated stations, advising them of ASCAP's action, Mr. Trammell emphasized that the terms applied to the network licenses on the Red and Blue networks and the managed and operated stations of the National Broadcasting Company and that the affiliated stations of NBC were entirely free to make their own contracts with ASCAP for local broadcasting. It is understood that ASCAP is making the same per program and blanket license proposals for settlement to all individual stations that it made to NBC covering local programs on its managed and operated stations.

The essential points of the new agreement between ASCAP and NBC as outlined by Trammell are:

1. NBC agrees to pay to ASCAP at the source 2¾% on network commercial business while NBC's managed and

(Continued on page 664)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

ASCAP ACCEPTS NBC PROPOSAL

(Continued from page 663)

operated stations will pay 2¼% on local and national spot business.

2. NBC agrees to pay at the source $200 per year for each managed and operated and affiliated station on the NBC networks for the use of ASCAP music on all network sustaining and public service programs.

3. NBC's managed and operated stations will pay ASCAP the following fees on local sustaining programs: if the net receipts of the station, from local business, are over $150,000, twelve times the station's half-hour rate; if between $50,000 and $150,000, twelve times the quarter-hour rate. A nominal local sustaining license fee of $12 per year would be applied to any stations earning less than $50,000 per year.

4. NBC's new services of Frequency Modulation and International Shortwave Broadcasting will pay for the ASCAP music on the same basis.

The new contracts will run to December 31, 1949. On that date the contracts will be automatically extended for any period not in excess of nine years, for which ASCAP has the right to contract for its members, with the understanding that if, for the extended term, ASCAP demands an increase in fees to which NBC is then unwilling to agree, the question of such increase only would be determined by arbitration.

Mark Woods, vice president and treasurer of NBC, appeared before the NAB Board of Directors on Thursday to explain in great detail the proposed contract. He emphasized that there were several questions still to be resolved by further negotiation.

After Mr. Woods' talk, and after numerous questions had been asked and answered, the Board adopted the following resolution:

The Board of Directors of the National Association of Broadcasters at its meeting in Washington today, authorized its Executive Committee to offer within its discretion to meet with any negotiators on music contracts and to cooperate with them in devising terms for the use of music which will be as widely acceptable as possible.

The purpose of the resolution is to assure the inclusion in any contract which may be negotiated with respect to the use of music, of terms and conditions which will safeguard the interests of all of the segments of the radio industry, independent and affiliate stations, as well as networks.

Estimated Proposed and Actual Music Fees on NBC Networks

BASED ON 1940 BUSINESS

(Compiled by NBC)

	ASCAP			BMI	
	Proposed Plan		Actual 1940	Reduced Rate Plan	Est. 1940 12 Mo.
Network Commercial License					
Gross Time Sales		$50,663,000			
Deductions					
Time Discounts	$14,024,000				
Agency Commission	5,489,000				
Wire Lines	3,473,750				
Sales Commission (15%)	4,672,500	27,659,250			
		$23,003,750			
Network Fee at 2¾%	632,603				
Less Recapture 2¾% Compensation	281,188				
Net Network Commercial Fee		351,415	—		
Network Sustaining License					
$200 Per Station Per Year	(234 stations)	46,800	—		
Total Net Network License		$398,215	—	80,000	—
M & O Licenses—Commercial					
Net Time Sales (Spot & Local)	3,007,119				
Deduction					
Sales Commission (15%)	451,068				
	2,556,051				
Commercial Licenses at 2¼%		$57,511	214,000 (5%)		
M & O Licenses—Sustaining					
Stations at 12 x ½ Hr. Rate	37,464				
12 x ¼ " "	2,304				
Sustaining Licenses		$39,768	196,000		
Total M & O Licenses		$97,279	$410,000	80,000	181,600*
Total Cost to NBC		$495,494	$410,000	$160,000	181,600*

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* Includes BMI stock—$36,320.

BAN ON MULTIPLE OPERATION

Ban on more than one standard broadcast station under the same ownership serving a substantial portion of the same area is proposed by the Federal Communications Commission, which has drafted a proposed rule to that effect and has scheduled oral argument on the same for October 6 next.

In an order issued August 5, which was drafted upon instructions of the Commission en banc at its previous meeting, the Commission expresses the opinion that public interest, convenience and necessity may be served by prohibiting such multiple operation. Accordingly, it proposes a new section (Section 3.35) to the Rules Governing Standard Broadcast Stations to become effective immediately upon adoption. However, with respect to existing stations the effective date would be 90 days from the date on which the rule might be adopted, with provision for extension of time where orderly disposition of properties may be necessary.

The ban would apply to persons under common control, as well as to individuals. The word "control" in this connection would not be limited to majority stock ownership but would include "actual working control in whatever manner exercised."

The contemplated rule has a basis in certain restrictions now applicable to multiple operation of FM (frequency modulation) and television stations. However, it differs in that it imposes no limitation on the total number of standard broadcast stations which may be owned or controlled by the same person so long as they serve different areas.

All interested persons are afforded opportunity to file briefs and to appear before the Commission en banc on the October date and argue orally for or against adoption of the proposed rule. The briefs may be filed up to within two weeks of the oral argument.

Order No. 84

Whereas, The Commission is of the opinion that public interest, convenience and necessity may be served by adoption of the following proposed rule:

> "Section 3.35—Multiple ownership. (a) No person (including all persons under common control[9a]) shall, directly or indirectly, own, operate or control a standard broadcast station that would serve a substantial portion of the area served by another standard broadcast station owned, operated or controlled by such person.
>
> (b) This rule is to take effect immediately. Provided, however, that with respect to persons (including all persons under common control[9a]) who now directly or indirectly own, operate or control a standard broadcast station serving a substantial portion of the area served by another standard broadcast station owned, operated, or controlled by such persons, the effective date of this rule shall be six months from date; provided, further, that with respect to such persons the Commission may extend the effective date of this rule from time to time in order to permit the orderly disposition of properties."

Whereas, the Commission is of the opinion that it will best conduce to the proper dispatch of business and to the ends of justice that all interested persons be given an opportunity to file briefs and to appear before the Commission and argue orally why the above proposal should not be adopted or why it should not be adopted in the form proposed by this order.

Now, Therefore, It is Hereby Ordered, That oral argument be held before the Commission en banc on October 6, 1941, at 10:00 a. m., at which time all interested persons will be given an opportunity to appear and present argument as to why the above proposed rule should not be adopted or why it should not be adopted in the form proposed by this Order, and that briefs may be filed at any time up to two weeks prior to such argument.

Federal Communications Commission,
T. J. Slowie,
Secretary.

[9a] The word 'control' as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised. See Rule 3.108 for the definition of 'control' in regulations pertaining to chain broadcasting.

INVESTIGATION ASKED

Senator Clark (D.-Mo.) on August 1, introduced a resolution calling for a Senate investigation of "any propaganda disseminated by motion pictures and radio or any other activity of the motion picture industry to influence public sentiment in the direction of participation by the United States in the present European war." The resolution (S.R. 152) was referred to the Interstate Commerce Committee which ordered a hearing Wednesday, September 3.

Newspaper Hearing

Chairman James L. Fly on August 1 ordered the legal staff of the Federal Communications Commission to take steps to force two newspaper executives to testify at the inquiry into newspaper ownership of radio stations.

The order came after Elisha Hanson, counsel for the American Newspaper Publishers Association, had told the Commission for the second time that it was conducting an unlawful and illegal inquiry and that he had advised the executives not to appear.

Those facing action are Edwin S. Friendly, business manager of the New York Sun, and James G. Stahlman, publisher of the Nashville Banner, former president of the publishers association. Mr. Stahlman now is on active duty with the Navy as a lieutenant commander.

The names of the two executives were called as the Commission began its hearing and Mr. Hanson stepped forward to announce that they had been advised to ignore several subpoenas served on them.

Copies of subpoenas and letters to the men were placed formally in the hearing record over objections by Mr. Hanson.

Thomas E. Harris, assistant FCC counsel, told reporters that the Federal district court would be asked for an order forcing the appearance of the witnesses. He added that if such an order were issued and the men ignored it they could be cited for contempt of court.

Estimate of NBC-ASCAP Plan Applied to Entire Industry

1940 Basis

(NAB Research Department)

Payments by all stations on Spot and Local Time Sales	$1,425,709
Payments on Network Payments to Affiliates and M & O Stations	760,084
Payments by Networks on retained time sales less wire lines and sales commissions	486,072
Sustaining Fees paid by Networks ($200 per affiliate)	107,200
Sustaining Fees paid by all stations (approximate)	360,000
Total Estimated Payments to ASCAP	$3,139,065

He declared that the FCC could seek an immediate Federal court action for criminal contempt, but that this method probably would not be used because it would involve grand jury action and long procedure and possible jailing of the executives.

"We don't want to put them in jail," he stated.

Last week similar subpoenas were ignored on advice of counsel by Arthur Robb, editor of Editor and Publisher, and William A. Thomson, director of the advertising bureau of the publishers association, but no action has been taken to force their appearance.

When Mr. Friendly and Mr. Stahlman failed to appear, L. D. Lloyd, FCC attorney, said that he had planned to question them about a number of exhibits obtained by FCC investigators from the publishers organization. He added that he had asked officials of the association for certification of these exhibitors.

"The material will not be forthcoming," Mr. Hanson interposed.

Chairman Fly asked Mr. Lloyd whether there was any question concerning accuracy of the exhibits.

"None whatever," the attorney replied.

"Just a minute," Mr. Hanson interrupted. He stated that the exhibits might be inaccurate or unrevised proofs, that proceedings of the publishers' convention were not public and that only part of convention proceedings were published, for the benefit of members and trade publications.

Mr. Fly accepted the first exhibit, which was a purported recommendation by the association's radio committee to a 1932 convention that radio and newspaper advertising be placed on the same basis through a Federal law banning lotteries on the radio.

Paul W. White of the Columbia Broadcasting System testified that the "dark ages" when newspapers and radio battled over the right to broadcast news had passed and that the public had become accustomed to "all the news and it will not tolerate restrictions." He declared that the United States was the "best-informed country in the world" as a result of the present relationship between newspapers, press associations and the radio broadcasting industry.

Officials of two news gathering organizations, Lloyd Stratton, assistant general manager of the Associated Press, and Joseph V. Connolly, president of King Features Syndicate, of which International News Service is a department, testified that there was now no restriction on the availability of news for use on the radio.

James W. Barrett, who served as editor of the Press-Radio Bureau, testified that the bureau received news reports from the three major news-gathering organizations without cost, processed it for broadcasting and supplied it to radio stations for $12.50 a month. He said that the National Broadcasting Company and the Columbia Broadcasting System paid expenses of the bureau from 1934 to 1938.

He stated that at first the news broadcasts were restricted as to time to enable newspapers to publish news ahead of the radio, but that these restrictions were modified gradually until major news-gathering organizations were selling a special radio report directly.

"What did the press get out of this, simply a restriction on competition, from broadcasting?" Mr. Fly asked.

Mr. Barrett said that newspaper publishers had been bothered with outlaw competition in which radio stations "pirated news" before it reached newspaper readers and that this was a factor in formation of the bureaus.

The hearing was recessed until September 17.

Sanders Introduces Amendments to FCC Law in House

Representative Sanders (D.-La.) introduced a bill August 5 to make broad changes in the Federal Communications Act of 1934. Introduction of the Sanders Bill followed by only a few days the introduction of the White Bill in the Senate (NAB REPORTS, p. 643). Mr. Sanders made the following statement:

A bill entitled "To Amend the Communications Act of 1934, and For Other Purposes" was introduced today by Mr. Sanders. In general, it provides for (1) a reorganization of the Federal Communications Commission, (2) changes in the procedure before that Commission, (3) clearer definitions of interests and rights of licensees and applicants, including rights of appeal, and (4) reports and recommendations by the Commission to the Congress on various matters of present importance, including the question of whether or not the Congress should redefine and fix the qualifications of the licensees of radio broadcast stations.

Sections 1 to 6, inclusive, and 9 to 10, inclusive, of the Bill represent recommendations recently made by the executive committee of the Federal Communications Bar Association, and cover the first three purposes listed above. In this respect, it is noted that the same recommendations are included in a Bill (S. 1806) introduced in the Senate on July 31. In other respects, the bills seek to accomplish different purposes. While the Senate Bill, in its Sections 7 to 11, inclusive, appears to relate to equalities of rights and opportunities in the use of radio for public discussion and the matter of censorship, this Bill, in its Section 7, provides that the Federal Communications Commission shall make studies and reports to the Congress upon certain specified proposals. The provisions of this section are as follows:

> "The Commission shall study the following proposals and shall report to Congress not later than July 1, 1942, its recommendations thereon together with the reasons for the same:
>
> 1. Whether and upon what terms and conditions Congress shall by statute confer upon the Commission the power to regulate the contractual or other relations between the licensees of radio broadcast stations and networks or other organizations which supply program material to such licensees.
> 2. Whether and upon what terms and conditions the Congress shall provide by statute for the licensing of networks.
> 3. Whether and in what terms the Congress shall by statute redefine and fix the qualifications of the licensee of any radio station which is intended to and does communicate with the public.
> 4. Whether and upon what terms and conditions the Congress shall by statute limit the number of services which may be conducted by any network organization and the number of stations of any class which may be licensed to any network organization.
>
> "The Commission shall report to the Congress not later than January 1, 1942, the standards and principles adopted by it to effectuate the mandate contained in Section 307 (b) of the Communications Act of 1934, as amended, which requires the Commission to make and maintain a fair, efficient and equitable distribution of radio facilities among the several states and communities together with its recommendations, if any, for further legislation on this subject.
>
> "The Commission shall report to Congress not later than January 1, 1942, the steps taken and the policies adopted by it to effectuate the purposes of Section 303 (g) of the Communications Act of 1934, as amended, insofar as those purposes have application to the larger and more effective use of radio by stations which are intended to and do communicate with the public."

In my judgment the Congress should review the facts and problems incident to each of the foregoing subjects after the Commission has stated them to us in their simplest terms. The Bill which I have introduced requests the Commission to study and report with recommendations on each of these subjects. By this method I believe that the Congress can best utilize the knowledge and experience of the Commission and its personnel, and, based upon this, determine what future policies should be.

In this connection it must be borne in mind that virtually all of the substantive provisions of the present law are 14 years old. They were first written into the Radio Act of 1927, at which time the radio industry was an infant industry and the knowledge of the Congress was necessarily limited. In 1934, when the present law was enacted, it did little more than to adopt then existing provisions of the Radio Act of 1927. Many new problems have arisen and many old problems have been given greater importance since any comprehensive attempt at legislation has been made in this field. I have attempted to direct the attention of the Congress to some of the most pressing and important problems in a manner in which I think they can be most speedily and effectively dealt with.

77th Congress
1st Session

H. R. 5497

IN THE HOUSE OF REPRESENTATIVES

Mr. Sanders introduced the following bill; which was referred to the Committee on Interstate & Foreign Commerce.

A BILL

TO AMEND THE COMMUNICATIONS ACT OF 1934, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of Title I of the Communications Act of 1934 be amended by adding after paragraph (aa) of said section the following:

> "(bb) The term "construction permit" or "permit for construction" means that instrument of authorization required by this Act for the construction of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name designated by the Commission.
>
> "(cc) The term "license", "station license", or "radio station license" means that instrument of authorization required by this Act, or the Rules and Regulations of the Commission enacted pursuant to this Act, for the use or operation of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name designated by the Commission."

SEC. 2. Amend paragraph (b) of section 4 of said Title I by striking out the last sentence of said paragraph and by inserting in lieu thereof the following:

> "Not more than four members of the Commission and not more than two members of either division thereof shall be members of the same political party."

SEC. 3. Amend section 5 of said Title I by striking out the whole of said section and by inserting in lieu thereof the following:

> "(a) The members of the Commission other than the Chairman shall be organized into two divisions of three members each, said divisions to be known and designated as the Division of Public Communications and the Division of Private Communications and no member designated or appointed to serve on one division shall have or exercise any duty or authority with respect to the work or functions of the other division, except as hereinafter provided. The President shall designate the Commissioners now in office who shall serve upon a particular division but all Commissioners other than the Chairman subsequently appointed shall be appointed to serve upon a particular division and the Chairman subsequently appointed shall be appointed to serve in that capacity.
>
> "(b) The Division of Public Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications intended to be received by the public directly, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.
>
> (c) The Division of Private Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications by a common carrier or carriers, or which are intended to be received by a designated addressee or addressees, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.
>
> "(d) The whole Commission shall have and exercise jurisdiction over the adoption and promulgation of all rules and regulations of general application authorized by this Act, including procedural rules and regulations for the Commission and the divisions thereof; over the assignment of bands of frequencies to the various radio services; over the qualification and licensing of all radio operators; over the selection and appointment of all officers and other employees of the Commission and the divisions thereof; and generally over all other matters with respect to which authority is not otherwise conferred by the other provisions of this Act. In any case where a conflict arises as to the jurisdiction of the Commission or any division thereof, such question of jurisdiction shall be determined by the whole Commission.
>
> "(e) The Chairman of the Commission shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the whole Commission, to represent the Commission in all matters relating to legislation and legislative reports, to represent the Commission or any division thereof in all matters requiring conferences or communications with representatives of the public or other governmental officers, departments, or agencies, and generally to coordinate, and organize the work of the Commission and each division thereof in such manner as to promote prompt and efficient handling of all matters within the jurisdiction of the Commission. The Chairman of the Commission shall not be a member of or serve upon either of said divisions, except that in the case of a vacancy or the absence or inability of any Commissioner appointed to serve thereon, the Chairman may temporarily serve on either of said divisions with full power as a member thereof until the cause or circumstance requiring said service shall have been eliminated or corrected.
>
> "(f) Each division of the Commission shall choose its own chairman, and, in conformity with and subject to the foregoing provisions of this section, shall organize its membership and the personnel assigned to it in such manner as will best serve the prompt and orderly conduct of its business. Each division shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions over which it has jurisdiction. Any order, decision, report made, or other action taken by either of said divisions with respect to any matter within its jurisdiction, shall be final and conclusive. Except as otherwise provided by said Communications Act of 1934 as hereby amended. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.
>
> "(g) In the case of a vacancy in the office of the Chairman of the Commission or the absence or inability of the Chairman to serve, the Commission may temporarily designate and appoint one of its members to act as Chairman of the Commission until the cause or circumstance requiring said service shall have been eliminated or corrected. During the temporary service of any such commissioner as Chairman of the Commission, he shall continue to exercise the other duties and responsibilities which are conferred upon him by this Act.
>
> "(h) The term "Commission" as used in this Act shall be taken to mean the whole Commission or a division thereof as required by the context and the subject matter dealt with. The term "cases and controversies", as used herein, shall be taken to include all adversary proceedings whether judicial or quasi-judicial in nature, and whether instituted by the Commission on its own motion or otherwise, and the term "adjudications" means the final disposition of particular cases, controversies, applications, complaints, or proceedings involving named persons or named *res*."

SEC. 4. Amend paragraph (a) of section 308 of Title III by striking out all appearing before the first proviso clause in said paragraph and inserting in lieu thereof the following:

> "The Commission may grant instruments of authorization entitling the holders thereof to construct or operate apparatus for the transmission of energy, or communications, or signals by radio only upon written application therefor received by it."

SEC. 5. Amend section 309 of said Title III by striking out the whole of said section and inserting in lieu thereof the following:

> "(a) If upon examination of any application provided for in Section 308 hereof, the Commission shall determine (1) that public interest, convenience or necessity would be served by the granting thereof, and (2) that such action would not aggrieve or adversely affect the interest of any licensee, applicant or other person, it shall authorize the

issuance of the instrument of authorization for which application is made in accordance with said findings.

"(b) If upon examination of any such application the Commission is unable to make either or both of the findings specified in paragraph (a) hereof, it shall designate the application for hearing and forthwith notify the applicant and other parties in interest of such action and the grounds or reasons therefor. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest, whether originally notified by the Commission or subsequently admitted as interveners, shall be permitted to participate. Such hearing shall be preceded by a notice to all such parties in interest specifying with particularity the matters and things in issue and not including issues or requirements phrased generally or in the words of the statute.

"(c) When any instrument of authorization is granted by the Commission without a hearing, as provided in paragraph (a) hereof, such grant shall remain subject to protest as hereinafter provided, for a period of thirty days. During such thirty-day period, any person who would be entitled to challenge the legality or propriety of such grant under the provisions of Section 402 of this Act may file a protest directed to such grant, and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a proper party in interest and shall specify with particularity the matters and things in issue but shall not include issues or allegations phrased generally or in the words of the statute. Upon the filing of such protest, the application involved shall be set for hearing upon the issues set forth in said protest and heard in the same manner in which applications are heard under paragraph (b) hereof. Pending hearing and decision upon said protest, the effective date of the Commission's action to which said protest is directed shall be postponed to the date of the Commission's decision after hearing unless the authorization involved in such grant is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing on said protest.

"(d) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (1) the station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein; (2) neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act; (3) every license issued under this Act shall be subject in terms to the right or use or control conferred by Section 606 hereof."

SEC. 6. Amend paragraph (b) of section 310 of said Title III by striking out the whole of said paragraph and by inserting in lieu thereof the following:

> "No instrument of authorization granted by the Commission entitling the holder thereof to construct or operate radio apparatus shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such instrument of authorization, to any person except upon application to the Commission and upon a finding by the Commission that the proposed transferee or assignee is capable of constructing or operating under such instrument of authorization in the public interest, convenience and necessity. The procedure to be employed in the handling of such applications shall be that provided in Section 309 of this Act, as amended."

SEC. 7. Add to said Title III the following new section:

> Sec. 330 (a) The Commission shall study the following proposals and shall report to Congress not later than July 1, 1942 its recommendations thereon together with the reasons for the same:
>
> 1. Whether and upon what terms and conditions Congress shall by statute confer upon the Commission the power to regulate the contractual or other relations between the licensees of radio broadcast stations and networks or other organizations which supply program material to such licensees.
> 2. Whether and upon what terms and conditions the Congress shall provide by statute for the licensing of networks.
> 3. Whether and in what terms the Congress shall by statute redefine and fix the qualifications of the licensee of any radio station which is intended to and does communicate with the public.
> 4. Whether and upon what terms and conditions the Congress shall by statute limit the number of services which may be conducted by any network organization and the number of stations of any class which may be licensed to any network organization.
>
> (b) The Commission shall report to Congress not later than January 1, 1942, the standards and principles adopted by it to effectuate the mandate contained in Section 307 (b) of the Communications Act of 1934, as amended, which requires the Commission to make and maintain a fair, efficient and equitable distribution of radio facilities among the several states and communities together with its recommendations, if any, for further legislation on this subject.
>
> (c) The Commission shall report to Congress not later than January 1, 1942, the steps taken and the policies adopted by it to effectuate the purposes of Section 303 (g) of the Communications Act of 1934, as amended, insofar as those purposes have application to the larger and more effective use of radio by stations which are intended to and do communicate with the public.

SEC. 8. Amend Section 402 of Title IV by striking out the whole of said section and by inserting in lieu thereof the following:

> "(a) The provisions of the Act of October 22, 1913 (38 Stat. 219), as amended, relating to the enforcing or setting aside of orders of the Interstate Commerce Commission are hereby made applicable to suits to enforce, enjoin, set aside, annul or suspend any order of the Commission under this Act (except those appealable under the provisions of paragraph (b) hereof), and such suits are hereby authorized to be brought as provided in that Act. In addition to the venues specified in that Act, suits to enjoin, set aside, annul or suspend, but not to enforce, any such order of the Commission may also be brought in the District Court for the District of Columbia.
>
> "(b) Appeals may be taken from decisions and orders of the Commission to the Circuit Court of Appeals of the United States within any circuit wherein the appellant resides or has his principal place of business, or to the United States Court of Appeals for the District of Columbia in any of the following cases:
>
> "(1) By an applicant for any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio whose application is denied by the Commission.
>
> "(2) By any party to an application for authority to assign any such instrument of authorization or to transfer control of any corporation holding such instrument of authorization whose application is denied by the Commission.
>
> "(3) By any applicant for the permit required by Section 325 of this Act or any permittee under said section whose permit has been modified, revoked or suspended by the Commission.
>
> "(4) By any other person who is aggrieved or whose interests are adversely affected by any order of the Commission granting or denying any application described in sub-paragraphs (1), (2) and (3) hereof.
>
> "(5) By the holder of any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio, which instrument has been modified, revoked, or suspended by the Commission.
>
> "(6) By any radio operator whose license has been revoked or suspended by the Commission.
>
> "(c) Such an appeal shall be taken by filing a Notice of Appeal with the appropriate court within thirty days after the

entry of the order complained of. Such Notice of Appeal shall contain a concise statement of the nature of the proceedings as to which appeal is taken; a concise statement of the reasons on which the appellant intends to rely, separately stated and numbered; and proof of service of a true copy of said notice and statement upon the Commission. Upon the filing of such notice, the Court shall have exclusive jurisdiction of the proceeding and of the questions determined therein and shall have power, by order directed to the Commission or any other party to the appeal, to grant such temporary relief as it may deem just and proper. Orders granting temporary relief may be either affirmative or negative in their scope, and application and may be such as to permit either the maintenance of the status quo in the matter in which the appeal is taken or the restitution of a position or status terminated or adversely affected by the order appealed from and shall, unless otherwise ordered by the court, be effective pending hearing and determination of said appeal and compliance by the Commission with the final judgment of the court rendered in said appeal.

"(d) Upon the filing of any such Notice of Appeal, the Commission shall, not later than five days after date of service upon it, notify each person shown by the records of the Commission to be interested in said appeal of the filing and pendency of the same and shall thereafter permit any such person to inspect and make copies of said notice and statement of reasons therefor at the office of the Commission in the City of Washington. Within thirty days after the filing of an appeal, the Commission shall file with the court a copy of the order complained of, a full statement in writing of the facts and grounds relied upon by it in support of the order involved upon said appeal, and the originals or certified copies of all papers and evidence presented to and considered by it in entering said order.

"(e) Within thirty days after the filing of an appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the Court a Notice of Intention to Intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said Notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the order of the Commission complained of shall be considered an interested party.

"(f) The record upon which any such appeal shall be heard and determined by the court shall contain such information and material and shall be prepared within such time and in such manner as the court may by rule prescribe.

"(g) At the earliest convenient time the court shall hear and determine the appeal upon the record before it and shall have power upon such record to enter judgment affirming or reversing the order of the Commission. As to the findings, conclusions and decisions of the Commission, the court shall consider and decide so far as necessary to its decision and where raised by the parties, all relevant questions of (1) constitutional right, power, privilege, or immunity; (2) the statutory authority or jurisdiction of the Commission; (3) the lawfulness and adequacy of Commission procedure; (4) findings, inferences, or conclusions of fact unsupported, upon the whole record, by substantial evidence; and (5) administrative action otherwise arbitrary or capricious.

"(h) In the event that the court shall render a decision and enter an order reversing the order of the Commission, it shall remand the case to the Commission to carry out the judgment of the court and it shall be the duty of the Commission, in the absence of proceedings to review such judgment, to forthwith give effect thereto, and unless otherwise ordered by the court, to do so upon the basis of the proceedings already had and the record upon which said appeal was heard and determined. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under Section 240 of the Judicial Code, as amended, by appellant, by the Commission, or by any interested party intervening in the appeal.

"(i) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof.

SEC. 9. Amend section 405 of said Title IV by striking out the whole thereof and by inserting in lieu thereof the following:

> "Sec. 405. After a decision, order, or requirement has been made by the Commission or any division thereof in any proceeding, any party thereto or any other person aggrieved or whose interests are adversely affected thereby may petition for rehearing. When the decision, order, or requirement has been made by the whole Commission, the petition for re-hearing shall be directed to the whole Commission; when the decision, order, or requirement is made by a division of the Commission, the petition for rehearing shall be directed to that division; petitions directed to the whole Commission requesting a rehearing in any matter determined by a division thereof shall not be permitted or considered. Petitions for rehearing must be filed within thirty days from the entry of any decision, order or requirement complained of and except for those cases in which the decision, order or requirement challenged is necessary for the maintenance or conduct of an existing service, the filing of such a petition shall automatically stay the effective date thereof until after decision on said petition. The filing of a petition for rehearing shall not be a condition precedent to judicial review of any such decision, order or requirement, except where the party seeking such review was not a party to the proceedings before the Commission resulting in such decision, order or requirement, or where the party seeking such review relies on questions of fact or law upon which the Commission has been afforded no opportunity to pass. Rehearings shall be governed by such general rules as the Commission may establish but any decision, order, or requirement made after such rehearing reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order."

SEC. 10. Amend paragraph (a) of section 409 of said Title IV by striking out the whole of said paragraph and by inserting in lieu thereof the following:

> "(a) In all cases where a hearing is required by the provisions of this Act, or by other applicable provisions of law, such hearing shall be a full and fair hearing. Hearings may be conducted by the Commission or a division thereof having jurisdiction of the proceeding or by any member or any qualified employee of the Commission when duly designated for such purpose. The person or persons conducting any such hearing may sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission. In all cases, whether heard by a quorum of the Commission or a division thereof, or by any member or qualified employee of the Commission, the person or persons conducting such hearing shall prepare and file an intermediate report setting out in detail and with particularity all basic or evidentiary facts developed by the evidence as well as conclusions of fact and of law upon each issue submitted for hearing. In all cases the Commission, or the division having jurisdiction thereof, shall, upon request of any party to the proceeding, hear oral argument on said intermediate report or upon such other and further issues as may be specified by the Commission or the division and such oral argument shall precede the entry of any final decision, order or requirement. Any final decision, order or requirement shall be accompanied by a full statement in writing of all the relevant facts as well as conclusions of law upon those facts."

CONVENTION IN CLEVELAND

In conformity with the advisory ballot taken at the St. Louis convention, the NAB Board on Wednesday fixed the 1942 convention for May 11-14 at Cleveland. Contracts for a convention hotel are being negotiated.

DAYLIGHT SAVING

Hearings were held before the House Committee on Interstate and Foreign Commerce August 5, 6, and 7 on H. R. 5343, a bill to authorize the President to establish daylight saving time in such areas and for such periods of time as he deems necessary to conserve electrical energy or otherwise to promote the national defense. Maximum daylight saving time under this bill would not be more than two hours in advance of standard time.

The NAB, represented at the hearings by Robert Myers, Assistant Director of Research, urged enactment of legislation which will provide for nation-wide daylight saving time, in conformity with the Convention resolution adopted in St. Louis. The resolution itself was read into the record. NAB support of the Keough and McLean bills which would provide for uniform observance of daylight saving time throughout the nation was mentioned. The problems of the industry incident to the switches to and from daylight saving time were reviewed.

BMI NOTES

A Song from the Heart

J. Russell Robinson, composer of *Margie, Mary-Lou,* and many of the great hits of American song history, has written a new BMI tune with Andy Razaf entitled *I'll Be A Good Soldier, Too.* In answer to the question "How did you come to write it," Mr. Robinson has given us the following story:

> A majority of tunesmiths are ever on the alert for new melodic ideas. For many years I have had the habit of seeking first the title or lyrical idea for a new song, and then have always been able to construct a chorus melody with which to wed a lyric, either one written alone or in collaboration.
>
> I have been wanting to produce something of a patriotic nature for the last several years. In fact, two of my unpublished songs of such flavor have been sung over the networks—THANK OUR YANKEE STARS and HOORAY FOR OUR SIDE OF THE OCEAN. Tho' both songs were stirring to the emotions and well liked by the singers they didn't seem to get a good public reaction. Nothing daunted, I still kept my ear attuned, feeling that somewhere, somehow I would get the right kind of an idea for a patriotic song which would have real heart appeal to everyone.
>
> While visiting with a sister-in-law, her husband and two sons, several months ago it came. The eldest son, just twenty-two years of age had been called by his local board only two days before my visit. The mother was taking it very hard and could hardly keep her tears back when telling me of it. The son walked in while we were conversing and started telling me how he looked forward to camp life in the service of his country.
>
> She burst into tears, then suddenly her son said, "Aw, Mom, why don't you be a good soldier about it, it's probably the best thing that ever happened to me."
>
> With that remark she seemed to gain control of her emotion and at the same moment I said, "Boy, what a song idea you just handed your Uncle Russell! I've got the title and thought that should appeal to every woman, mother, wife, sister, aunt, grandmother or even a MOTHER-IN-LAW, right out of your answer to your mother,—I'LL BE A GOOD SOLDIER, TOO."

An Artistic Success

Despite ASCAP's conviction that BMI would not be able to develop new songwriters who could satisfactorily entertain the radio audience, BMI has been able to produce a group of current song hits which compare favorably with any group of hits at any given time in the past twenty years. In addition to its obligation to provide good music to its subscribers, BMI feels that it has an obligation to the writers of these tunes and plans to promote their work.

As the music situation now stands, talented songwriters have two alternatives:

1. Ready cash from BMI which pays on a performance basis regardless of seniority and leaves its writers completely free to do anything which they wish to do in their own interest.
2. ASCAP, which ties its writers to ten year contracts calling for their entire output, bases its payments to writers on contribution to the Society as well as on seniority, and promises a pension based on a continuous flow of creative genius.

Chief complaint of the young writer under the ASCAP system has been that he has not been compensated for the radio performance of his best work. Many writers produce their best songs in their early youth. These songs have a fresh note, are eagerly accepted by the public—they climb to the Hit Parade. The publishers are liberally compensated for them, but the writers do not receive a penny from performances until they have become established creators and assure ASCAP that they can produce hits year after year. This is one reason the legend of the "starving songwriter" has persisted. We will probably hear less of it from now on as BMI has demonstrated that anyone with talent can earn substantial sums from air performance regardless of age.

Foremost of the many hundred songwriters who have found opportunity with BMI follow:

Alex Kramer, Hy Zaret, Joan Whitney—*So You're the One, It All Comes Back To Me Now, My Sister and I.*
Alex Kramer, Joan Whitney—*High On A Windy Hill.*
Hy Zaret, Irving Weiser—*There I Go.*
Jack Owens—*Hut Sut Song, Hi, Neighbor.*
Bernie Wayne, Ben Raleigh—*You Walk By, Wasn't It You.*
Robert Sour, Ernest Gold, Don McCray—*Practice Makes Perfect, Come Down To Earth, My Angel, You're A Mystery To Me.*
Robert Sour, Una Mae Carlisle—*Walkin' By the River, I See A Million People.*
Don McCray, Ernest Gold—*Accident'ly On Purpose, Painted Desert Lullaby.*
Ernest Gold—*The Shining Hour, Blue Grass Regions.*
Helen Bliss—*I Went Out Of My Way, I Could've Told You So.*
Michael Field, Newt Oliphant—*The Same Old Story.*
Joe Ricardel—*The Wise Old Owl.*
Norman Weiser, Louis Urban—*Here's My Heart.*
Jean Barry, Leah Worth—*The Old Jalop, I've Got A Date With A Gate.*
Betty Barton, Buddy Arnold, Jack Gould—*What D'Ya Hear From Your Heart.*
Henry Manners, Robert Sour—*We Could Make Such Beautiful Music.*
Henry Manners, Jimmie Shirl—*Braggin', Good Evening', Good Lookin', Delilah, That Lingering Longing.*
Laurette Carroll—*Phantom In the Dark.*
Sano Marco, Jack Erickson—*May I Never Love Again.*
Sylvia Dee—*Talking To the Wind, So Ends Our Night.*
Bill Hampton, George Duning—*I Can't Remember To Forget.*
Paul Kulthau, Johnny Messner—*Toy Piano Minuet, Toy Piano Jump, Clarinet In A Haunted House.*
Jerry Bowne, Frank de Vol—*Friendly Tavern Polka.*

The Independent Publisher Comments

Al Debin, of Porgie, Debin and Friedman, BMI affiliated publisher which produced the outstanding hit *Just A Little Bit South of North Carolina,* has the following comment to make regarding the negotiations looking to the return of ASCAP music to the NBC networks: "We believe that the song business is primarily a matter of discovering and promoting good songs. Our opportunity to do this will be just as great as ever with ASCAP music on the air and I feel that regardless of the greater prestige and financial strength of the ASCAP publishing houses both broadcasters and bandleaders will see that the 'little fellow' is protected."

Radio Tunes, Inc.

New songs to be promoted by Radio Tunes, Inc., BMI subsidiary, will be, *I See A Million People* by Una Mae Carlisle and Bob Sour; *A Little Bit of Dark* by Roy Jacobs, writer of *Boogily Woogily Piggy* and Johnny Murphy; and *I Want To Be A Good Soldier, Too* by J. Russell Robinson and Andy Razaf.

A Little Bit of Dark will have a solid week of introduction from Johnny Long at the Hotel New Yorker beginning Friday, August 9th.

Radio Tunes, Inc., will open offices in principal cities and operate as a national organization. Phil Kornheiser will be the General Manager.

Elmo White will be Professional Manager. Mr. White was first known as a member of the vaudeville team of Murphy and White, famous for their song and dance routine. When he entered the music business, it was as a member of the professional department of Shapiro, Bernstein. His work attracted attention and he was offered the Professional Managership of De Sylva, Brown

& Henderson. For several years he alternated between that firm and the Robbins Music Corp. He is the writer of *When He Gave Me You, Mother of Mine.*

Harold Wald, a brother of Jerry Wald, is the first man selected by Mr. White as a member of his staff.

Choose 'Friendly Tavern'

The tavern industry has chosen BMI's *Friendly Tavern Polka* as their national theme song and plan to feature is prominently in the promtion of nation-wide good-will for taverns. A series of advertisements are being planned for the joint signature of tavern groups and the song will form the theme of whatever advertising the taverns plan to do on the air.

The Patriotic Rhythm

The Rhythm Is Red An' White An' Blue, a BMI tune by David Greggory and Al Moss is featured in the RKO Dr. Christian picture *We Meet Again* which has just been released. The lyric rejoices in the manifold blessings of life in America pointing out that "There's no other place on earth where they use up two Thanksgivings."

BMI FEATURE TUNES

August 11 - August 18

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. HI, NEIGHBOR
5. YO TE AMO, OH BABY
6. MY SISTER AND I
7. BECAUSE OF YOU
8. THE RELUCTANT DRAGON

In preparation: A rhythm novelty, *Delilah.*

Lament to Love

Lament To Love the new torch song which has already been recorded by four leading orchestras—Harry James, Sonny Dunham, Les Brown, and Lanny Ross—looks like a real hit. Its writer is no sophisticated oldster bored with little Dan Cupid, but a 15-year-old Chicago schoolboy named Mel Towne. It's Mel's first published song, and he didn't know a thing about the publication of his opus until his uncle came back from the offices of the publisher, Roe-Krippene, and announced its acceptance.

Sales

Cash Discount Tabled

Fred Gamble, AAAA Managing director, presented the agency case for the cash discount principle before the NAB Board August 7. The matter was tabled without action.

Carnival Buys Time

Industry efforts to persuade circuses, carnivals, and other entertainment ventures to purchase radio time are having some effect, as shown by this letter from S. A. Cisler, WGRC, Louisville:

> "I wish you would put a good word in the BULLETIN for Mr. Naylor, advance man for the Bockman & Gerety Shows, a traveling carnival, one of the largest in the world. Mr. Naylor bought his spots at card rate, did not ask for any free time or try to chisel the rate. He wrote good, clean, punchy copy; we gave him extra good positions, and he got results. He bought more while still here, and left very happy with business and with radio. Such people ought to be encouraged. I hope other stations will watch out for this show that buys time, and give Mr. Naylor 100% cooperation."

Per-Inquiry and Free Time

J. M. Mathes Agency, New York, is seeking free time on home economics programs for **STA-WAY,** an insect repellant of the National Carbon Co.

The Barbizon Studio, New York, a modeling school, is seeking per-inquiry deals, although it is understood to be paying regular rates to magazines and other media.

Chicago, Rock Island & Pacific Ry. Co., Chicago, is seeking free time for a transcribed program under the guise of "national defense" by telling listeners what railroads are doing in defense preparations.

All the above have been invited to use radio on the proper basis.

Radio Needs Dealer Support

The necessity for constantly seeking recommendations for radio advertising from local dealers should frequently be impressed upon radio salesmen.

National spot business and local dealer-cooperative business as well as added network business can effectively be increased only with this sort of cooperation from local distributors and dealers.

Numerous national manufacturers can be persuaded to use radio only if the sales efforts of those in the national field are supported by an ever-increasing weight of local recommendations. An excellent example of the effectiveness of this approach is contained in a *Radio Daily* story August 5, telling how the Trimount Clothing Co. used radio for the first time in 1940 with spot announcements on five stations, later expanding to additional outlets, and now has signed for a fall campaign on 125 stations. The Emil Mogul Co., agency in charge, reports:

> "Response from the stores covered by these initial radio spots was so enthusiastic *and the demand from other Clipper Craft dealers for radio mention in their own territories so insistent,* that Trimount undertook a considerably expanded campaign for the spring of 1941."

The fall campaign will include network, national spot and local dealer-cooperative services.

Similar demand from other dealers would no doubt have a similar effect upon other manufacturers.

That the newspaper industry also recognizes the power of dealer recommendations is shown by a statement by Pierre Martineau, advertising promotion manager of the *Memphis Commercial Appeal* and *Press-Scimitar:*

> "National advertisers have frequently stated that newspapers ought to do a basic selling job on the retailer. One of their favorite reasons in explaining why they use radio is that, *when queried about media, their retailers and dealers vote for radio.*"

National Defense

Duplication Not Desired

The Naval Recruiting Office in Richmond, Va., sent out several announcements which partially duplicated those the Navy released through NAB. This matter was called to our attention by several stations in the area involved and we, in turn, called it to the attention of the Navy.

The Navy suggested that we notify stations immediately advising them to disregard the second request.

Send July Reports

Please send your July National Defense Broadcast Report. There is a nice steady stream of reports coming in now, but editing will be delayed until all of the reports have been received.

More Cooperation

Five more stations have inserted "Keep 'em Flying" in nightly sign-off. They are:

KELA—Sioux Falls, S. D.
KSAC—Manhattan, Kan.
KSOO—Sioux Falls, S. D.
WJTN—Jamestown, N. Y.
WSAZ—Huntington, W. Va.

KIEM, Eureka, Cal., says: "Keep 'em Flying and Keep Tuned to KIEM, Eureka, California," at least ten times every afternoon.

WCMI, Ashland, Ky., is one of the stations cooperating in the U. S. Army campaign whose call letters have for some reason or other escaped the published list. There are approximately eight hundred stations now cooperating. They also assist the U. S. Navy in its quest for Naval Flyers, Reserves and general enlistments. Same stations also back Manpower announcements for U. S. Civil Service and carry the Treasury schedule for the sale of bonds and stamps.

PUDNEY, BLAKE

The NAB has been asked for information as to the whereabouts of Earl J. Pudney, an announcer, and Joe Blake, a salesman.

FEDERAL LEGISLATION

HOUSE

H. R. 5497 (Sanders, D-La.) COMMUNICATIONS ACT—To amend the Communications Act of 1934, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

SENATE

S. 1806 (White, R-Maine) COMMUNICATIONS ACT—To amend the Communications Act of 1934, and for other purposes. Referred to Committee on Interstate Commerce.

SENATE RESOLUTION

S. Res. 152 (Clark, D-Mo. & Nye, R-N.D.) PROPAGANDA—Authorizing an investigation of propaganda disseminated by the motion picture and radio industries tending to influence participation of the United States in the present European war. Referred to Committee on Interstate Commerce.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be held before the Commission during the week beginning Monday, August 11. They are subject to change.

Monday, August 11

Consolidated Hearing

NEW—Nashville Radio Corporation, Nashville, Tenn.—C. P., **1410 kc.,** 1 KW, unlimited time, DA-day and night.

NEW—A. M. Burton, Nashville, Tenn.—C. P., **1410 kc.,** 1 KW, unlimited time, DA-day and night.

Tuesday, August 12

Consolidated Hearing

KONB—MSB Broadcast Co., Omaha, Nebr.—C. P., **1500 kc.,** 250 watts, unlimited time.

KONB—MSB Broadcast Co., Omaha, Nebr.—Modification of C. P., **1500 kc.,** 250 watts, unlimited time under C. P.

Thursday, August 14

KWK—Thomas Patrick, Inc., St. Louis, Mo.—C. P., **680 kc.,** 50 KW, unlimited time, DA-day and night.

Friday, August 15

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Renewal of license, **1400 kc.,** 250 watts, unlimited time.

KORN—Clark Standiford (transferor), and C. J. Malmsten, A. C. Sidner, S. S. Sidner & Arthur Baldwin (transferees), Fremont, Nebr.—Transfer of control, **1400 kc.,** 250 watts, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearing dates. They are subject to change.

September 5

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—C. P., **860 kc.,** 1 KW night, 5 KW day, unlimited time, DA-night.

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, **920 kc.,** 500 watts night, 1 KW day, share KUSD.

September 16

KGLU—Gila Broadcasting Co., Safford, Ariz.—Renewal of license, **1450 kc.,** 250 watts, unlimited time.

September 17

KFRO—Voice of Longview, Longview, Texas.—Modification of C. P., **1370 kc.,** 5 KW, unlimited time, DA-night.

Further Hearing

Investigation to determine what policy or rules, if any, should be promulgated in connection with operation of new high frequency (FM) broadcast stations and for future acquisition of standard broadcast stations by newspapers, pursuant to Order No. 79.

September 23

WTMV—Mississippi Valley Broadcasting Co., Inc., E. St. Louis, Ill.—C. P., **1540 kc.,** 500 watts night, 1 KW day, unlimited time.

September 29

Further Hearing

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—C. P., **1340 kc.,** 250 watts, unlimited time.

October 7

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—C. P., **1110 kc.,** 50 KW, unlimited time, DA-night.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., **1110 kc.,** 50 KW, unlimited time, DA-night.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license, **770 kc.,** 50 KW, unlimited time.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—C. P., **770 kc.,** 1 KW, daytime.

October 8

KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Renewal of license, **1450 kc.,** 100 watts, specified hours.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Granted, subject to such rules or action as the Commission may hereafter adopt or take with regard to multiple ownership, construction permit for a new station to operate on **980 kc.,** 1 KW, daytime only (B5-P-2472).

Findlay Radio Company, Findlay, Ohio.—Granted constructon permit for a new station to operate on **1330 kc.,** 1 KW, daytime only. Exact site and antenna system to be determined subject to Commission's approval (B2-P-2846).

Frank T. Nied & Perry H. Stevens, d/b as Neid and Stevens, Warren, Ohio.—Granted construction permit for new station to operate on **1440 kc.,** 250 watts, unlimited time (B2-P-3181).

WMC—Memphis Publishing Company, Memphis, Tenn.—Granted, subject to such rules as may be adopted by the Commission as might affect licensee's ownership of said station, construction permit to increase night power from 1 to 5 KW, and install a new directional antenna for night use; **790 kc.,** 5 KW day, unlimited time (B3-P-2743).

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted, subject to such rules or action as the Commission may hereafter adopt or take with regard to multiple ownership, construction permit to increase power from 5 to 50 KW night and day; increase hours from simul-d, s-WOWO-night, to unlimited; move transmitter to R.F.D. St. Clairsville, Ohio, about 7 miles west of Wheeling; install new transmitter and directional antenna for day and night use; **1170 kc.** (B2-P-2540).

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted construction permit to increase power from 25 to 50 KW days and night; increase hours of operation from simul-d, s-WAPI, night, to unlimited; install new equipment and new directional antenna for night use; **1170 kc.** (B3-P-2539).

KYW—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Granted construction permit to make changes in directional antenna (B2-P-3145).

WORK—York Broadcasting Co., York, Pa.—Granted construction permit to install a new directional antenna system for night use only (B2-P-3205).

KWOS—Tribune Printing Company, Jefferson City, Mo.—Granted modification of license to change frequency from **1340** to **1240 kc.;** 250 watts, unlimited time (B4-ML-1075).

WRDO—Adeline B. Rines, Executrix of Last Will and Testament of Henry P. Rines, deceased (Transferor), Adeline B. Rines (Transferee), Augusta, Maine.—Granted consent to transfer control of WRDO, Inc., from Adeline B. Rines, Executrix of the Last Will and Testament of Henry P. Rines, deceased, to Adeline B. Rines (B1-TC-271). Also granted motion to reconsider and grant without hearing application for renewal of license; cancelled said hearing and granted renewal of license for WRDO to operate on **1400 kc.,** 100 watts, unlimited time (B1-R-804).

Burns Avenue Baptist Church, Detroit, Mich.—Granted extension of authority to transmit religious programs to Station CKLW, Windsor, Ontario, Canada (operating on **1030 kc.,** with 5 KW power), through the facilities of the Michigan Bell Telephone Co. (B2-FP-90).

First Baptist Church, Pontiac, Mich.—Granted extension of authority to transmit religious programs to Station CKLW, Windsor, Ontario, Canada (operating on **1030 kc.,** with 5 KW power), through the facilities of the Michigan Bell Telephone Co. (B2-FP-91).

Columbia Broadcasting System, Inc., New York City.—Granted extension of authority to transmit programs to Stations CKAC, Montreal, Canada, CFRB, Toronto, Canada, and other stations under the control of the Canadian Broadcasting Corp. (B1-FP-92).

DESIGNATED FOR HEARING

Hugh McClung, Fresno, Calif.—Application for construction permit for new standard broadcast station to operate on **1590 kc.,** 5 KW, unlimited time (B5-P-3143).

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending August 1, 1942:

KCMO, Kansas City, Mo.; KGB, San Diego, Cal.; KTBS and auxiliary, Shreveport, La.; KTUL, Tulsa, Okla.; WBCM, Bay City, Mich.; WBNS and auxiliary, Columbus, Ohio; WCBA, Allentown, Pa.; WCSC, Charleston, S. C.; WFBC, Greenville, S. C.; WGAR and auxiliary, Cleveland, Ohio; WHEC, Rochester, N. Y.; WHP, Harrisburg, Pa.; WING, Dayton, Ohio; WKAT, Miami Beach, Fla.; WPAB, Ponce, Puerto Rico; WSAI, Cincinnati, Ohio, and WTSP, St. Petersburg, Fla.

MISCELLANEOUS

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of construction permit (B5-P-2783, for changes in equipment, and increase in power to 50 KW), for extension of completion date to Oct. 3/41 (B5-MP-1367).

WIBA—Badger Broadcasting Co., Inc., Madison, Wisc.—Granted modification of construction permit (B4-P-2689, for new transmitter, changes in directional antenna system for night use, increase in power to 5 KW and move of transmitter and studio), for change in frequency from **1280** to **110 kc.** under NARBA and changes in directional antenna accordingly (B4-MP-1352).

WRR—City of Dallas, Texas, Dallas, Tex.—Granted modification of construction permit (B3-P-3229, as modified, for new equipment, installation of directional antenna for night use, increase in power and move of transmitter) for changes in frequency from **1200** to **1310 kc.** under NARBA, and changes in directional antenna system accordingly; change in type number of transmitter, and extend completion date to 180 days after grant (B3-MP-1361).

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Granted modification of construction permit (B4-P-2727, which authorized installation of new transmitter and new directional antenna for night use; move of transmitter to new location and increase power to 5 KW unlimited time), for use of old transmitter at new site (B4-MP-1360).

KRLH—Clarence Scharbauer, Midland, Texas.—Granted license to cover construction permit (B3-P-2981), for change in frequency to **1230 kc.,** increase in power to 250 watts, new antenna and changes in equipment and move of transmitter (B3-L-1439).

WJBO—Baton Rouge Broadcasting Co., Baton Rouge, La.—Granted license to cover construction permit (B3-P-2766), which authorized increase in power to 5 KW, and installation of new equipment and directional antenna for day and night use; **1150 kc.,** unlimited time (B3-L-1400).

American Broadcasting Corp. of Kentucky, Portable-Mobile Area of Lexington.—Granted construction permit for new relay broadcast station to be used with applicant's station WLAP; **1622, 2058, 2150, 2790 kc.;** 75 watts (B2-PRY-252).

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted license to cover construction permit (B1-PIB-28, which authorized change in frequencies, equipment and increase in power of International Broadcast Station to 50 KW and frequencies **6100, 11890*** **15150*** and **21630 kc.** (*Subject to condition no interference is caused to International broadcast stations having priority of registration on same or adjacent frequencies) (B1-LIB-17).

The Birmingham News Co., Portable-Mobile Area of Birmingham, Ala.—Granted construction permit for new relay station to be used with applicant's standard broadcast station WSGN; **30820, 33740, 35820, 37980 kc.;** 2 watts (B3-PRE-395).

Frontier Broadcasting Co., Portable-Mobile Area of Cheyenne, Wyo.—Same except to be used with applicant's standard broadcast station KFBC (B5-PRE-393).

Frontier Broadcasting Co., Portable-Mobile Area of Cheyenne, Wyo.—Same except to be used with applicant's standard broadcast station KFBC (B5-PRE-394).

Rome Broadcasting Corp., Portable-Mobile Area of Rome, Ga.—Same except to be used with applicant's standard broadcast station WRGA and 15 watts power (B3-PRE-390).

Wichita Broadcasting Co., Portable-Mobile Area of Wichita Falls, Texas.—Same except to be used with applicant's standard broadcast station KWFT, and 2 watts power (B3-PRE-396).

Westinghouse Radio Stations, Inc., Portable-Mobile Area of Philadelphia, Pa.—Granted construction permit for a new relay broadcast station to be used with applicant's standard station KYW; frequencies **31220, 35620, 37020, 39260 kc.;** 2 watts. (B2-PRE-392). Also granted license covering same (B2-LRE-352).

KRME—Merced Broadcasting Co., Portable-Mobile Area of Merced, Cal.—Granted license to cover construction permit (B5-PRY-245) for new relay station; frequencies **1646, 2090, 2190, 2830 kc.;** 15 watts; to be used with applicant's standard broadcast station KYOS (B5-LRY-228).

Golden Empire Broadcasting Co., Portable-Mobile Area of Redding, Cal.—Granted construction permit for new relay broadcast station to be used with applicant's standard broadcast station KVCV; frequencies **1646, 2090, 2190, 2830 kc.;** 15 watts (B5-PRY-250).

Golden Empire Broadcasting Co., Portable-Mobile Area of Chico, Cal.—Same except to be used with applicant's standard station KHSL (B5-PRY-251).

Portland Broadcasting System, Inc., Portable-Mobile Area of Portland, Me.—Same except to be used with applicant's standard station WGAN; frequencies **1622, 2058, 2150, 2790 kc.,** 150 watts (B1-PRY-253).

Portland Broadcasting System, Inc., Portable-Mobile Area of Portland, Me.—Same except 40 watts (B1-PRY-254).

KEIY, KEIZ—Oregonian Publishing Co., Portable-Mobile Area of Portland, Ore.—Granted construction permits to make changes in equipment and decrease power from 4.5 to 3.5 watts in relay station (B5-PRE-398) (B5-PRE-399).

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted license to cover construction permit (B5-P-2721), for increase in power to 5 KW and installation of directional antenna (B5-L-1458).

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Granted construction permit to move transmitter and studio sites from 51 to 54 E. First Street, Ft. Myers, and install new transmitting equipment; **1240 kc.,** 250 watts, unlimited time (B3-P-3233).

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted modification of construction permit (B1-P-2750, for new transmitter, increase in power, changes in directional antenna), for extension of completion date to Oct. 3/41 (B1-MP-1365).

WGRB—Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Granted modification of construction permit (B2-P-2582, covering new station to operate on **1230 kc.,** 250 watts, unlimited time), for extension of completion date to Jan. 12, 1942 (B2-MP-1363).

WMDF—Grenco, Inc., Greenwood, S. C.—Granted modification of construction permit (B3-P-2930 for new station to operate on **1450 kc.,** 250 watts, unlimited time), for move of studio to Greenville Road, (Wilson St.), Greenwood, S. C., install new transmitter, make changes in antenna system, and **1450 kc.** under NARBA (B3-MP-1358).

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted license to cover construction permit (B4-P-3133) which authorized change in type of transmitter, change in antenna, and change of location of transmitter to lower floor level, same address (B4-L-1457).

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Granted construction permit to move transmitter and studio locations to 449 State Street, Hammond, Ind., and install new antenna (B4-P-3223).

WHAE—Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted reinstatement of construction permit (B2-PRE-361), which authorized construction of a new relay broadcast station, changing equipment and increase power from 50 to 100 watts; frequencies **156750, 158400, 159300 161100 kc.;** to be used with applicant's standard broadcast station WHAS (B2-PRE-397).

KEMA—May Broadcasting Co., Portable-Mobile Area of Shenandoah, Ia.—Granted license to cover construction permit (B4-PRY-243) for new relay broadcast station frequencies **1646, 2090, 2190, 2830 kc.;** 25 watts, to be used with applicant's standard station KMA. The license is granted upon condition that said grant is not to be construed as a finding upon KMA's application for renewal of license nor upon any of the issues involved in that case (B4-LRY-231).

WEPA—Edwin H. Armstrong, Portable-Mobile, Area of New York City.—Granted license to cover construction permit (B1-PRE-277) which authorized a new portable-mobile special relay broadcast station to be used with applicant's FM station W2XMN, north of Alpine, N. J., frequencies **156750, 158400, 159300, 161100 kc.,** 50 watts (B1-LRE-347).

Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—Letter from counsel stating applicant does not desire to prosecute application for new station to operate on **1420 kc.,** 250 watts, unlimited time, accepted as motion for dismissal and granted.

KGLU—Gila Broadcasting Co., Safford, Ariz.—Petition for continuance for 60 days of hearing now scheduled for August 6 on application for renewal of license, granted, and hearing continued to September 16.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Motion for 60 day postponement of hearing on application for renewal of license now set for August 5, granted for period of 30 days, to September 5.

Edward E. Reeder, Seattle, Wash.—Motion for leave to amend application to specify **1560** instead of **1450 kc.,** 250 watts unlimited time, granted; amendment to be filed within 15 days. Application removed from hearing docket.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted petition to intervene in the hearing on application of KWK, St. Louis, Mo., for construction permit to operate on **680 kc.,** 50 KW, unlimited time, using directional antenna day and night.

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Granted petition for leave to amend application for construction permit to change frequency from **1170** to **1070 kc.;** increase power to 50 KW, and time of operation to unlimited, with respect to transmitter and antenna site, amendment to be filed within 15 days; denied as to removal from docket. Hearing now scheduled for September 10.

American Legion, Dept. of Hawaii, Honolulu, T. H.—Petition for extension of time in which to present evidence granted for 60 days, in re application of Hawaiian Broadcasting System, Ltd., for new station in Honolulu, to operate on **1340 kc.,** 250 watts, unlimited time; record to be kept open to September 29. Exception noted by counsel for Hawaiian Broadcasting System, Ltd.

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.; WBBM—Chicago, Ill.; KFAB—KFAB Broadcasting Co., Lincoln, Neb.; WJAG—The Norfolk Daily News, Norfolk, Neb.—Motion to postpone hearing now set for August 7, for period of 60 days, granted and hearing on applications of WBT and KFSB to operate on **1100 kc.,** 50 KW; WBBM and WJAG to operate on **770 kc.,** WBBM to use 50 KW, unlimited, WJAG 1 KW daytime, continued to October 7.

WTMV—Mississippi Valley Broadcasting Co., Inc., E. St. Louis, Mo.—Granted petition to accept applicant's late appearance in re application for construction permit to operate on **1540 kc.,** 500 watts night, 1 KW day, unlimited time.

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Motion for extension of time to file proposed findings, granted, and time extended to August 12, in re application for construction permit to erect a synchronous station to operate on **1340 kc.,** 100 watts, unlimited time.

KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Granted petition to reopen proceedings in re application for renewal of license of KIDW; hearing to be held August 8.

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Granted modification of construction permit for increase in power and installation of directional antenna for night use, for extension of completion date from July 31 to August 31, 1941; **1310 kc.,** 5 KW, unlimited time, directional antenna night (B5-MP-1372).

W45D—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate frequency modulation station commercially on **44500 kc.** using 3 KW power for a period of 30 days, beginning August 4 to not later than September 2, 1941, pending the installation and preparations necessary to operate the complete transmitting plant in accordance with construction permit and modification thereof, without prejudice to the determination of the issue in the hearing on Order 79.

WAYS—Inter-City Advertising Co., Charlotte, N. C.—Granted modification of construction permit for approval of directional antenna system to be used with new station to operate on **610 kc.,** 1 KW, unlimited time, directional antenna day and night (B3-MP-1318).

Glens Falls Broadcasting Corp., Glens Falls, N. Y.—Placed in pending files pursuant to Order No. 79 application for construction permit for new standard broadcast station to operate on **1230 kc.,** 250 watts, unlimited time (B1-P-3167).

Homer Rodeheaver, Winona Lake, Ind.—Denied petition and amended petition (filed June 10 and July 3, 1941) for reconsideration and grant without hearing application for construction permit for new broadcast station at Winona Lake, Ind., to operate on **1480 kc.,** 1 KW daytime (Docket No. 6118).

KONB—MSB Broadcast Co., Omaha, Nebr.—Granted petition for reconsideration and grant (1) application for construction permit for new station to operate on **1490 kc.,** 250 watts, unlimited time, and (2) application for modification of construction permit specifying transmitter site and antenna (Dockets No. 6111 and 6112).

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Granted petition for reconsideration and grant (1) application for renewal of license of Station KORN, and (2) consent to transfer of control of Nebraska Broadcasting Corp. (KORN) from Clark Standiford (transferor) to C. J. Malmsten, A. C. Sidner, S. S. Sidner, and Arthur Baldwin (transferees) (Docket Nos. 6076, 6077).

Southwest Broadcasters, Inc., Las Vegas, N. Mex.—Granted petition for assignment of call letters KFUN under construction permit for new station granted July 16, 1941.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Granted authority to change call letters KGFI to KEEW.

Broadcasting Corp. of America, Riverside Broadcasting Co. (both of Riverside, Calif.).—Adopted order modifying Proposed Findings of Fact and Conclusions (B-137) granting application of Broadcasting Corp. of America for new station to operate on **1440 kc.**, 1 KW, unlimited time, upon condition that modification of construction permit be filed specifying the exact transmitter location and the antenna to be employed within two months after the effective date of this order; and denying the application of Riverside Broadcasting Co. for new station. (The Proposed Findings were modified to substitute **1440 kc.** in lieu of **1420 kc.**, for Broadcasting Corp. of America.)

APPLICATIONS FILED AT FCC

560 Kilocycles

WIS—The Liberty Life Insurance Co., Columbia, S. C.—Modification of construction permit (B3-P-2870) as modified, for changes in directional antenna and increase in power, requesting changes in directional antenna and extension of commencement and completion dates from 7-15-41 and 1-15-42 to 60 days after grant and 180 days thereafter, respectively.

620 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico.—License to cover construction permit (B-P-2385) as modified, for a new transmitter, change in antenna system, change in frequency, and increase in power.

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico.—Authority to determine operating power by direct method.

770 Kilocycles

WCAL—St. Olaf College, Northfield, Minn.—Authority to install automatic frequency control.

790 Kilocycles

WWNY—The Brockway Co., Watertown, N. Y.—Construction permit to install directional antenna for night use, change frequency from **1300 kc.** to **790 kc.**, change power from 500 watts to 1 KW, and change hours of operation from daytime to unlimited time.

850 Kilocycles

WJW—WJW, Inc., Akron, Ohio.—Construction permit to install new transmitter and directional antenna for night use, change frequency from **1240 kc.** to **850 kc.**, increase power from 250 watts to 5 KW, and move transmitter.

860 Kilocycles

KGNC—Plains Radio Broadcasting Co., Amarillo, Texas.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1440 kc.** to **860 kc.**, increase power from 1 KW night and 2½ KW day to 50 KW, and move transmitter from Bellaire Park, Amarillo, Texas, to near Willton, Texas. Amended: To request 5 KW night and 10 KW day, install 10-KW transmitter, make changes in directional antenna for night use, and move transmitter to near Masterson, Texas.

920 Kilocycles

NEW—General Broadcasting, Inc., Miami, Fla.—Construction permit for a new broadcast station to be operated on **920 kc.**, 5 KW, unlimited, directional antenna for day and night use. Amended: To change frequency from **920 kc.** to **1140 kc.**, make changes in directional antenna, and move transmitter from near Ojus to near Miami, Florida.

930 Kilocycles

NEW—Paducah Newspapers, Inc., Paducah, Ky.—Construction permit for a new broadcast station to be operated on **930 kc.**, 1 KW, unlimited time, using directional antenna day and night. Amended: Re directional antenna system.

950 Kilocycles

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—License to use old RCA 1-B transmitter as an auxiliary transmitter with power of 1 KW.

1030 Kilocycles

NEW—S. Brad Hunt, Alton, Ill.—Construction permit for a new broadcast station to be operated on **1030 kc.**, 1 KW, daytime.

1080 Kilocycles

NEW—Mid-America Broadcasting Corp., Louisville, Ky.—Construction permit for a new broadcast station to be operated on **1080 kc.**, 1 KW night, 5 KW day, unlimited time, using directional antenna day and night. Amended: re directional antenna.

1110 Kilocycles

NEW—Pacific Coast Broadcasting Co., Pasadena, Calif.—Construction permit for a new broadcast station to be operated on **1110 kc.**, 10 KW, unlimited time, using directional antenna day and night.

1150 Kilocycles

WAPO—W. A. Patterson, Chattanooga, Tenn.—Authority to determine operating power by direct method.

WAPO—W. A. Patterson, Chattanooga, Tenn.—License to cover construction permit (B3-P-1939) as modified, for installation of new transmitter and directional antenna for night use, increase in power, change in frequency, and move of transmitter.

1180 Kilocycles

WLDS—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—Modification of construction permit (B4-P-2465) for a new broadcast station to be operated on **1180 kc.**, 250 watts, daytime, requesting change in type of transmitter, approval of transmitter and studio sites, and approval of antenna.

1200 Kilocycles

WMAW—C. T. Sherer Co., Inc., Worcester, Mass.—Modification of construction permit (B1-P-2963) for construction of a new station to be operated on **1200 kc.**, 250 watts, unlimited time, requesting extension of completion date from 8-17-41 to 2-17-42.

1210 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-P-3001) as modified, for a new transmitter, changes in antenna, and move of transmitter.

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct method.

1240 Kilocycles

KGY—KGY, Incorporated, Olympia, Wash.—License to cover construction permit (B5-P-3071) as modified, for new antenna, increase in hours of operation and move of transmitter.

KGY—KGY, Incorporated, Olympia, Wash.—Authority to determine operating power by direct method.

WGRM—P. K. Ewing, Greenwood, Miss.—Authority to determine operating power by direct method.

1270 Kilocycles

KFJZ—Tarrant Broadcasting Co., Ft. Worth, Texas.—Modification of construction permit (B3-P-2497) as modified, for a new transmitter, increase in power from 1 to 5 KW, install directional antenna system, and move transmitter, requesting change in frequency under NARBA from **1240** to **1270 kc.** and make changes in directional antenna accordingly, and extension of completion date. Amended: to change type of transmitter.

1290 Kilocycles

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Construction permit for installation of new transmitter, directional antenna for night use, change in frequency from **1400** to **1290 kc.,** increase in power from 250 watts to 1 KW night and 5 KW day, and move of transmitter.

1300 Kilocycles

KGLO—Mason City Globe-Gazette Co., Mason City, Iowa.—Construction permit to install new transmitter, make changes in directional antenna for night use, and increase power from 1 KW to 5 KW.

1310 Kilocycles

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—License to cover construction permit (B4-P-2908) as modified, for a new broadcast station to be operated on **1310 kc.,** 1 KW night, 5 KW day, using directional antenna night, unlimited time.

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Authority to determine operating power by direct method.

1320 Kilocycles

WNEL—Juan Piza, San Juan, Puerto Rico.—Authority to determine operating power by direct method.

1330 Kilocycles

KFH—Radio Station KFH Co., Wichita, Kans.—License to cover construction permit (B4-P-2462) as modified, for installation of new transmitter and directional antenna for night use, increase in power from 1 KW night and 5 KW day to 5 KW day and night, and move of transmitter.

KFH—Radio Station KFH Co., Wichita, Kans.—Authority to determine operating power by direct method.

1350 Kilocycles

KSRO—Ernest L. Finley, Santa Rosa, Calif.—Authority to determine operating power by direct method.

1360 Kilocycles

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa.—Modification of construction permit (B4-P-2290) as modified, for installation of directional antenna for night use and increase in power from 1 KW night and 5 KW day to 5 KW, requesting extension of completion date from 9-24-41 to 11-24-41.

1370 Kilocycles

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Authority to transfer control of corporation form Adeline B. Rines, Executrix of last will and testament of Henry P. Rines, deceased, to Adeline B. Rines, by transferring 1000 shares of common stock.

1400 Kilocycles

KRMC—Jamestown Broadcasting Co., Inc., Jamestown, N. D.—Modification of license to change studio location.

1440 Kilocycles

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Construction permit to install new transmitter, increase power from 500 watts night and 1 KW day to 5 KW, install directional antenna for night use, and change transmitter location.

1450 Kilocycles

WWDC—Capital Broadcasting Co., Washington, D. C.—Authority to determine operating power by direct method for amplifier. Amended: re engineering data.

1470 Kilocycles

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Construction permit to change frequency from **1480** to **1470 kc.** and make changes in directional antenna for day and night use.

1490 Kilocycles

KBUR—Burlington Broadcasting Co., Burlington, Iowa.—License to cover construction permit (B4-P-1799) as modified, for a new broadcast station to be operated on **1490 kc.,** 250 watts, unlimited time.

KBUR—Burlington Broadcasting Co., Burlington, Iowa.—Authority to determine operating power by direct method.

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Authority to determine operating power by direct method.

1510 Kilocycles

KGA—Louis Wasmer, Spokane, Wash.—Modification of construction permit (B5-P-2602) for a new transmitter, changes in antenna, installation of directional antenna for night use, increase in power to 10 KW, and move of studio and transmitter, requesting change in type of transmitter and changes in directional antenna system.

1540 Kilocycles

KRMC—Jamestown Broadcasting Co., Inc., Jamestown, N. D.—Construction permit to install new transmitter and new antenna, change frequency from **1400** to **1540 kc.,** increase power from 250 watts to 5 KW night, 10 KW day, and change studio and transmitter sites.

1560 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Special service authorization to operate on **1560 kc.,** 10 KW, non-directional antenna, unlimited time for the period ending 2-1-42, in accordance with B1-MP-1086.

1600 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—License to cover construction permit (B1-P-2233) or changes in equipment, installation of new antenna, and move of transmitter.

FM APPLICATIONS

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on **44900 kc.;** coverage: 1,371 square miles; population: 2,253,392. Amended: to change frequency to **43500 kc.,** service area to 21,071 square miles, population to 3,311,399, make changes in antenna system, change transmitter location, and change type of equipment.

W55M-NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Modification of construction permit (B4-PH-6) as modified, for a new high frequency broadcast station, requesting extension of completion date from 9-30-41 to 11-30-41.

TELEVISION APPLICATIONS

W3XNB—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-PVB-58) as modified, for a new television broadcast station, requesting extension of completion date from 7-28-41 to 3-1-42.

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Construction permit for a new commercial television broadcast station (formerly W9XMJ) to be operated on Channel No. 3, **66000-72000 kc.,** A5 and special emission for frequency modulation, ESR 4176, unlimited time.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Modification of construction permit (B4-PVB-50) as modified, for a new experimental television station, requesting extension of completion date from 9-1-41 to 2-1-42.

MISCELLANEOUS APPLICATIONS

WAKR—Summit Radio Corporation, Akron, Ohio.—Special service authorization to operate with 5 KW power and non-directional antenna daytime for a period of six months, using 5

KW transmitter specified under construction permit (B2-P-3038).

WELB—WAVE, Incorporated, Mobile (Louisville, Ky.).—License to cover construction permit (B2-PRE-389) for installation of new transmitter and increase in power.

NEW—Harmon LeRoy Stevens & Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Portable-Mobile, Area of Port Huron, Mich.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150,** and **2790 kc.,** power of 15 watts, A3 emission.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Construction permit to use old Collins transmitter as an auxiliary transmitter and move same to site of main transmitter, and make changes in antenna system, using 250 watts power.

W9XLA—The KLZ Broadcasting Co., Denver, Colo.—License to cover construction permit (B5-PHB-285) for move of transmitter.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

E. J. Brach & Sons, Chicago, one of the few large candy manufacturers, is charged, in a complaint, with knowingly inducing some manufacturers of corn syrup to discriminate in price in favor of itself and with knowingly receiving the benefits of price discrimination from some of such manufacturers contrary to the Robinson-Patman Act. (4548)

Inland Empire Bakers' Association, Inc., Spokane, Wash., three of its officers, and three member companies manufacturing and distributing bread and bakery products in eastern Washington and western Idaho are charged, in a complaint, with a price fixing agreement and combination in restraint of trade.

The respondent officers are: L. L. Francis, president; Mel Jacobsen, vice president, and V. B. Pringle, secretary and executive manager; and the respondent companies: Silver Loaf Baking Co.; E. A. Boge, operator of Boge Brothers Bakery, and Olaf Jacobsen, operator of Jacobsen's Bakery, all of Spokane. The respondent members, according to the complaint, are representative of the association's entire membership, including those not specifically named in the complaint.

The complaint alleges that the respondent officers and association members have united in a concerted action, through the association, to restrain competition by agreeing to fix and observe, among themselves, uniform and non-competitive prices and by agreeing to act collectively to impose on all bakers selling bread and bakery products in the respondents' area the use of the non-competitive prices so fixed. (4550)

CEASE AND DESIST ORDERS

During the past week the Commission has announced the following cease and desist orders:

Hudson Fur Dyeing Company—Louis Estrin, Charles Estrin, Sidney Estrin, Esther Estrin and Belle Estrin, trading as Hudson Fur Dyeing Company, Newark, N. J., have been ordered to cease and desist from certain misrepresentations in connection with the business of dyeing rabbit peltries for fur dealers and garment manufacturers. (3951)

Inter-State Cigarette Merchandisers Association, Newark, N. J., and five member associations composed of persons or companies operating automatic cigarette vending machines in various States and their officers, directors and members, have been ordered to cease and desist from certain agreements and combinations in restraint of competition in the sale of their products. (4388)

Majestic China Co., Inc., and Art China Co., corporations, Herman Siegel, Sigmund Gladstone, and John Lindsey, sometimes known as Jack Lindsey, individually and as officers and employees of Majestic China Co., Inc. and trading as Art China Co., and John H. Feinne, individually and as an officer of Majestic China Co., Inc., and trading as Windsor China Co., all of South Bend, Ind., have been ordered to cease and desist from certain misrepresentations in connection with the sale of their products and from making disparaging statements concerning competitors and their products. (3748)

National Distillers Products Corporation, with executive offices at 120 Broadway, New York City, has been ordered to cease and desist from misrepresentation in the sale and distribution of a semi-solid poultry feed supplement variously designated as "Produlac Brand Semi-Solid Distillers Grains Mash," "Semi-Solid Produlac," and "Produlac." (4425)

Rosse Products Company—Edward C. Rose, trading as Rosse Products Co., 2708 West Farwell Ave., Chicago, has been ordered to cease and desist from certain misrepresentations in connection with the advertising, sale and distribution of a medicinal preparation designated "Rosse Rheuma Tabs." (4428)

STIPULATIONS

Commission has made public the following stipulations:

Abbott Brothers—Francis W. Abbott, George J. Abbott and Stuart Abbott, trading as Abbott Brothers, Paterson, N. J., and King Ribbon Co., Inc., East Stroudsburg, Pa., engaged in the manufacture and sale of seam binding, have stipulated in connection with the sale of their seam binding or other ribbons in commerce to cease and desist from use of the marking "100 Yards" on bolts or containers when in fact less than 100 yards of material are contained therein, or otherwise mismarking or misbranding such products with respect to the yardage thereof or in any other way with the tendency and capacity of misleading or deceiving purchasers or the consuming public. (3180-3181)

Benay Novelty Company—Harry Richter and Benjamin Moglinsky, trading as Benay Novelty Co., 11 West Third St., New York City, engaged in the manufacture and sale of hats and caps, have entered into a stipulation in which they agree to cease representing that hats or caps, composed in whole or in part of used or second-hand materials, are new or are composed of new materials, by failure to stamp on the exposed surface of the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. The stipulation provides that if sweat bands are not affixed to the hats or caps then the stamping must appear on the bodies of the hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. The respondents further agree to cease representing in any manner that hats or caps made in whole or in part from old, used or second-hand materials are new or composed of new materials. (3179)

Bloomfield Manufacturing Co., Inc., trading as Kant-Slam Door Check Co., Bloomfield, Ind., engaged in selling a device to prevent doors slamming designated "Kant-Slam Door Check," has stipulated that it will cease and desist from representing that the device operates in oil; closes all doors; will do the work of the most expensive door checks, or that there is nothing about it to get out of order, and that it is built, or operates, on a new principle.

It is further stipulated and agreed by Bloomfield Manufacturing Co., Inc., that it will cease and desist from representing that sample demonstrators will be given to producers when such offer is conditioned upon a deposit being made before delivery. (02849)

Colonial Baking Co., 4410 Gravois Ave., St. Louis, Mo., engaged in selling "Colonial Bread," has entered into a stipulation in which it agrees to discontinue representing that Colonial Bread is not fattening, is necessary in a reducing diet, helps burn up body fat, or helps one reduce safely, or that six slices of Colonial Bread in a reducing diet will give one pep, energy and prevent one from becoming tired, fatigued, irritable, or experiencing nervous strain, or that Colonial Bread will protect one from the harmful residues that cause fatigue or that it protects one's health while reducing. (02845)

Harry A. Fischel, Inc., 418 North Third St., Philadelphia, engaged in selling certain medicinal preparations designated "Faunilin Tobacco Flakes" and Faunalax Worm & Laxative Compound," has stipulated that it will discontinue representing that either product is effective in the prevention or treatment of worms in animals or that either of these products is of any benefit in the prevention or treatment of gapeworms or spiral stomach worms in poultry. (02848)

Fox Studio, Cheyenne, Wyo., has entered into a stipulation to cease certain representations in the sale of photographic enlargements. The respondent agrees to cease representing in any way that his regular method of sale is either a "special" or an "introductory" offer, and to cease representing that his products are "oil colored photographs," or to cease using any other designation for such products in a manner implying that his products are photographs in the ordinarily accepted meaning of a picture of a person drawn from life, particularly in oil. The respondent also agrees to cease use of the word "guaranteed" or any word of similar meaning in connection with the sale of his products, unless clear disclosure is made of exactly what is offered by way of security as, for example, refund of purchase price. (3184)

Garcia Grande Cigars Incorporated, 141 Fifth Ave., New York, stipulated to cease and desist from certain representations in the sale of its cigars designated "Garcia Grande Crowns."

According to the stipulation, the respondent, in advertising these cigars, employed among other representations, the statement: "Guaranteed 100% Havana and other imported long filler tobaccos," when in fact not more than 25 per cent of the tobacco constituting the filler of the Garcia Grande Crowns is imported from Cuba.

The respondent agrees to cease representing that these cigars contain "100% Havana and other imported long filler tobaccos," or making other representations designating the geographical origin of the filler tobacco of these cigars unless in every such representation to the country of origin of each of the filler tobaccos used in the cigars is set forth in the order of their respective predominance by weight and in letters of equal size and conspicuousness. (02837)

Giezendanner Company—Charles J. Giezendanner, Jr., operating under the trade name of The Giezendanner Co., Houston, Texas, engaged in conducting an advertising agency which disseminated advertisements for a drug preparation designated "Locao Belem" on behalf of the Belem Products Co., Houston, Texas, has stipulated that in connection with the dissemination of future advertising, he will cease and desist from representing that the preparation is a remedy or cure for baldness, falling hair, aggravated conditions of the scalp, dandruff, itching or irritated scalp, or oily hair or scalp; that it will grow hair or rejuvenate the scalp, stimulate or revitalize the hair cells, add new life to hair, correct soft or fine hair which is difficult to wave or set, promote activity in the oil glands, or that it is prescribed by physicians for hair or scalp. The respondent has also agreed to discontinue representing that Locao Belem has been subjected to laboratory tests by the Food and Drug Administration or that, upon analysis by the Food and Drug Administration, it was found to comply with the "Pure Food and Drugs law." (02843)

Globe Fur Company—A group of Middle Western fur products dealers have entered into stipulations to cease certain representations in the sale of their products. The respondents are Globe Fur Co., also trading as Marilyn Fur Studios and as Marilyn Furs, having places of business in Detroit, Fort Wayne and Toledo, and David B. Silverman and Harry Shulak, who were co-partners trading as Marilyn Fur Studios with places of business in Fort Wayne and Toledo, and are now officers of the Globe Fur Co. (3182)

Herb Farm Shop, Ltd., 347 Fifth Ave., New York City, engaged in selling a number and variety of soaps, cosmetics, perfumes, toilet articles and culinary products, including the cosmetic products designated "Country Garden Cleansing Cream," "Country Garden Smoothing Cream," "Country Garden Under Powder Cream," "Country Garden Refresher," "Fragrant Meadow Cleansing Cream," "Fragrant Meadow Astringent," "Fragrant Meadow Under Powder Cream," "Fragrant Meadow Smoothing Cream," "Under Powder Mist," "Bath Essences," and perfumes, toilet water and bath talcum, has stipulated that in the dissemination of advertising it will cease and desist from using the phrase, "Herb Farm Shop of London," or the name "The Herb Farm Shop Ltd.," or by any other words or phrases or in any other manner indicating, contrary to fact, that any of its products has an English or other foreign origin, unless in direct connection therewith it is clearly and conspicuously stated that such product is made, compounded or packaged (as the case may be) in the United States; and that it will cease representing that any of its products is infused with or contains herbal oils unless, where such product does not contain a substantial amount of herbal oil, the percentage of herbal oil present is given in immediate connection therewith; and will cease representing that the herbal oil contained in any of its products is present as an emulsion when such is not the fact. (02844)

Lacto-Cal Laboratories—Olive M. Goulet, trading as The Lacto-Cal Laboratories, 1121 Ingraham St., Los Angeles, Calif., engaged in selling a drug preparation designated "Lacto-Cal," has stipulated that she will cease and desist from representing that the preparation will exert or have a beneficial influence on the nerves, speed up or aid digestion or increase the flow of the gastric juices; that it possesses tonic or stimulant effects or powers or that it is a general gland builder; that it will feed the brain, nerves, tissues, testicles, or ovaries; that the preparation is a scientific compound of lactic acid and calcium or contains calcium in sufficient quantities to be of therapeutic value, or that its use will reduce acidity or be of value in the relief or treatment of hyperacidity; that the preparation has any beneficial effect on the circulatory system or on metabolism, will prolong life or enable one to live to be 100 years old, or any other definitely stated number of years; that it contains Vitamin B, Vitamin D, or phosphorus or contains elements essential to the building of hemoglobin, or that the general dietary condition of the American people is such as to make the purchase and consumption of the product necessary or advisable. (02841)

Maurice Larsen, trading as Fox Studio, Cheyenne, Wyo., has entered into a stipulation to cease certain representations in the sale of photographic enlargements. The respondent agrees to cease representing in any way that his regular method of sale is either a "special" or an "introductory" offer, and to cease representing that his products are "oil colored photographs," or to cease using any other designation for such products in a manner implying that his products are photographs in the ordinarily accepted meaning of a picture of a person drawn from life, particularly in oil. The respondent also agrees to cease use of the word "guaranteed" or any word of similar meaning in connection with the sale of his products, unless clear disclosure is made of exactly what is offered by way of security as, for example, refund of purchase price. (3184)

Medford Laboratory—Edward Howell, trading as Medford Laboratory, 210 South Kedzie Ave., Chicago, engaged in selling drug products designated "Nutrase" and "Kleen," has entered into a stipulation in which he agrees to discontinue representing that either of the products is a cure or remedy for or that either of them will overcome food discomfort, indigestion, gas, heartburn, gastro-intestinal symptoms, cancer, diabetes, liver trouble, or other ailments; that Nutrase is free from drugs or will impart new life or energy, or that Kleen affords perfect intestinal elimination. (02847)

Michigan Magnetic Mineral Water Co., and Natural Ray Mineral Water Co., the latter trading as such and as Michigan Mineral Water Co., St. Louis, Mich., engaged in bottling and selling mineral water under the brand name "Natural Ray Mineral Water," have stipulated to discontinue representing that the product is a remedy or cure for stomach, bladder or kidney troubles, chronic constipation, paralysis, high blood pressure, anemia, glandular difficulties, arthritis, rheumatism, or the aches or ailments arising from any of the diseases or conditions mentioned; is a safeguard, a body builder, a way to gain, retain or maintain health, a preventative of infantile paralysis or other illness, or an aid to muscle or bone development, or that it affects the appetite, the weight, or the ability to sleep, builds up resistance to colds or headaches, or wards off colds. (02846)

Nu-Tone Products Corp., 151 West 28th St., New York City, engaged in selling certain hair dye preparations designated "Tuch-Up," has stipulated to discontinue representations that the hair dye products which it sells are manufactured by it or by any other organization affiliated with or owned or controlled by Nu-Tone Products Corp. unless and until the hair dye products which it sells are manufactured by it or by some organization owned, operated or controlled by Nu-Tone Products Corp.; that the use of its hair dye products will cause hair to look natural or cause hair to have a soft texture or have any beneficial effect on hair texture; that their use will banish, eliminate, end, or rid one of gray hair or cause one to remain young; that its hair dye products are vegetable compounds; that their use will cover hair roots or have any effect upon the color of hair roots; that hundreds of thousands or any other number of women have specified their requirements for a hair dye, or that the respondent's hair dye products are new or made of ingredients of recent origin or development. (02840)

Physicians' Supply Co., Inc., 1127 Fourth Ave., San Diego, Calif., engaged in selling girdles designated "Air-Way Girdles," has stipulated that it will discontinue representing by the use of the designation "Air-Way Reducing Girdle," or by any other means, that wearing an Air-Way Girdle will cause one to reduce, or will effect a definite reduction in weight or measurement, or result in the loss of fatty tissue; that Air-Way Girdles are non-absorbent, and that the possibility of skin infection from excreted waste matter absorbed by a girdle is eliminated by wearing an Air-Way Girdle. (02842)

Polar Co., a corporation trading under the name Masterlite Lamp Co., Hoboken, N. J., engaged in the manufacture and sale of electric bulbs or lamps of various types, including one such device called "Double-Life," has entered into a stipulation in which it agrees to cease and desist from stating or representing in any manner that the use of its commodities will effect or result in a saving of 20% or up to 40% on lighting costs, that is to say, reduce electric light bills by 20% or more, or any other amount which is exaggerated or in excess of what is actually the fact, or that its commodities will last from two to four times longer than standard bulbs, or that the commodities have an average burning life of 2000 hours, or that they meet Bureau of Standards specifications in all respects. (3185)

David B. Silverman—David B. Silverman and Harry Shulak, in connection with the sale of fur coats, agree to desist from the use in advertisements or on labels, tags, brands, or otherwise of any designation or description of a fur garment which deceptively conceals the true name or nature of the fur, with the effect of misleading purchasers; from disseminating advertisements, invoices or other descriptive literature pertaining to coats or garments manufactured from dyed furs which fail clearly to disclose that they are made from dyed furs, peltries of skins; and from representing the sales price of their products as a "mere fraction of their actual worth" or as less than the worth or cost price thereof when such worth or cost price is in excess of or equal to such sales price; or from representing that so-called "values" offered are due to quantity purchases, unless the number of articles purchased is as represented and unless such quantity purchases do in fact result in special values or reduced prices to purchasers. (3183)

Supreme Hosiery Company—Samuel K. Kreenberg, trading as Supreme Hosiery Co., 807 Roosevelt Road, Chicago has made a stipulation to cease certain representations in the sale of lingerie and hosiery.

Under his stipulation, the respondent agrees to cease using the terms "Fashioned," "Full Fashioned" or "New Fashioned" to describe hosiery not made by the process used in producing "fashioned" hosiery, and to desist from various other representations concerning the quality of his products or the materials of which they are made. (02838)

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Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 32, August 15, 1941

Radio Time Sales Tax

AFL OPPOSES TAX

The Executive Council of the A. F. of L. adopted the following resolution:

"While labor is firm in its belief that the U. S. Government should levy extra taxes on the people to pay for defense work, we do not believe in punitive or discriminatory taxes such as that levied on advertising in radio. Broadcast employees, men and women, when out of work cannot fit themselves into defense work."

H.R. 5417, the tax bill, which among other provisions imposes a 5-10-15 per cent tax on the gross receipts of the time sales of broadcasters, is now before the Senate Finance Committee. Hearings which are being held in the Senate Finance Committee Room, third floor of the Senate Office Building, opened on Friday, August 8.

After hearing from its own tax experts and treasury officials, it yesterday called to the stand several who made statements bearing directly upon the proposed tax on radio broadcast receipts.

Among others who were heard were John Benson, President of the American Association of Advertising Agencies. Mr. Benson's statement follows:

"On behalf of the American Association of Advertising Agencies, a professional body whose members handle two-thirds of the national advertising of this country. I desire to protest against imposing a special tax on advertising and advertising media, as provided in Section 3269 of Part II, in the tax measure now before the Finance Committee, H.R. 5417.

"Advertising agencies have no direct financial interest in this tax, as it is not imposed upon them; nor do they have any bias in favor of any one advertising medium or group of media, using them all impartially when and as required to solve a given advertising or marketing problem for a client. Having any ownership interest in a medium of advertising would be a breach of our ethical code.

"Hence we hold no brief for either the outdoor or radio broadcasting media as such. What we deplore about the proposed tax on them is the burden it imposes upon advertising itself and the cost of distributing goods. Advertising is but one of several forms of selling and is often used to facilitate or economize sales effort. If such a tax were imposed, manufacturers would either do less advertising and hence sell less goods, or they would continue to do the same amount of advertising at increased cost, which would tend to raise prices to consumers.

"If advertisers sell less goods, they employ fewer people to make them, and the tax would contribute to unemployment. If the manufacturer raises his prices, it would contribute towards inflation.

"In addition to the above, a tax on advertising would be discriminatory between manufacturers which use advertising as a means of selling and those which use other forms of selling but do not use advertising.

"One of the most important services that advertising renders to distribution is to save time, effort and money in moving goods from producer to consumer. Cost of the media is a big factor, of course, in this economy of the advertising operation. It does not matter how effective the advertising appeal may be, to increase the cost of the channel used to reach a market will lower the efficiency just that much, with one or more of the following results:

1. Slow down civilian production and non-defense employment of labor. Printers and pressmen are not benefited by an offensive tax of this sort. Their employment depends on successful advertising, as a whole, which breeds more advertising and more printing whatever the media used. One medium feeds into another.
2. Lessen volume of business done and reduce available net profit, from which more taxes could be derived.
3. Reduce the margin between selling price and cost of distribution, which might be used in raising wages or in improving product.
4. By raising the cost of selling, add to the upward spiral of prices, with its trend towards inflation.

The plea has been made that this special radio tax is not imposed upon advertising, but on entertainment. In our opinion, this is not true. Only the commercial revenues are to be taxed. Commercial radio advertising is not entertainment; it merely uses entertainment as an aid in selling. Therefore, the tax is on a method of selling, not on entertainment.

"May I say a word about the timely public service which can be rendered by advertising during the defense emergency and why it should not be handicapped or burdened in rendering that service.

"Advertising is a definite brake on inflation and high prices. It does not stimulate desire for more civilian goods than can be produced. It does not encourage indiscriminate demand by the public. It promotes good will for a specific product or service and does not stimulate immediate sale unless the product is available or can be adequately produced. Arousing desire for goods which conflict with defense production would not result in sufficient sales to pay for the advertising, and would also cause ill will instead of good will among customers.

"Advertising thus renders an indispensable service by diverting public attention and desire away from such goods and towards those which can be made in abundance. This satisfies popular demand and builds up volume to absorb the expanded purchasing power of the masses employed in national defense. There is no better hedge against inflation.

"As the President has pointed out, the nation needs all the economic activity it is possible to produce, for the welfare of its people and for financing the war effort. Advertising is the effective spur. How much better to tax wealth and net income than the means of producing them. To do the latter is like consuming seed corn instead of planting it and producing abundant crops for consumption. It would be killing the goose that lays the golden egg.

"And the spur must be vigorous and effective to move an adequate volume of unrestricted production into consumers' hands, with so many lines being restricted by defense.

"In times like these, we should operate our processes of making and selling goods as efficiently and inexpensively as possible. The proposed tax would impair that efficiency, and thus produce, we believe, less total taxes."

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NAB Reports

NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

RADIO TIME SALES TAX

(Continued from page 681)

G. S. McMillan, Secretary of the Association of National Advertisers, Inc., made the following statement:

"The Association of National Advertisers, the body of manufacturers in whose behalf I appear, respectfully protests the imposition of the taxes on advertising proposed in H. R. 5417.

"The Association of National Advertisers, Inc., is a non-profit membership corporation incorporated under the laws of New York State. It is composed of some three hundred manufacturers all of whom use advertising as an aid to selling. Its membership is nation wide and includes companies from almost every industry—steel, shoes, grocery products, drug products, textiles, etc. Represented are both large and small companies with advertising appropriations ranging from the largest to well under $50,000 a year, a true cross section of American business.

"Membership in the Association is open only to corporations selling goods or services other than advertising. Publishers, advertising agencies, outdoor plant owners, radio station operators and others engaged in selling advertising are not eligible for membership.

"As an association composed solely of manufacturers who are all buyers of advertising, with no financial or controlling interest in any advertising medium, we hold no brief for radio, outdoor, newspapers, or other advertising medium *per se*. An essential part of the business of such media is the sale of advertising: the principal business of the members of the Association of National Advertisers is manufacturing.

"But while we have no particular interest in any one medium, we *are* vitally concerned with the preservation of the American advertising system and hence in the welfare of all media. We are concerned in the maintenance of free and open competition between media.

"We believe the taxes proposed in Title V, Sec. 557 and Title VI, Sec. 601 of H. R. 5417 are unsound, unfair and discriminatory and that therefore they should be eliminated.

"We have seen no argument whatever in favor of the tax on outdoor advertising. We have seen no argument in favor of the tax on radio advertising except one which proposed such a tax principally as a punitive matter designed to correct alleged unfair competition. If there has been unfair competition—which we do not admit—there are adequate laws dealing with that subject and existing government agencies whom Congress has designated to administer them. We do not believe a revenue measure should be used to confer police power. Further, we believe it is significant that there has been, to our knowledge, no proposal of such taxes on outdoor and radio advertising by publishers of magazines or newspapers nor any testimony favoring the taxes from them.

"It has also been argued that the proposed tax on radio advertising is an amusement tax. This hardly seems plausible. Amusement taxes in the United States are imposed upon and paid by those enjoying the amusement. Taxes on admissions to theatres, athletic games and the like are paid by those who purchase tickets, not by the motion picture companies or the promoters of the amusement. Such is not the case with the proposed tax on radio advertising. Again, the tax would be imposed on radio *time sales*. That means on sponsored programs only, in other words on *advertising*. No tax is proposed on sustaining programs, on the broadcasting of special events, speeches, etc., which are just as surely entertainment as is sponsored material.

"No tax is proposed on magazines—and magazines are designed as and purchased for entertainment. No tax is proposed on newspapers—and yet sponsored news broadcasts are to be taxed.

"In view of the above, we cannot view the proposed levies on outdoor and radio in any other light than as a direct tax on advertising. Further, as practical business men, we know that tax will be passed on to the manufacturer, the buyer of advertising.

"We believe it is unwise and unsound to tax advertising. We in this country are engaged in mass production. In order to have mass production we must have mass distribution, and in order to have mass distribution we must have advertising. It is a vital part of selling and by far the most economical way to move the goods made by the men in our factories.

"Advertising is not a finished product. It is a business process—just as important and essential a business process as is engineering or production. It is a function not a product. Taxing one function of business, isolating that function and imposing a tax upon it, is to our mind unsound.

"There is nothing mysterious, there is nothing impractical about advertising. On the contrary it is one of the most practical processes in our whole system of free competitive enterprise. It is the means of telling the public what there is for sale and where it can be obtained.

"More than any other force in business, advertising has a

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Priorities

Commercial broadcast station requirements for maintenance and repairs will soon be brought under the order granting an A-10 priorities rating to those industries considered to be essential to the national defense program, it was stated to NAB by OPM this week. This will take place as soon as the facilities of the Priorities Division permit.

The move was indicated by OPM in its release of August 8, which announced a new Maintenance and Repairs Rating Plan immediately available to producers, manufacturers and agencies in nine industrial classifications. When the plan is extended to commercial broadcasting, NAB REPORTS will outline the procedure to be followed in securing maintenance and repair materials thereunder.

Maintenance and repair requirements may now be purchased locally wherever available without papers of any kind. Furthermore, manufacturers may supply needs without papers of any kind when they have no back orders for defense materials. To get maintenance and repair equipment or material in any other case, your supplier must in each case fill out OPM Form PD-1 for decision. Each case stands on its own merits.

As to materials for new construction under C.P.'s, there is no allocation program. Therefore your supplier must use Form PD-1 in each case. It is advisable that you furnish photostatic copy of the C.P. to the supplier to help him in getting the material to fill your order.

Civic Groups to be Contacted

Under the joint auspices of RCCP and NAB, Mrs. Dorothy Lewis, Vice Chairman of the Radio Council on Children's Programs, will again make a nation-wide tour starting from New York, September 21.

She will hold a series of one- and two-day conferences in New York communities, then proceed across the continent by the northern route, returning to the east by the southern route. Her tour will terminate sometime early in December at Louisville, Kentucky.

She will contact civic radio councils, radio station managers and those in charge of children's programs, educators, librarians, and others who are concerned with children's programs, and with radio cultural offerings.

A detailed schedule of her itinerary will be made available as soon as it is completed.

ANOTHER NAB PUBLICATION

BROADCASTING TO THE YOUTH OF AMERICA

A report on present day activities in the field of children's radio programs

By DOROTHY LEWIS

Here are a few comments:

Adah F. Whitcomb, Supervisor of Schools Department, Chicago Public Library—" 'Broadcasting to the Youth of America' is exactly what is needed and is presented in such practical form. It seems as if nothing had been omitted. It will undoubtedly have the desired effect of raising the standards of children's programs, as sponsors and program makers will surely be impressed by the scope of this study."

Niles Trammell, President, National Broadcasting Company—"In 'Broadcasting to the Youth of America', Mrs. Lewis has done a splendid job, and I am certain her efforts will be most helpful to the entire broadcasting industry."

Dr. James R. Angell, Education Director, National Broadcasting Company—"I have had the pleasure of looking over your 'Broadcasting to the Youth of America' and congratulate you upon this accomplishment. The recommendations which you make seem to me almost without exception, sound and in every case interesting."

William S. Paley, President, Columbia Broadcasting System—" 'Broadcasting to the Youth of America' is a very valuable contribution to broadcasters. Dorothy Lewis has compressed into its pages a fair and impartial report which bestows praise and blame intelligently and realistically. Many of her recommendations are in line with the most farsighted planning of broadcasters in their constant effort to provide wholesome, stimulating and worthwhile programs for children."

These are but a few:

Every broadcaster should read this book from cover to cover. We are sending you your copy early next week.

You will want to place this book in the hands of educators, librarians, women's groups, and others. With your copy there will be enclosed an order blank for your use in ordering additional copies.

RADIO TIME SALES TAX

(Continued from page 682)

stabilizing effect, not only on business but on our economy generally. Aside from its benefits to consumers, it has enabled business to expand and grow. That expansion and growth has made for stability for the future not only for business but also for all of those engaged in business. The effect of that stability has been to contribute to a feeling of security for the future on the part of all employees of business and to enable business to operate on a sound basis. When business is conducted along lines that are sound and stable, it can be depended upon to make a reasonable profit. Unless it does make a reasonable profit it cannot continue, and if it cannot continue it not only makes for unemployment but dries up the principal source of revenue for the government and defense.

"It is to the profits of business that government must look for a large part of the revenue that is to be raised through taxation. To discourage advertising through taxation or to make it impossible for business to advertise will be to strike at the very source of the income the government now needs so badly.

"A tax on advertising would not only seriously cripple one of the most vital tools of business but it would also cripple the media concerned, all of which are substantial taxpayers and employers of labor. Incidentally, we see no way in which the proposed taxes could possibly benefit labor. The effect would be quite to the contrary.

"The proposed taxes would also have a bad effect upon the hundreds of thousands of retailers in all lines of business. Advertising by the manufacturer creates demand for products, moves goods from the retailer's shelves. To cripple advertising would be to slow down that demand, to make for slow turnover and hence lower the profits of the retailer.

"The function of advertising, now of all times, is to strengthen the national economy to meet its burden. As President Roosevelt has said: 'It has been a potent force in making available to our citizens the products of American skill and ingenuity. . . . That force needs now to be applied toward the maintenance of our accustomed standards of living and further progress.'

"It is from the nation's non-defense business that the sinews of war must finally come. To hamper that business is to weaken those sinews.

"Advertising is needed now as never before. Let us take a hypothetical example. There has been a wave of hysterical buying on the part of the public of silk stockings. The United States Department of Agriculture has been working for some time, we understand, on the development of stockings made from other fibers. If, as, and when it becomes necessary to tell the women of America of these new fibers and of the stockings made therefrom, what force can be substituted for advertising to do that job? What other means will there be to spread the knowledge of this new discovery, to convince women that their beauty will be enhanced rather than impaired by the use of the new products made from articles of American manufacture? If there is a better way, manufacturers would certainly like to know about it.

"In addition to this at-the-moment viewpoint, there is also involved the matter of the future. When we find ourselves out of the present emergency, what force at our command could be utilized to better advantage than advertising to maintain the greatly increased productive capacity with which we will undoubtedly find ourselves, to make for stability of employment? The National Resources Planning Board on August 12th—only two days ago—released an interesting report made at the suggestion of President Roosevelt in which it warned the nation that the United States can win the war and still 'lose everything we are arming to defend if in the transition to peace we slip back to a low national income with its inevitable unemployment, suffering chaos and loss of freedom.'

"We do not feel that it would be sound or wise to cripple a force that may be so much needed later to enable us to carry on. There will come a time when it will be highly desirable to stimulate non-defense industry. Advertising, which has been called the dynamo of business, is the force to accomplish that purpose.

"We are entirely aware of the necessity which lies upon all of us to bear increased taxes. We are entirely willing to carry our share of the load. All manufacturers are willingly meeting the increased burden of taxation which has necessarily been thrown upon them, which has arisen from a situation which is neither of their own making nor to their liking. To tax advertising, however, would be to impose a burden on a business function which helps to make sales and thus helps to make taxes.

"The money to be derived from the taxes proposed in the bill on radio and outdoor advertising, even if the estimates are correct, would not seem to be vital to the success of the tax measure. Further, we believe that the American public would pay a far greater price for the tax and its collection than any benefits that might be derived therefrom.

"In view of the above, the Association of National Advertisers respectfully urges that the Committee eliminate the taxes proposed in Sections 557 and 601."

He was followed by Charles E. Murphy, General Counsel for the Advertising Federation of America, who said:

"The ADVERTISING FEDERATION OF AMERICA is the only national organization representing both sellers and buyers of advertising. Among its members are 61 advertising clubs located in key cities in every section of the nation. It, therefore, reaches horizontally across the entire advertising industry and presents here today the cross-sectional viewpoint of the advertising fraternity regarding the proposed taxes on outdoor and radio advertising.

"We consider any tax on advertising, regardless of the media affected, as harmful to the economy of our nation and detrimental to our well-established system of distributing consumer goods.

"The power of advertising as the selling force of industry and as the stimulator and stabilizer of commodity distribution must be protected. This is necessary in supporting the base for emergency taxes, for any impairment in the use of advertising by taxation will in turn affect distribution and the revenues derived therefrom. In our opinion, a tax on advertising will defeat its own purpose.

"We are mindful that vast sums of money must be raised by our Government for national defense. This involves the greatest merchandising effort in the history of our country. Hence it is that our merchandising machinery must be keyed up to the highest notch of efficiency.

"Business uses advertising to maintain and increase its outlets for goods. Unless such outlets are maintained and increased during the coming years, the expanded income on which taxes are based will not be forthcoming. Nothing should be done, therefore, to cripple the merchandising machine that produces income, and a tax on advertising will bring that very result. Income must be taxed, but to tax the process which creates income is an economic fallacy.

"Advertising does not encourage indiscriminate expenditure for civilian goods during the period of national defense. On the contrary, it is used to regulate and stimulate the proper flow of consumer goods based on the products available for non-defense purposes. Advertising will divert public demand to merchandise that can be supplied without harming our defense production and thus keep employment and distribution in non-defense industries at its highest possible level.

"As late as May 20th, 1941, President Roosevelt, in a letter to our organization, said:

> Advertising has been responsible for many of the good things which citizens of the United States enjoy. It has been a potent force in making available to our citizens the products of American skill and ingenuity. Without it, many present-day necessities would still be luxuries.
>
> That force needs now to be applied toward the maintenance of our accustomed standards of living and further progress. This may require adjustment but it should mean increased effort.

"The advertising business in America is wholeheartedly behind our Government's monumental efforts for national defense. In common with other businesses, it is paying today, and will continue to pay, huge sums in taxes into our national treasury.

"We have offered our services to the Government and will continue to give them willingly, as it is our duty to do.

"We strongly urge, however, that a tax on advertising, regardless of its nature, will be a grave economic mistake and harmful to the laudable and patriotic cause to which you, your colleagues and all other good Americans are firmly dedicated.

"May I, Sirs, in just a few seconds, add a personal observation? Before becoming a lawyer, I planned and wrote advertising for small stores and small industries in my home town of Trenton, New Jersey. I saw these small firms grow and prosper by promoting worthy products through the judicious use of advertising. From a few employees, I saw them grow to employ many people. I later went to New York to engage in advertising in its larger fields, and there I saw companies place on the market many new, fine and useful products of real benefit and utility to the American people. I saw advertising used to promote and distribute these products. I saw employees added in great numbers as consumption grew. It was the American system of mass distribution working in its perfect cycle.

"Whether it was in the smaller city or the metropolis, I never saw a dollar spent for advertising except with the greatest care and consideration. Always the question asked was: 'What sales is this advertising dollar going to produce?' A tax on advertising is no different than Congress saying to a merchant or manufacturer: 'We're going to collect from you a tax on the wages you pay your salesmen.' For advertising, gentlemen, is mass selling and nothing else. It is the best, cheapest and only system through which the products of our mass production may reach the consuming public."

On Monday, August 18, the broadcasting industry will present its arguments against the tax. Broadcasters who are in the vicinity of Washington on Monday are urged to sit in at the hearings.

On page 663 NAB REPORTS (August 8, 1941) excerpts from the remarks of several members of the House of Representatives who spoke on the bill were given.

Following are some additional quotations:

Representative Milton H. West (D.-Texas) (member of the House Ways and Means Committee)—"There are several items in this bill imposing taxes * * * on which no hearings were held. We (The Ways and Means Committee of the House) set out to raise a certain amount of money, and when, after the hearings were completed, it was discovered that the items discussed would not produce the estimated needed revenue, the Committee, without hearings * * * reached up into thin air, pulled down and placed in the bill items of taxation * * *. I refer specifically to the proposed tax on billboard advertising, gross sales of net time by broadcasters * * *."

After referring to the fact that many of the interests adversely affected by the bill had been given an opportunity for hearing, Representative West continued:

"The radio broadcasters did not receive such reasonable consideration. The Committee proposes and recommends what in effect is a gross sales tax on this industry. If the proposal becomes a law, a broadcaster may operate at a heavy loss and yet be compelled to pay an enormous tax. Not only that, while we seek to collect this unfair and discriminatory tax from broadcasters, some of their competitors are not taxed, and are in fact subsidized by the Government in the amount of nearly $80,000,000 per year."

Representative Joseph A. McArdle (D.-Pa.)—"H. R. 5417 proposes to tax only a portion of outdoor advertising and radio advertising and levies no tax whatever on the other national advertising mediums, such as newspapers, magazines, and direct-mail advertising.

"If one national medium of advertising is to be taxed by the Federal Government then certainly all should be taxed, but I do not believe in excise taxes upon any of them, because they all produce sales and profits and we should tax profits instead of the source of profit. Organized labor would be most injuriously affected by the proposed tax on outdoor advertising companies."

BMI NOTES

Since our last announcement on July 21st BMI has welcomed 15 new stations bringing the total, excluding non-commercial stations, to 678. The new subscribers follow:

WTNJ, Trenton, N. J.
KBUR, Burlington, Ia.
KFJB, Marshalltown, Ia.
W-43-B, Boston, Mass.
W-39-B, Mt. Washington, N. H.
WISH, Indianapolis, Ind.
KAVE, Carlsbad, N. Mex.
WISR, Butler, Pa.
KHMO, Hannibal, Mo.
KWBW, Hutchinson, Kan.
W-71-NY, New York, N. Y.
W-45-V, Evansville, Ind.
KFPY, Spokane, Wash.
KBWD, Brownwood, Texas
K-45-LA, Los Angeles, Calif.

More Money for Composers

Checks covering sheet music and mechanical royalties for BMI's second quarter are being mailed out this week. Everyone is being paid even if the song only sold one copy. Biggest money makers for the quarter in the order listed were: *My Sister and I, Walking By the River, Wise Old Owl, High On a Windy Hill, It All Comes Back To Me Now, You Walk By, G'Bye Now, Friendly Tavern Polka, So You're the One, Because of You, I Give You My Word.* Dark horses in the field were *You Might Have Belonged To Another, Montevideo, Little Sleepy Head,* and *Let's Dream This One Out.* Remember, this payment covers only sheet music and record royalties. The checks for the second quarter for air performances will come later.

BMI Bliss

Just about two years ago Helen Bliss was the raven-haired girl back of the lingerie counter in Halle's Department Store in Cleveland. Today she is the "White-haired girl" of BMI, rapidly gaining recognition as a top-flight writer of words and music.

Last week Miss Bliss' latest tune *I Went Out Of My Way* joined the Hit Parade just as *My Sister and I* stepped off. Thus BMI published tunes retain an unbroken record for Hit Parade performance since early Fall of 1940.

George Marlo, professional manager of BMI, who has been contacting orchestras for a score of years, and Leonard Joy, in charge of popular records for Victor Records, have placed their stamp of approval on Miss Bliss' work.

"Her ability," says Marlo, "to take a frequently used phrase such as *I Went Out Of My Way,* use it as a song title and weave a clever lyric around it, proves that the Cleveland girl is well on her way to making a place for herself in music."

Miss Bliss' first song *The Moon Won't Talk,* written in collaboration with Charles Hathaway, was published by Regent Music, Benny Goodman's publishing firm. She gives Benny full credit for discovering her latent talent and launching her on a songwriting career. She met the band leader while he was playing a week's engagement at the Palace Theater in Cleveland.

Upon coming to New York a year and a half ago Miss Bliss found employment in Macy's Department Store at the hosiery counter where she continued to hum her impromptu tunes during working hours and spent her evenings fashioning words and music. BMI accepted two of her songs *It's Nothing New* and *I Could Have Told You So.* Both of these, as well as *The Moon Won't Talk,* are frequently played over the networks and in the coin operated phonograph machines.

A daughter of Mr. and Mrs. Clayton Albert Bliss, 10-510 Wilbur Avenue, Cleveland, Miss Bliss says she would like to write a song about her home town but the word has a most surprising way of eluding a lyric.

Ballads Last Longer

Under Mark Warnow's signature the Buffalo Courier-Express of July 26th has the following to say regarding the nation's taste in popular songs:

"The favorite tune in the country this year so far has been *I Hear A Rhapsody,* which made first place for ten weeks. Second is *Amapola,* which made first place seven times. *My Sister and I* or *Intermezzo* may eventually surpass *Rhapsody,* but that still remains to be seen.

"It is difficult for rhythm or novelty tunes to retain their popularity long. *So You're the One,* a lilting rhythm tune, started out like a house afire, but it didn't retain its popularity for long. *There'll Be Some Changes Made,* a revival, gave evidence of sweeping the nation, but its sweep wasn't very extensive. *Wise Old Owl, Oh, Look At Me Now, Walking By The River, Goodbye Now* are other rhythms or novelty tunes that have tried hard to get out in front. The *Hut Sut Song,* a current favorite, is an exception."

Eighteen New Publishers Signed

Eighteen newly formed publishing houses have signed contracts for the transfer of performance, broadcasting and television rights in their music to BMI. Among the new songs are five written by Sonny Skyler, author of *Just A Little Bit South of North Carolina, My Foolish Heart and I* by Harold Varlow, who wrote *The Things I Love,* a national leader. The houses are Bach Music Publishers; Barres Publications; S. Brainard & Sons Co.; Eccma Music Com-

pany; Esquire Music Company; Will Frederic Music Publishers; Hall Music Company; Ideal Music Publishing Company; Immortal Music Publishing Co.; Frank Marsales; Gene McClean Music Company; Melody Moderne, Inc.; Monroe Publications; Grace M. Murray; Palomar Music Company; Kelton Romm Music Company; Ted Steele Publishing Company; and Murray Wizell Music Company.

Among the new compositions published by previously affiliated companies is *By-O By-U, Lou'siana Lullaby* by Ted McMichael, Jack Owens and Leo V. Killion, the writers of the *Hut Sut Song*. The newest composition by the trio that made America unconscious is published by Majestic Music Company.

Friendly Tavern Week

The week of September 15th to 21st has been set aside by the National Tavern Association as Friendly Tavern Week when good-fellowship will be celebrated throughout the country by the singing of the *Friendly Tavern Polka*. The Association at its 3rd Annual Convention in Saratoga Springs commended the writers of the tune, Jerry Bowne and Frank De Vol, "For producing so descriptive a tune and for the message of friendship and good cheer conveyed to the public for the tavernmen through this song."

BMI FEATURE TUNES

August 18 - August 25

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. HI, NEIGHBOR
5. YO TE AMO, OH BABY
6. YOU MEAN SO MUCH TO ME
7. BECAUSE OF YOU
8. THE RELUCTANT DRAGON

In preparation: A rhythm novelty *Delilah*

Sales

DR. WELD DEFENDS ADVERTISING

Continued attacks upon advertising, direct and indirect, constitute a serious problem for radio which depends for existence upon advertising revenue.

In the final analysis the weight of public opinion is often the deciding factor, and broadcasters therefore should continually do everything within their power to preach the gospel of advertising to their communities. Talks before business groups, civic clubs, students, women's organizations, etc., all contribute towards this end, and considerable material is already available, such as the "Public Relations and Sales Manual" issued by the NAB Department of Broadcast Advertising, the talks by Colonel Willard Chevalier, Richard Deupree and others, printed and distributed by the NAB.

Additional material has been contributed by Dr. L. D. H. Weld, economist and research expert, former professor of business administration at Yale, and former president of the American Marketing Ass'n. Dr. Weld has furnished answers to the questions raised by Thurman Arnold, who recently sent a questionnaire to leading oil companies, inquiring into their advertising activities. A digest of Dr. Weld's remarks, made recently in Washington, follow:

1. *Advertising is a fundamental feature of our competitive system.*

Our free economy involves the right of a company to influence people to buy its products. This means it can use competitive selling methods, including advertising, or not, as it sees fit. Advertising is part of the selling process. There is no more reason to curtail advertising than there is to curtail competitive selling.

2. *Competition exists in the oil business.*

It must be remembered that real progress in the industry is due to those companies who undertake scientific research and who establish markets for their products (by advertising).

3. *Competition results in product differentiation and improvement.*

One result of competitive advertising is that each company constantly seeks methods to make its products different from and better than those of its competitors. It is looking for "talking points" to play up in its advertising. Over a period of years great improvements have resulted, the same as in other industries: automotive, electric refrigeration, radio sets, etc.

4. *Different brands of gasoline vary in quality.*

Tests show that different brands of gasoline vary materially in their performance characteristics; volatility varies, so does vapor pressure, and there is a considerable octane difference between the best and poorest "regular" gasolines among nationally advertised brands. These differences would be greater if local brands were included. Oil companies are continually analyzing their own and competing brands (and making improvements) and oil men know of the differences that exist.

5. *Improvements in gasoline over a period of years have been astonishing.*

The gradual improvement that has taken place has resulted in a product that is vastly better than gasoline of 15 or 20 years ago. Typical octane ratings have increased from 52 to 75 between 1920 and 1940, or 44¼ per cent; besides this and many other improvements the average retail price of gasoline has been reduced from 29¾¢ to 12¾¢ per gallon (not including taxes). Most improvements have resulted from a succession of painstaking small changes, along with technical developments in the automobile industry, permitting the adoption of high compression motors and increased operating efficiency. There is no doubt but that the opportunity to capitalize on improvements through advertising has been a potent force in bringing these improvements about.

The tendency to belittle the small differences in competing products at any one time completely disregards the longer-time changes that result in such definite improvement. It is obvious that any restrictions on our economic system that decrease the opportunity to profit from product differentiation, however unimportant the differences appear at any one time, would remove one of the greatest incentives in our economic system toward improvement of products.

6. *Advertising is of practical value in the marketing of petroleum products.*

Advertising helps to move petroluem products into the hands of consumers; supplants the more expensive method of personal salesmanship; results in increased sales; reduces the amount of switching from one brand to others; means more customers per dealer; furnishes valuable information to salesmen; builds loyal dealers; increases turn-over through bulk plants and dealers. In short, it has helped in creating and maintaining a distributing system that is more efficient and less costly than it could have been without advertising.

7. *The cost of advertising per unit of product is extremely low.*

It is to be measured in tenths of a cent per gallon, and has no appreciable effect on prices.

8. *Government restriction of advertising would be a definite step toward the destruction of our competitive economy.*

If one believes that we make progress through our system of free enterprise and competition, he can't help believing in advertising. Without advertising there would be little incentive to strive for product differences, which mean product improvement, and the right to influence the public to buy. Advertising is at the very root of our competitive system; anything that hampers it would break down individual incentive and free competition.

Advertising has contributed to the development of mass demand, without which large-scale production, with low operating costs, would have been impossible.

It has made people want things so that they are willing to work in order to get them. It has been a factor in making business men willing to invest in new production facilities, resulting in production of more goods, giving more people employment and earning power. It has been a factor in raising the standard of living and increasing national income from $100 per capita in 1850 to $600 per capita today.

Advertising has been a basic stimulus to lower costs, increased investment, greater production, improved products, increased earning power and rising standards of living.

PER-INQUIRY AND FREE TIME

The Hayo Co., of Omaha, Neb., makers of HAYO, a hay-fever remedy, are seeking per-inquiry deals. Previously reported here when the business was placed through an advertising agency, th company now seeks to place orders direct.

Ellen Rose Dickey, "Beauty News Editor", **Ogilvie Sisters,** New York, seeks free time for scripts called "Hair Care in Summer" to promote hair and scalp preparations.

Travel Radio Service, New York, seeks free time for travel scripts on behalf of American Express Travel Service.

Legislation

FEDERAL LEGISLATION

HOUSE RESOLUTION

H. Res. 292 (Barry, D-N.Y.) PROPAGANDA—Authorizing an investigation of propaganda disseminated by the motion picture and radio industries tending to influence participation of the United States in the present European war. Referred to the Committee on Rules.

National Defense

NEW HIGH IN NAC ENLISTMENTS

The last two or three months have been the best period for enlistments of Naval Aviation Cadets in the entire history of the U. S. Navy. This information was given NAB today and is reliable and official. "Don't let them tell you differently".

NAC recruiting announcements are carried in quantity by nearly every radio station in the country. Other announcements urge general Navy enlistments and enlistment in the Naval Reserve.

THE ANSWER IS "YES"

With reports of Radio Station National Defense Activity for the month of July have come inquiries from a number of executives as to whether a report for August was also desired. The answer is "yes"; the NAB National Defense Committee will appreciate receiving such a report. Toward the last of the month the request will be repeated in a letter to stations.

Many station managers have also written that they have started to keep a national defense log which they believe will be of benefit to themselves as well as helpful in making out the reports.

NEW STATION ASSISTS ND

KBUR, went on the air in Burlington, Iowa, July 20. "Since the very beginning", writes Clark G. Kuney, program director, "we have been cooperating in the national defense program."

WHO'S "DRESS REHEARSAL"

WHO, Des Moines, sponsoring "Dress Rehearsal", a half hour variety show in behalf of defense bonds and stamps 8:30 to 9:00 p. m., Fridays. It is written and produced by Dick Anderson of the WHO staff. Cast includes an orchestra conducted by Don Hovey, WHO musical director, the Songfellows, the Three Little Girls Who Love to Sing, The Foursome, the Sunset Corners Choir, Swackley & Tuttle and guest artists.

AD SECTION FOR KFAR

The July 15 issue of the Fairbanks (Alaska) "Daily News" contains a special "KFAR National Advertisers' Section".

The editorial copy contained a nice balance of stories between the station, station features and product publicity. Half of the space was devoted to consumer advertisements of products advertised over the station.

Just in case you are interested the high temperature in Fairbanks on July 14 was 76 degrees. The low on the 15th was 52 degrees but by 2:00 p. m. the temperature had risen to 69.

FCC FORM 303 CLARIFIED

Numerous stations having found difficulty in answering question 15(a) in FCC Form No. 303 ("Application for Renewal of Standard Broadcast License"), NAB requested the Commission to clarify the meaning of the question. On August 5 the Commission replied as follows:

"Gentlemen:

Receipt is acknowledged of your letter of July 22, 1941, in which you request a clarification of question 15(a) in our Form 303.

The contracts covering program service called for in that question include management contracts, affiliation contracts with networks providing for the broadcasting of live talent programs, contracts with transcription companies providing for transcription service, and any other contracts covering general program service as distinguished from contracts covering specific programs or contracts with individual artists.

Very truly yours,

(Signed) T. J. Slowie,
Secretary."

DCB DRAFTS PLANS FOR AIR RAID AND EMERGENCY USE OF BROADCASTING

Nation-wide plans to use standard broadcasting stations for air raid warnings and other messages, communiques and announcements in the event of military emergency were outlined August 8 by the Defense Communications Board through James Lawrence Fly, Chairman of the DCB and of the FCC.

The Chairman emphasized that broadcasting would remain in private hands and that all utilization of broadcast facilities will be on a cooperative basis except for possible areas of actual combat. The defense studies have been made in considerable part by the industry itself.

Also announced were protective safeguards designed to ensure continuous operation of broadcasting stations under emergency conditions. The DCB finds the broadcasting structure well adapted to air raid warning and similar uses, but notes certain remediable shortcomings still to be overcome.

Present plans, now under joint consideration by the DCB and the Office of Civilian Defense, are concerned with ways of linking of broadcast stations to local civilian defense centers for instantaneous receipt of local and regional warnings, announcements, etc. In addition, a potential nation-wide supernetwork is available for messages of national scope.

Current reports to the DCB indicate that of approximately 880 standard broadcast stations in operation, nearly 500 are already connected to the potential supernetwork carried on telephone lines. An additional 132 have studios in cities now served by the supernetwork, so that only local links need be secured; and 240 are located along the lines of the supernetwork and so can be tapped in. Only 12 stations in the country are located away from the regular program lines; and these can be hooked in for emergency announcements, etc., by means of ordinary telephone interconnections. Thus substantially every broadcasting station in the country can be promptly utilized for military or civilian defense message broadcasts. The program transmission network is also available for instantaneous warnings to a particular station that it is in danger of becoming a beacon for enemy aircraft.

DCB surveys indicate that even with every station in the country tied in for emergency broadcasts, certain rural areas would be without reliable reception, especially during daylight hours and during summer months in the Southern States. Various plans for providing reliable broadcast service to such areas are now under consideration. The DCB notes that all urban areas are adequately covered for emergency defense communications, and that few towns with a population of more than 25,000 are without local broadcasting stations.

Forestalling Program Interruptions

Successful use of broadcasting for military or civilian defense under private ownership and operation, the DCB notes, depends upon the reliability of transmission and its freedom from accidental or deliberate interruptions. Preliminary reports to the Board indicate that reliability varies from station to station, but that a high degree of freedom from program interruptions can be attained. Thus 20 selected stations were found to be losing an average of less than a minute and a half per week from program interruptions of all kinds. Reliability of these stations was calculated at 99.982%.

Electric power failure, it was found, is the most frequent cause of interruptions, accounting for about 50% of all program breaks. Since continuous operation of broadcast stations during power failures is essential, the Board has in progress means of continuing service while public power is cut off. At present an estimated 10% of all broadcast stations are equipped with emergency gasoline or steam-driven power generators which will enable them to continue operations under any conditions except actual demolition of the transmitters. A few other stations are served by two or more independent sources of public power. Studies are now under way to decrease the likelihood of broadcast failures from power shut-offs.

Other protective measures fostered by the DCB include procurement of replacement parts, especially tubes, duplicate pumping and tube-cooling facilities, reduction in the vulnerability of antenna installations, standby transmitters, and alternative links between studios and transmitters if the two are geographically separated.

Supernetwork Protection

In addition to steps designed to protect particular stations which may be designated for special defense functions, the DCB has instituted reliability studies of the potential supernetwork which welds the stations into a nation-wide unit. Reports to the Board indicate that the 45,000 miles of program transmission circuits now in existence provide alternate routes to all but two of the 310 cities now served. Thus in the event that all network stations were mobilized for a nation-wide defense broadcast, any particular circuit interruption could be compensated by rerouting over alternative transmission lines. Alternative power supplies for these program transmissions are provided by adequate storage battery reserves in 4,000 relay centers, by two or more independent public power supplies in 800 centers, and by stationary engine-driven generators at 50 centers now, with 350 more on order. To provide for emergencies, 200 small and 25 large portable engine-driven generators are available at key points throughout the country.

The Board states that while certain problems remain, the broadcasting system of the country is cooperating fully, and is in most substantial respects ready for public service in connection with air raid warnings, civilian defense announcements, and other emergency communications, under private ownership and operation.

DEFENSE PROMPTS AIRCRAFT FREQUENCY CHANGES

On recommendation of the Defense Communications Board, through its Aviation Communications Committee, the FCC has withdrawn the frequency 3105 kilocycles from use by scheduled aircraft and substituted the frequency 3117.5 for such use. This action, prompted by congestion on 3105 kilocycles and communication needs for off route flights of aircraft in connection with defense, necessitates the withdrawal of the frequency 3120 kilocycles from availability for assignment to aircraft. However, the latter is little used at the present time and the private flyer will benefit materially by now having exclusive use of 3105 kilocycles.

Section 9.72 of the Commission's Aviation Rules and Appendix B of Part 2 of the General Rules are amended accordingly. The change does not involve modification of existing aircraft licenses.

903 STATIONS

During the month of July, 1941, the Federal Communications Commission issued operating licenses to five stations and granted six permits for the construction of new stations. A comparative table by months follows:

	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1
Operating	799	806	810	816	825	831	835	836	837	836	849	854	859
Construction	58	57	54	52	51	51	46	54	54	55	48	43	44
	857	863	864	868	876	882	881	890	891	891	897	897	903

FCC SUBPOENA TESTED

There was an argument early this week before Justice James W. Morris of the U. S. District Court for the District of Columbia as to how far the FCC can go in requiring witnesses to appear at its hearings.

Although the case argued before the justice involved only one subpoena, directed to James G. Stahlman, Nashville publisher, counsel for both Stahlman and the FCC drew the basic issue of powers of the commission.

Accordingly the decision will have broad effects on the FCC's future policy. The case is the first in which the FCC power to require testimony has been questioned in the courts.

FCC Commissioner Ray C. Wakefield subpoenaed Stahlman on July 29 to appear August 1 at a hearing on the FCC's future policy toward applications of newspaper owners for licenses for frequency modulations (FM) or standard broadcasting stations.

Thomas E. Harris, FCC assistant general counsel, told Justice Morris that the commissioners wanted to ask Stahlman about the attitude of organized press groups toward radio a few years ago. Elisha Hanson, general counsel for the American Newspaper Publishers Association, appeared for Stahlman and said he had advised the Nashville man not to appear because the FCC had no right to call him. The FCC then asked the District Court to compel Stahlman to testify.

Harris told the court that the FCC had power to hold hearings about any subject in its field of jurisdiction. Hanson replied that any FCC policy singling out newspaper owners from other applicants for radio licenses, whether favorably or unfavorably, would be invalid because of the discrimination, and if the policy being considered was invalid, he continued, hearings on the subject would be without authority and witnesses could not be compelled to appear at them.

FCC AND NETS STILL DISCUSSING RULES

At a press conference early this week speaking of network conferences which have been going on here for weeks, FCC Chairman James Lawrence Fly said that points have been drafted but not written into the rules.

He told the newspapermen that things have been on paper for some time and he expressed the opinion that the conferences are about over. Right now, he stated, there are some major questions outstanding in wording of the points, particularly on option time. There is not a lot of discussion on other points.

Right now, the Chairman said, the broadcasters are busy getting up a list of the number of cities served by a given number of stations. The subject, he said, is the grounds for some differences of opinion among the broadcasters. He expressed the hope that the results of the network conferences may be clarified before the next press conference (on next Monday).

TELEVISION GRANTS TO CHICAGO AND HOLLYWOOD

FCC has granted construction permits for two new commercial television broadcast stations, one for Chicago and the other for Hollywood, Calif.

The Zenith Radio Corporation, in the first named city, is authorized to operate unlimited time on Channel No. 1 (50,000-56,000 kilocycles), using special emission for FM (frequency modulation). The applicant proposes to use the facilities of its present experimental station W9XZV for the purpose.

Don Lee Broadcasting System, Hollywood, will use the same channel. It, too, contemplates utilizing the equipment of its experimental television station, W6XAO.

TELEVISION STATIONS

FCC has announced the following commercial television broadcast stations as of July 25.

Licensee and Location	*Call Letters*	*Frequency (kc.)*	*ESR (Effective Signal Radiated)*
Columbia Broadcasting System, Inc., New York, N. Y.	WCBW	60000-66000 Channel 2	2400 (C. P. only)
General Electric Company, Schenectady, N. Y., T-New Scotland, N. Y.	WRGB	66000-72000 Channel 3	3100 (C. P. only)
National Broadcasting Co., Inc., New York, N. Y.	WNBT	50000-56000 Channel 1	1800

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, August 17. They are subject to change.

Monday, August 18

Broadcast

Consolidated Hearing

Further Hearing

WPAY—Chester A. Thompson (Transferor) and The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Transfer of control, **1400 kc.,** 100 watts, unlimited time.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Renewal of license, **1400 kc.,** 100 watts, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

September 16

KGLU—Gila Broadcasting Company, Safford, Arizona.—Renewal of license, **1450 kc.,** 250 watts, unlimited time.

Consolidated Hearing

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., has C. P. for **1400 kc.,** 250 watts, unlimited time.

NEW—Anthracite Broadcasting Company, Inc., Scranton, Pa.—C. P., **1400 kc.,** 250 watts, unlimited time.

NEW—George Grant Brooks, Jr., Scranton, Pa.—C. P., **1400 kc.,** 250 watts, unlimited time.

September 29

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—C. P., **1340 kc.,** 250 watts, unlimited time.

Consolidated Hearing

NEW—Scripps-Howard Radio, Inc., Houston, Texas.—C. P., **1230 kc.,** 250 watts, unlimited time.

NEW—Texas Star Broadcasting Company, Houston, Texas.—C. P., **1230 kc.,** 250 watts, unlimited time.

NEW—Greater Houston Broadcasting Co., Inc., Houston, Texas.—C. P., **1230 kc.,** 250 watts, unlimited time.

October 10

WSAM—Saginaw Broadcasting Company, Saginaw, Mich.—Modification of license, **1400 kc.,** 250 watts, unlimited time.

October 13

WJAX—City of Jacksonville, Jacksonville, Florida.—C. P., **930 kc.,** 5 KW, DA-night, unlimited time.

October 15

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—C. P., **580 kc.,** 1 KW, DA-night, unlimited time.

October 17

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—C. P., **950 kc.,** 1 KW, DA-night, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Western Radio Corporation, Pendleton, Oregon.—Granted construction permit for a new station to operate on **1240 kc.,** 250 watts, unlimited time (B5-P-3183).

Don Lee Broadcasting System, Hollywood, Cal.—Granted construction permit for a commercial television broadcast station to operate on frequencies **50,000-56,000 kc.;** Emission A5 and Special for frequency modulation. Unlimited time (B5-PCT-7).

Zenith Radio Corporation, Chicago, Ill.—Granted construction permit for a new commercial television station to operate on frequencies: Channel No. 1, **50,000-56,000 kc.;** Emission: A5 and special for frequency modulation (B4-PCT-9).

W3XE, W3XP—Philco Radio & Television Corp. (Transferor), Philco Corporation (Transferee), Philadelphia, Pa.—Present assignment: (W3XE) **66,000-72,000 kc.;** A3, A5 emission; 10000 watts night and day, visual and aural. (W3XP) **230,000-242,000 kc.;** emission: A5; 15 watts night and day. Granted consent to transfer control of experimental television stations W3XE and W3XP, Philadelphia, from stockholders of Philco Radio and Television Corp. to Philco Corporation. The transferors agree to exchange all the issued and outstanding capital stock of the licensee (13,826 shares, common, par value $100 per share) for an equal number of shares of the common voting stock of the transferee (par value $100 per share) (B2-TCVB-1).

WKNE—Twin State Broadcasting Corp. (Assignor), WKNE Corp. (Assignee), Keene, N. H.—Present assignment: **1290 kc.;** 5 KW unlimited time. DA night and day. Granted consent to the assignment of license of station WKNE, from Twin State Broadcasting Corp. to WKNE Corp. (B1-AL-309).

W9XBT—Balaban & Katz Corp., Portable-Mobile Area of Chicago, Ill.—Present assignment: (Under construction permit which expired 5-17-41), Channel No. 11, **204000-210000,** Channel No. 12, **210000-216000 kc.** Emission A5, 250 watts. Granted reinstatement of construction permit (B4-PVB-72) for a new relay television station to operate on frequencies: Channel No. 11, **204000-210000** and Channel No. 12, **210000-216000 kc.** Emission: A5, 40 watts night and day and for changes in equipment (B4-PVB-84).

Mutual Broadcasting System, Inc., Chicago, Ill.—Granted extension of authority to transmit programs to Station CKLW, Windsor, Ontario, Canada, to stations owned and operated by the Canadian Broadcasting Corp. and to stations licensed by the Canadian Minister of Transport, through the facilities of the American Telephone and Telegraph Co. (B4-FP-89).

WMBG—Havens & Martin, Inc., Richmond, Va.—Present assignment: **1380 kc.;** 1 KW night, 5 KW day, unlimited time. DA night and day (Under ML granted subject to installation of DA for night use only, using 5 KW night and day). Granted construction permit to make changes in directional antenna system for night use only (B2-P-3197).

W3XP, W3XE—Philco Radio & Television Corp., Philadelphia, Pa.—Granted renewal of experimental television broadcast station licenses; W3XP to operate on frequencies **230000-242000 kc.,** 15 watts, Portable-Mobile relay. W3XE **66000-72000 kc.,** 10000 watts visual and aural (B2-RVB-19 and B2-RVB-8).

DESIGNATED FOR HEARING

KRBC—Reporter Broadcasting Co., Abilene, Texas.—Present assignment: **1450 kc,** 250 watts, unlimited time. Application for construction permit to change frequency to **1470 kc.;** increase power to 1 KW night and day, nondirectional antenna night and day; install new transmitter, make changes in antenna and move transmitter to North 12th, 1.4 miles West of Abilene (B3-P-2553).

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Present assignment: **1390 kc.,** 1 KW, daytime only. Modification of license to change frequency to **1470,** change hours to unlimited time using 500 watts night and 1 KW day (B3-ML-1076).

H. C. Cockburn, tr/as San Jacinto Broadcasting Co., Houston, Texas.—Construction permit for a new station to operate on **1470 kc.,** 1 KW, unlimited time, contingent on channel being vacated by KXYZ. This application will be heard jointly with that of KRBC and WQBC listed above (B3-P-3214).

MISCELLANEOUS

KFJZ—Tarrant Broadcasting Co., Ft. Worth, Tex.—Granted modification of construction permit for new transmitter, increase in power from 1 to 5 KW, install directional antenna and move transmitter, for change in frequency from **1240 kc.** to **1270 kc.** and make changes in directional antenna system, accordingly, and extend commencement date to one day after grant and completion date 180 days thereafter (B3-MP-1349).

KIJG—Eagle Broadcasting Co., Inc., area of Brownsville, Tex.—Granted renewal of relay broadcast station license for the period ending October 1, 1941 (B3-RRY-10).

WNYC—City of New York, Municipal Broadcasting Co.—Granted special temporary authority to operate additional time from sign-off time (August, 8:15 p. m., EST) to 9 p. m., EST, on August 2, 4, 5, 6, 7, 9, and 11 to 31, 1941, inclusive, in order to broadcast musical programs only.

WKRC—The Cincinnati Times-Star Co., Cincinnati, Ohio.—Granted special temporary authority to operate with power of 5 KW from 2 p. m. to 3 p. m., EST, August 9, 1941, only, in order to carry a special DX broadcast.

Nashville Radio Corp., Nashville, Tenn.—Denied motion for continuance until Commission has reached decision on Order No. 79, consolidated hearing scheduled for August 11, 1941, on petitioner's application for construction permit for new station to operate on **1410 kc.,** 1 KW, unlimited time directional antenna day and night and the application of A. M. Burton for the same facilities. Exception to ruling noted by counsel for Nashville Radio Corp.

WIBU—Wm. C. Forrest, Poynette, Wisc.—Granted authority to make changes in automatic frequency control equipment (B4-F-233).

KSKY—Chilton Radio Corp., Dallas, Tex.—Granted modification of construction permit for new station, for approval of antenna system, approval of studio site and transmitter (B3-MP-1359).

WFDF—Flint Broadcasting Co., Flint, Mich.—Granted license to cover construction permit for new transmitter, directional antenna for day and night use, increase in power, change in frequency and move of transmitter to new site (B2-L-1463).

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted license to cover construction permit for increase in power and installation of directional antenna for night use (B3-L-1456).

Scripps-Howard Radio, Inc.—Denied motion for postponement of hearing indefinitely, now scheduled for September 15, 1941, in re applications of Scripps-Howard Radio, Inc., Texas Star Broadcasting Co., and Greater Houston Broadcasting Co., Inc., for new stations at Houston, Tex., with leave to petitioner to file within 5 days a petition to delete issue No. 6 in the notice of hearing. On Commission's own motion, continued hearing to September 29, 1941.

KONB—MSB Broadcast Company, Omaha, Nebr.—Dismissed motion for conditional continuance of hearing in re applications for construction permit for new station to operate on **1490 kc.,** 250 watts, unlimited time, and application for modification of construction permit.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Dismissed motion for conditional continuance of hearing in re applications for renewal of license of KORN and application for transfer of control.

WLAW—Hildreth and Rogers Co., Lawrence, Mass.—Withdrew petition to intervene in re hearing on application of Thomas Patrick, Inc. (KWK), St. Louis, Mo., for construction permit to operate on **680 kc.,** 50 KW, unlimited time, directional antenna day and night.

George Grant Brooks, Jr., Scranton, Pa.—Granted in part motion for continuance of hearing now set for August 20 in re applications of George Grant Brooks, Jr., and Anthracite Broadcasting Co., Inc., for new stations at Scranton, Pa., and application of Union Broadcasting Co. (WARM), Scranton Pa., for license to cover construction permit; said hearing continued to September 16, 1941, only.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted extension of special temporary authority to broadcast sustaining musical programs from 8:30 to 10 a. m., EST, Monday, through Friday from August 16 to September 8, 1941, provided WSVS remains silent.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate on frequency **790 kc.,** with power 5 KW, daytime, using the transmitter and one of the antenna towers at the transmitter site authorized in construction permit for a period not to exceed 30 days, pending completion of the second antenna tower and proof of performance measurements.

Evansville on the Air, Inc., Portable-Mobile, area of Evansville, Ind.—Granted construction permit for new relay broadcast station; **156750, 158400, 159300, 161100 kc.,** 30 watts, special emission for frequency modulation (B4-PRE-402).

Pinellas Broadcasting Co., Portable-Mobile, area of St. Petersburg, Fla.—Granted construction permit for new relay broadcast station; **30820, 33740, 35820, 37980 kc.,** 25 watts (B3-PRE-401).

Redwood Broadcasting Co., Inc., Portable-Mobile, area of Eureka, Calif.—Granted construction permit for new relay broadcast station; **30820, 33740, 35820, 37980 kc.,** 2 watts (B5-PRE-400).

WSAZ, Inc., Portable-Mobile, area of Huntington, W. Va.—Granted construction permit for new relay broadcast station; **1606, 2102, 2758** and conditionally **2074 kc.,** 40 watts (B2-PRY-247).

Frontier Broadcasting Co., Portable-Mobile, area of Cheyenne, Wyo.—Granted license to cover construction permit for new relay broadcast station; **30820, 33740, 35820, 37980 kc.,** 2 watts (B5-LRE-353). Same (B5-LRE-354).

W49D—John Lord Booth, Detroit, Mich.—Granted modification of construction permit which authorized construction of new high frequency broadcast station, to make changes in antenna system (B2-MPH-33).

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted modification of construction permit which authorized increase in daytime power and installation of new transmitter, for change in type of transmitter (B2-MP-1362). Granted license to cover construction permit as modified (B2-L-1460).

WMAW—C. T. Sherer Co., Inc., Worcester, Mass.—Granted modification of construction permit which authorized new broadcast station, for extension of completion date from August 17, 1941, to February 17, 1942 (B1-MP-1376).

WBAF—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted special temporary authority to operate relay station WBAF with one-half watt transmitter in order to broadcast from a parachute jumper while in descent on August 10, 1941, only.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted license to cover construction permit for new transmitter, installation of directional antenna for day and night use, increase in power from 1 to 50 KW, and move of transmitter (B5-L-1453).

WSBT—The South Bend Tribune, South Bend, Ind.—Granted license to cover construction permit to install directional antenna, change frequency to **960 kc.**, change hours of operation to unlimited, and move transmitter (B4-L-1440).

K45LA—Don Lee Broadcasting System, Los Angeles, Cal.—Granted extension of special temporary authority to operate frequency modulation station commercially on **44500 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located on top of Mt. Lee, Los Angeles, described as Western Electric type 503-A-1, maximum rated power 1000 watts and using a 4-day turnstile antenna, for the period September 5 to not later than November 3, 1941.

W8XVH—WBNS, Inc., Columbus, Ohio.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43000 kc.**, 250 watts, special emission for frequency modulation, with transmitter located at 50 West Broad St., Columbus, described as General Electric Type 4GF1A1, maximum rated carrier power 250 watts, for period August 29 to not later than September 28, 1941.

W43B—The Yankee Network, Boston, Mass.—Granted extension of special temporary authority to operate frequency modulation station commercially on **44300 kc.**, 50000 watts power, special emission for frequency modulation, using the transmitter of High Frequency Experimental Station W1XOJ at summit of Asnebumskit Hill, Paxton, Mass., for a period August 27, 1941 to not later than October 25, 1941, without prejudice to the issues to be determined in the hearing on application File No. B1-PH-51).

WADA—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate relay mobile station WADA, licensed to the Charleston Broadcasting Company, for a series of special programs consisting of interviews with housewives of Huntington, W. Va., the program originating in the studios of WSAZ and being transferred to selected points in various parts of the city of Huntington, on August 8, 15, 22, 29, and September 5, 12, 19 and 26, 1941, only.

KFQD—R. E. McDonald and Barbara McDonald (Transferors), Midnight Sun Broadcasting Co. (Transferee), Anchorage, Alaska.—Present assignment: **780 kc.**, 250 watts, day and night; specified hours. Placed in pending files pursuant to Order No. 79, the application for consent to transfer control of Anchorage Radio Club, Inc. (KFQD), Anchorage, Alaska, from R. E. McDonald and Barbara McDonald, to Midnight Sun Broadcasting Co. (B-TC-264).

WWNC—Asheville Citizen-Times Co., Asheville, N. C.—Granted petition for reconsideration and grant without hearing application for renewal of license; hearing heretofore designated, cancelled; and WWNC granted renewal of license to operate on **570 kc.**, 1 KW, unlimited time (B3-R-457).

KMA—May Broadcasting Co., Shenandoah, Iowa.—Granted petition for reconsideration and grant without hearing application for renewal of license; hearing heretofore designated, cancelled, and KMA granted renewal of license to operate on **960 kc.**, 1 KW night, 5 KW day, unlimited time (B4-P-2827).

West Allis Broadcasting Co., West Allis, Wisc.—Denied petition to reconsider and grant without a hearing application for a new station to operate on **1480 kc.**, 250 watts, daytime only (B4-P-3045).

WWRL—Long Island Broadcasting Corp., Woodside, L. I., New York.—Denied petition of WWRL requesting Commission to amend its Findings, Conclusions and Order heretofore issued in Brooklyn cases, or in the alternative for reconsideration and oral argument thereon; the answer to said petition filed by Arthur Faske (WCNW); and response to said answer filed by WWRL.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Present assignment: **560 kc.**; 5 KW from 6 a. m. to local sunset; 1 KW from 5 to 6 a. m.; daytime. Granted petition to reconsider and grant without hearing application for construction permit to install directional antenna for night use and increase hours of operation to unlimited, subject to such rules or policies as may hereafter be adopted with respect to multiple ownership of stations serving same area.

APPLICATIONS FILED AT FCC

600 Kilocycles

WREC—Hoyt B. Wooten, tr/as WREC Broadcasting Service, Memphis, Tenn.—License to cover construction permit (B3-P-2979) for changes in directional antenna system and increase in power.

WREC—Hoyt B. Wooten, tr/as WREC Broadcasting Service, Memphis, Tenn.—Authority to determine operating power by direct method.

1280 Kilocycles

WDSU—WDSU, Incorporated, New Orleans, La.—Modification of Construction permit (B3-P-2923) for move of transmitter, increase in power and installation of directional antenna for day and night use, for extension of completion date from 9-1-41 to 12-1-41.

1300 Kilocycles

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Authority to determine operating power by direct measurement of antenna power for main transmitter.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—License to use directional antenna (as authorized under C. P. B1-P-3131), with auxiliary transmitter.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—License to cover construction permit (B1-P-3131) which authorized increase in power from 1 KW; 5 KW-day to 5 KW day and night, and changes in directional antenna.

NEW—Lake Shore Broadcasting Corporation, Cleveland, Ohio.—Construction permit for a new broadcast station to be operated on **1300 kc.**, 5 KW, unlimited time, employing directional antenna day and night.

1490 Kilocycles

KSAM—H. G. Webster, C. N. Shaver & W. Bryan Shaver, d/b as Sam Houston Broadcasting Association, Huntsville, Texas.—Voluntary assignment of license from H. G. Webster, C. N. Shaver & W. Bryan Shaver, d/b as Sam Houston Broadcasting Association, to W. J. Harpole and J. C. Rothwell, d/b as Radio Station KSAM.

MISCELLANEOUS APPLICATIONS

NEW—Adirondack Broadcasting Co., Inc., Portable-Mobile Area of Albany, N. Y.—Construction permit for a new relay broadcast station; to be operated on **31620, 35260, 37340, 39620 kc.**, 2 watts power, A3 emission.

NEW—WOKO, Inc., Portable-Mobile, area of Albany, N. Y.—Construction permit for a new relay broadcast station to be operated on **33380, 35020, 37620, 39820 kc.**, 2 watts power, A3 emission.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Texas.—Authority to determine operating power by direct measurement.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Bentley Company—Melvin V. Eisenberg, Irwin Goldberg, Harry Krohner and Seymour Eisenberg, individuals trading as Bentley Company, Mail Order Division, located at 900 North Francisco Ave., Chicago, engaged in the sale and distribution of a medicinal preparation designated as "Fat-O-No," are charged in a complaint with misrepresentation and false advertising. (4552)

Curtiss Candy Company—A complaint has been issued charging The Curtiss Candy Co., Chicago, large candy manufacturer, with knowingly inducing some manufacturers of corn syrup to discriminate in price in favor of itself and with knowingly receiving the benefits of price discrimination from some of such manufacturers contrary to the Robinson-Patman Act. (4556)

Electrical Alloy Section of the National Electrical Manufacturers' Association, 155 East 44th St., New York City; George B. Cumming and William J. Donald, its executive secretary and managing director, respectively; Alloy Metal Wire Co., Inc., Prospect Park, Pa.; Hoskins Manufacturing Co., Detroit; Wilbur B. Driver Co., Newark, N. J.; C. O. Jelliff Manufacturing Corp., Southport, Conn., and Driver-Harris Co., Harrison, N. J., are charged in a complaint with entering into and carrying out an agreement having the effect of restricting and hindering price competition. (4558)

Felder Brothers, Inc., 583-587 Broadway, New York City, and Abraham Felder, David Felder and Louis Felder, individually and as officers of the corporation, are charged in a complaint with misrepresentation. (4555)

General Surveys, Inc., and John H. Thies as president and G. J. Doucette as a director, respectively, of the corporation, are charged, in a complaint, with misrepresentation.

The complaint alleges that the respondents, whose place of business is at 203 North Wabash Ave., Chicago, are engaged in the sale and distribution of sets of reference books known as "The American Educator Encyclopedia" and other books and a so-called quarterly loose-leaf extension service for the encyclopedia, and certain so-called research services. The encyclopedia is sold in sets of ten or twenty volumes and also in conjunction with the loose-leaf extension service and a ten-year membership in an organization known as General Research Foundation, which answers members' questions on general subjects within the scope of encyclopedia service. (4554)

Grant Company—Grant T. Whiteside, trading as Grant Company, Sabina, Ohio, engaged in the preparation and sale of medicinal preparations designated as "Ton Jon No. 1," "Ton Jon No. 2" and "Ton Jon No. 3," is charged, in a complaint, with misrepresentation and false advertising. (4553)

Milk & Ice Cream Can Institute—Alleging unfair practices in restraint of trade in the sale and distribution of milk and ice cream cans, a complaint has been issued against The Milk and Ice Cream Can Institute, the industry's trade association, and against a promoting and organizing group, and nine manufacturing corporations which sell approximately 1,000,000 milk and ice cream cans a year. (4551)

Stay Die Cutters Assn., Inc.—A complaint has been issued charging a manufacturer and three distributors of "bogus" paper; seven operators of stay die cutting businesses; the Stay Die Cutters Association, Inc., a trade association, and Sidney Haberman, its executive secretary, all of New York, with a combination and conspiracy to restrain competition and trade in the sale of "bogus" paper. (4559)

J. E. Todd, Inc., Kenmore, N. Y., engaged in the sale and distribution of a medicinal preparation designated "Todd's Capsules," is charged, in a complaint, with misrepresentation. (4549)

STIPULATIONS

During the past week the Commission has made public the following stipulations:

Plough, Inc., Memphis, Tenn., engaged in selling "Mufti Shoe White," has stipulated that it will discontinue representing that Mufti Shoe White will not rub off; that it provides twice the ordinary coverage or is more economical than other shoe whites, and that it does not build up on leather. The respondent further agrees, in connection with the offering for sale and distribution of Mufti Shoe White, that whenever it represents that its product is guaranteed, the terms and conditions of the guarantee will be clearly set forth within the representation making such guarantee. (02851)

Frederic W. Ziv, Incorporated, 2436 Reading Road, Cincinnati, an advertising agency, has stipulated to cease disseminating advertisements on behalf of Rubel Baking Co., Cincinnati, which contain certain representations concerning "Rubel's High Vitamin B_1 Wheat Bread," also designated as "Rubel's High Vitamin Wheat Bread." (02850)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

Atlas Wall Paper Mills, Inc., Coal City, Ill., engaged in the manufacture and sale of wall paper, has been ordered to cease and desist from misrepresentation in connection with the sale of its products. (4288)

Bengor Products Company—Benjamin Gordon and Louis Gordon, trading as Bengor Products Co. and Magnet Merchandise Co., 878 Broadway, New York City, engaged in the sale and distribution of drug sundries, notions, and other novelty merchandise, have been ordered to cease and desist from the use of lottery methods in the sale and distribution of their merchandise. (4474)

Lee Boyer's Candy, 103 Southwest Front Ave., Portland, Ore., and George G. Blaisdell, Walter G. Blaisdell and Homer G. Barcroft, trading as Zippo Manufacturing Co., Bradford, Pa., have been ordered to cease and desist from lottery methods in the distribution of their products. (4265-4497)

Giant Tiger Corporation—An order has been issued directing Giant Tiger Corporation, 41st and Chestnut Sts., Philadelphia, to cease and desist from violation of the brokerage section of the Robinson-Patman Act. (4276)

Thermalaid Method, Inc., and Charles H. McFarland, its president, Steubenville, Ohio, have been ordered to cease and desist from certain misrepresentations in the sale of "Thermalaid," an electrical device for the treatment of prostate gland and associated ailments by application of heat. (4078)

C. F. Sauer Co., with headquarters in Richmond, Va., and operating plants in Richmond and in Greenville, S. C., has been ordered to discontinue price discriminations and discriminatory advertising allowances in the sale of food products and insecticides in violation of the Robinson-Patman Act. (3646)

FTC CLOSES CASE

The Federal Trade Commission closed without prejudice a case growing out of a complaint which had charged six individuals trading as National Optical Stores Company and Dr. Ritholz Optical Company, 1148-1160 West Chicago Ave., Chicago, with violation of Section 5 of the Federal Trade Commission Act in the sale of eye glasses. The individual respondents are Benjamin D., Morris I., Samuel J., Sylvia, Fannie and Sophie Ritholz.

The case was closed without prejudice to the Commission's right to resume proceedings, should future facts so warrant. (3143)

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 33, August 22, 1941

TIME SALES TAX FIGHT PUSHED

Necessity for redoubled efforts to lick the radio time sales tax developed Thursday when the International Allied Printing Trades Council asked the Senate Finance Committee to double the graduated tax approved by the House.

The committee appeared to be favorably impressed by arguments against the tax presented Monday by the NAB and others.

But the battle is far from won. The bill has a long way to go. Until Congress sends it to the President without the time sales tax included, no one can be sure it's beaten.

Help from back home is essential. Let your Senators and your Representative in Congress know how you feel about this unfair, discriminatory, super-tax on radio.

James Lawrence Fly, FCC chairman, was the first to go to bat for the industry at Monday's hearing before the Senate Finance Committee. He told the Senators how much time, effort and money the industry was devoting to public service, especially that public service devoted to national defense. In the event of war, he indicated, the demands upon radio for service producing no revenue would be even greater, while income might drop. He also pointed out that competing advertising media were not taxed by the new revenue bill.

When asked by Senator Davis (R-Pa.), "If you put a tax on advertising in radio, will that not set a precedent for taxing advertising in newspapers?" Mr. Fly replied that he thought "it might very well do so." Mr. Fly said the Commission had been considering for some time the possibility of a bill "which would access broadly upon the communications industry, roughly the cost of regulation." He indicated, however, that a great deal of study should be made of a proper base for such a tax before it was originated.

Maurice Lynch, financial secretary of the Chicago Federation of Labor, operator of station WCFL, was the second witness, and said their objections were, first, that the tax placed an unequal and discriminatory burden on broadcasting and second, that it departed from the well-established precedent of not taxing income of non-profit organizations and labor unions. He pointed out that station WCFL donated much valuable time to the Government and that "it would not be just that radio stations which donate so much time to Government agencies be discriminated against."

Harold A. Lafount, president of the National Independent Broadcasters, said that the stations he spoke for did not object to increased taxes but wanted the burden of financing national defense to be distributed equally. As the bill stood, he said, it discriminated against the broadcasting industry. Although the lower income stations were exempt, he

(Continued on page 696)

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

TIME SALES TAX FIGHT PUSHED

(Continued from page 695)

said, many independent stations whose incomes were in excess of $100,000 had little or no profit. These, he pointed out, certainly were in no position to pay the tax.

Ellsworth C. Alvord, nationally known tax expert, appeared for the NAB. He opposed the tax on four grounds:

(1) It was the first tax, with one minor exception, ever imposed upon gross receipts. "It has nothing to do at all with ability to pay, or any principle that I know of, or which I have read, or have heard of, which could underlie the taxing policy of this Government."

(2) The tax was discriminatory, but even if it were not, it would be unjust. A tax on advertising "is nothing more than a tax upon the dissemination of information, upon the dissemination of news."

(3) Radio is rendering an important public service. "I cannot believe that the Congress would so desire to hamper, even jeopardize, the service which the radio industry is now performing in the interest of the public."

(4) The tax would hit "the winners and losers" in the radio business and might throw those now making a slight profit into the red. This was against any just tax principle.

Mr. Alvord said that the industry could not object to a nondiscriminatory general franchise tax but that the radio industry should not be the first industry for that experiment. Other industries were Government regulated without having to pay for the regulation, he said.

Mr. Alvord submitted a lengthy memorandum, giving detailed arguments against the tax.

Mrs. Emily Holt, executive secretary of the American Federation of Radio Artists, and Lawson Wimberly, international representative of the International Brotherhood of Electrical Workers, both appeared in opposition to the tax. Mrs. Holt pointed out that the AFRA convention in Detroit last week adopted a resolution against the tax because the union felt it would restrict the opportunities of actors, singers and announcers. Mr. Wimberly pointed out that the tax originally was the idea of a group of printing trades workmen who thought it would shift advertising from radio to the printing media. He said he thought they were mistaken, and pointed out that the American Federation of Labor was on record in opposition to the tax.

James C. Petrillo, president of the American Federation of Musicians, addressed the following telegram to the Committee:

"The American Federation of Musicians has gone on record by a unanimous vote of its international executive board protesting a 15% tax on the gross radio receipts on the grounds that the more tax paid by radio stations the more unemployment of all crafts will be the ultimate outcome of the entire matter."

IRNA Analyzes Deal Between NBC—ASCAP

The following analysis of the NBC-ASCAP deal, prepared by the chairman and vice-chairman of IRNA, will be of interest not only to NBC affiliates but also to all broadcasters. It should be studied carefully:

INDEPENDENT RADIO NETWORK AFFILIATES, INC.

Chairman's Office

August 19, 1941.

The NBC-ASCAP Formula

To All N. B. C. Affiliates:

On many occasions in the past few years we have all complained about the short-sightedness, the bull-headedness and the narrow-mindedness of network executives from our point of view, in failing to comply with requests from IRNA which we believed to be for the good of the industry. We believe much of the present mess the networks are in could have been averted.

This makes it all the more imperative that we should speak up when we have obtained from a network a deal for Affiliates which we regard as a major accomplishment. The advantages obtained for Affiliates in the copyright deal tentatively arrived at between N. B. C. and ASCAP are a victory for Affiliates. They are the direct result of demands made by IRNA. They also reflect the better understanding of Affiliates which Trammell, as president, has brought into the direction of NBC.

In recent months the broadcasting industry has had a crisis every morning before breakfast. Broadcasters have faced so many emergencies they are shell-shocked.

Many of you have not followed the details of the copyright situation. The telegram you got from Trammell was too short and needs to be amplified. We therefore believe it is in order to review and explain the proposed new formula and state our views. The decision is up to you. You are free to act. We have obtained a proposition which, when it is satisfactorily embodied in contract form, is an offer to you. We have made no commitment for you. We have made no representations that we have authority or power to bind you.

It is, of course, not possible to make final recommendations on the copyright deal tentatively set up between NBC and ASCAP until affiliates have had a chance to examine not only the final NBC-ASCAP contract but also the single station blanket contract, the single station per program contract, and the contract for clearance at the source of commercial transcriptions.

However, it is our considered judgment that this is a very fair deal and that now is the time to settle copyright differences between networks and affiliates so that ASCAP music can go back on the air and so that the major problems which confront the industry can have our undivided attention.

First of all, let us spot the high-lights of what we shall call the ASCAP Formula of August 1, 1941 (the year of the Big Wind). This is how we see them as Affiliates.

The Advantages

1. No affiliate is compelled to take a local ASCAP license. Even if you don't take one, you will get the benefit of ASCAP music on network service and the network will pay the cost of sustaining programs. On commercial programs you will be asked to reimburse to the network only the same amount which the network pays ASCAP on the net dollars you get from the network.

You used to pay ASCAP 5% on these dollars. You are now asked to pay 2¾%.

2. Any affiliate who wants ASCAP music locally can get it on a per program basis or a blanket basis. An affiliate must also be able to get the music on commercial transcriptions cleared at the source, and this contract must be satisfactorily negotiated. On

(Continued on page 698)

RADIO AND SCHOOLS

* * *

Any investment broadcasters may make in aiding schools to more effectively use radio is money well spent.

No better investment can be made than the distribution to every superintendent, principal, supervisor and teacher in every community of a copy of the revised and improved

How to Use Radio in the Classroom

Your copy is being sent you next week.

How about ordering a quantity of these or joining with other broadcasters in your community to see that one is placed in the hands of all of the school people?

With your copy is a blank for your convenience in placing your order.

IRNA ANALYZES DEAL

(Continued from page 696)

either the per program or blanket license basis, you are allowed to deduct, as before, advertising agency commissions, quantity discounts, and income from political broadcasts. IN ADDITION, IRNA HAS OBTAINED FOR YOU A FLAT DISCOUNT OF 15% ON TOP OF ALL THAT, REPRESENTING COST OF SALES TO THE STATION ITSELF AND NOT CONTINGENT UPON ANYTHING.

On the final balance you pay ASCAP 2¼% if you take a blanket license, which is obviously comparable with 1.91% on the previous basis by reason of this new 15% deduction we have obtained for you.

Add to that your local sustaining fee. Instead of an arbitrary figure as before, this will be, for a blanket sustaining license, 12 times $1.00, if your annual gross is under $50,000; 12 times your highest ¼ hour rate if you gross $50,000 to $150,000; and 12 times your highest ½ hour rate if you gross over $150,000.

On blanket licenses, adding your commercial and sustaining fees, your total cost of ASCAP will average well under 3%, as compared with a total of between 6% and 7% for both commercial and sustaining licenses before 1941.

THIS BASIC DIFFERENTIAL IN FAVOR OF AFFILIATES, THAT IS, 2¼% AS AGAINST THE NETWORK 2¾%, IS ALSO AN IRNA CONTRIBUTION TO THE TERMS OF THE DEAL.

If you want to try a per-program commercial plan you still get the benefit of the extra 15% deduction we have obtained for you, so that the 8% on full programs of ASCAP music and 2% on incidental use of ASCAP music such as bridge, background, theme or signature, are really 6.8% and 1.7% respectively for comparison with previous experience.

You can even take a per-program sustaining license if you wish and pay 1% of the card value of local sustainers using ASCAP music.

If you wish, you can start with a program license and switch from program to blanket if you think it will be cheaper, or vice versa. Or you can combine a per-program commercial license with a blanket sustaining, or vice versa.

3. There is no minimum guarantee if you take a per program license so as to make yourself eligible to play ASCAP numbers for any local advertisers who wish it. There is a fixed obligation, however, to log all of your numbers for ASCAP, and this will be onerous.

4. You can refrain at present from taking any kind of ASCAP license and change your mind any time you like and take one, and you will get the benefit of this deal for the full length of the term without being penalized because you want to wait and see.

5. This deal is for a full nine (9) years with provision for renewal for nine (9) more years if ASCAP gets rights from its members. The terms for the second nine (9) years will be unchanged unless ASCAP demands an increase which we refuse, in which event the question of an increase would be determined by arbitration.

6. The terms for every affiliate are identical with the terms for every other one, including network M & O stations. The stations previously signed up, including the Mutual affiliates, share in these improved terms. The previous discriminations in favor of certain stations, such as the newspaper contract, are abolished.

7. The deal, when made, will provide for releases up to the date of signing for the network, the stations that sign, BMI and NAB, from the various threats for anti-trust and infringement violations that have been in the air. The local station deal should include a complete release for the stations signing it from all claims, at least up to the date that NBC signs the network deal, including not only infringement violations and anti-trust claims, but also claims for past years.

8. Although it is not, of course, part of the deal with ASCAP, NBC has given assurance that it intends to do its part to maintain BMI and to continue to support BMI and encourage it to grow, and we feel that BMI will be maintained by the broadcasters.

9. The aggregate cost of both BMI and ASCAP music on blanket licenses will be less than 4% for most Affiliates as compared with between 6% and 7% on the old basis before 1941 (when you add your sustaining fees).

10. In the event of a reduction in the ASCAP catalogue so material as to justify a remedy, we will have a right to cancel. If it is impractical to take ASCAP music off the air after having restored it, we always have the remedy of switching to the per program method of payment.

11. The deal imposes a considerable added financial cost on NBC which pays ASCAP on its network revenue which, as you know, was previously exempt. If the new formula were applied to 1940 business the annual sum payable by NBC to ASCAP on network programs, commercial and sustaining, would be in round figures, $680,000. Against this, the network asks the Affiliates to reimburse, in round figures, $280,000. This leaves a network net cost of $400,000. In addition, NBC would have paid for its M & O stations, commercial and sustaining fees on blanket licenses, in round figures, $100,000. This makes a total cost for ASCAP music to NBC $500,000 if the new formula were applied to 1940 business. In addition, NBC payments to BMI for the same period, on the reduced rate plan, are $160,000. Therefore, cost to NBC for ASCAP and BMI together, on the new plan on 1940 business would be, in round figures, $660,000 as compared with actual payment to ASCAP for that year, $410,000.

In other words, NBC is taking on an additional cost, in round figures, of $250,000 per annum based on 1940 business (and this will increase with growing volume and with clearance at the source on BMI music when it begins) in order to make this deal possible.

Most Affiliates, on the other hand, will find, as above explained, that combined cost of ASCAP and BMI will run under 4% as compared with between 6% and 7% before 1941. This should effectively dispose of any hangover of resentment against the network from past dealings where people felt the network had made a better deal for itself at the expense of Affiliates.

12. Proof that ASCAP is taking with good grace the licking it has received is self-evident when you figure that if all networks and stations take blanket licenses under the new formula, ASCAP stands to receive approximately $3,200,000 per annum based on 1940 business, as compared with over $5,000,000 it actually received on 1940 business under the old formula. As further evidence of ASCAP's willingness to bury the past and live in friendship with us, ASCAP has further agreed that if any special Federal broadcast tax is imposed, it will be deductible before applying the percentages.

13. At the present time all we are asked to do is to inform NBC of our agreement to reimburse the network to the extent of 2¾% of our compensation from it, subject to approval by us of the final detailed form of all the contracts which are to be submitted as soon as the ASCAP and NBC regiment of lawyers have agreed upon them, namely, the network contract, and the single station contracts, both blanket and per program. In addition the deal for clearance at the source of commercial transcription programs must be completed.

The Objections

Now we intend to review the objections which have been expressed by some affiliates and our comments on them. The time has come for bringing this matter to a conclusion. Full and free debate is healthy and democratic, but let's not be just a debating society that paralyses action.

Underlying all criticism of the deal and the formula are these fundamental and basic questions in the minds of many affiliates:

> Why should we make any deal with ASCAP at all? Who says we need any ASCAP music whatever? We have made out satisfactorily for eight months without ASCAP music, so why bring it back? Admitting the deal is good enough in dollars, why add this expenditure to what we are already spending for BMI if we don't need it? Is this money not just an extra luxury for something the network may need but we don't? If the network wants ASCAP music, why doesn't the network pay for it and leave it alone?

Let us first dispose of this subject: We all know what a voracious appetite for music radio has and it is up to us, as a matter of public service, to supply our program builders with every bit of material available, providing only that we can obtain that material at an equitable price. We had not only the right, but the duty to refuse to pay ASCAP the exorbitant demands made on the industry last year. But no matter how unreasonable ASCAP was with us we must not overlook our public obligation and be unreasonable with them. We must continuously improve our programs and the ASCAP repertoire will be a help in doing that.

Some of the large national advertisers who have cooperated with us for the past eight months because they knew that any great increase in copyright fees would result in increased rates, are now becoming restless. They are saying to the network executives: "We have cooperated with you when the demands upon you were unreasonable but now that you can make a fair deal we expect you to make it and not hold out simply because you seem to be getting along fairly well with the music now available. We want to use everything that has ever been written and we expect you to obtain the right for us to do so."

This is no reflection on BMI. BMI, in the few months of its existence, has done a wonderful job. The fact that it has enabled us to keep music on the air at all is in itself a miracle of accomplishment. It is not reasonable to expect that in one year of experience, half of which was taken up with preparation, BMI could accumulate for us a catalogue sufficient to supplant entirely the ASCAP library accumulated over more than 50 years.

It may be that many stations are not fully aware of the difficulties that have faced program builders. Many stations depend mostly on phonograph records or transcriptions foremost of their musical output, and BMI has done a wonderful job in making available lists of numbers free of ASCAP obligations.

The networks have developed whatever position they have, because in the last analysis they have furnished the public with programs of such high quality that audiences have been educated to expect nothing but the best. They cannot afford to lose this hallmark. We cannot afford to let them lose it.

However, stations which take the view that it is up to the networks and not a matter of interest to the stations, are only trying to hitch-hike a free ride without realizing the facts. With ASCAP music on the networks, many stations will eventually find that listener interest will require them to add ASCAP music to their local program service. Furthermore, the problem of avoiding ASCAP-controlled phonograph records will increase because there will be an increase in ASCAP tunes recorded.

Another consideration that should be present in the minds of all broadcasters is the opportunity by closing with ASCAP at this time to avoid the damage that would be caused by any other course to our public and governmental relations at a time when we are being attacked from several quarters.

Any broadcaster who thinks that the object we had in view was to destroy and disintegrate ASCAP is equally mistaken. We all recognize the established fact that composers and publishers of individual songs or numbers own the copyrights and have a right to be paid for their use. If we use the music someone has a right to be paid. If we don't pay through ASCAP as a central collecting agency, if ASCAP is completely disintegrated, the probable result might be that these composers and publishers would deal with us for themselves or would form smaller groups in larger numbers and we would then be faced with the problem of dealing not with one single collecting agency but with many. The confusion, correspondence, bookkeeping and detail involved in dealing with all these people separately, and the flood of infringement charges and suits that might descend upon us would far counter-balance any sentimental satisfaction that last-ditch fighters would enjoy in the dissolution of ASCAP. As far as emotion is concerned, such broadcasters should derive all the comfort which they need from the obvious fact that on the revised basis of the Consent Decree and the Formula, ASCAP will have to make plenty of changes and cut out most of the abuses which we broadcasters objected to.

Program or Blanket Basis

The next general set of questions comes under the head of Program and Blanket:

> As long as two successive conventions of the industry went on record in favor of a Program license or plan of measured use, why are we now called upon to reimburse to the network on a blanket basis, or to consider blanket licenses for local use?

In the first place, you will note that the percentages in the Program plan offered to N.B.C. by ASCAP are considerably reduced below the percentages offered by ASCAP to Mutual. THESE REDUCTIONS ARE DIRECTLY DUE TO DEMANDS BY IRNA THAT THE PERCENTAGE SHOULD BE REDUCED, and ASCAP has reduced them as described earlier in this letter, to a point where they amount to 6.8% on full programs and 1.7% on incidental use. N.B.C. has figured that on the Program basis its possible cost for network music would be, in round figures, $1,000,000 as compared with $680,000 on the Blanket basis, and that the amount of reimbursement it would seek from its affiliates, if computed on a Program basis, would be in round figures $460,000 instead of, as stated earlier in this letter, $280,000 on a Blanket basis.

In other words, on the Program basis Affiliates would be asked to reimburse the network $180,000 per annum more than on the Blanket basis, and even then the net cost to the network would be $140,000 more than on the Blanket basis on network business alone, or an actual net loss to the industry in favor of ASCAP of $320,000 if the Program basis were in force instead of the Blanket license. From the viewpoint of NBC and its affiliates, therefore, it is obvious that a program basis for network service is uneconomic. Whether it will be economic for stations will depend on the cost of logging the programs and on the percentage of revenue which the station derives from musical programs which will use ASCAP music. For some stations the per program method may prove economic; for many stations, however, we believe that it will prove uneconomic, especially in the case of the smaller stations, because of the cost of maintaining logs. In any event, this is a matter on which every station can make its own decision on its local contract. The stations which say the network has a right to take a blanket license from ASCAP but should only ask for reimbursement from affiliates on a program basis would certainly be on the losing end, because reimbursement on a program basis would exceed the reimbursement on a blanket basis.

The Reimbursement Feature

The next objection relates solely to the matter of the amount of the compensation or reimbursement between Affiliate and network. Several stations have argued that they are satisfied with every aspect of the deal except this one:

Admitting that the network pays ASCAP much more than it ever did before, nevertheless the network is getting the benefit of two deductions which it does not pass along to the stations: These are the deductions of 15% for general sales cost and approximately 10% for wire lines. On the basis of the 1940 business these two items will exempt approximately $8,000,000 of network revenue from the ASCAP tax, or at 2¾% approximately $220,000. These stations argue that part of this saving ought to be credited to the stations against the amounts of station compensation on which the stations are asked to reimburse to the network 2¾%. This argument is based upon the view that part of the network sales cost and cost of wire lines is already borne by the stations in the formula for station compensation set forth in the affiliation contracts, so that these costs, to a large extent, already come out of the pockets of the stations.

However, there is a certain inconsistency in this particular complaint. Suppose it will be agreed, for instance, that the money paid by the network for wire lines is really the money of the stations, and suppose the plan of payment is amended so that the network distributes more money to the stations, and the stations then contribute directly to the telephone company and pay the cost of the wire lines. In such event the stations would merely demand from ASCAP an exemption of the wire line cost from ASCAP tax and cheerfully pay to ASCAP the same 2¾% on the remaining dollars which would be the same as the net compensation now received from the network. For this reason we cannot urge that Affiliates should band together to enforce this particular demand against the network. Is there any flaw in this reasoning?

So much for the deduction for wire lines. As for the deduction allowed the network of 15% for sales and promotion, it seems to us fair that as between network and affiliate the network should get a credit for the sales and promotion work done by it at its expense, which contributes to the sale of the affiliate's time. The network says its actual sales and promotion expense exceeds 15%. Most of us are satisfied to pay 15% to a national representative. In principle, it seems as fair that the network should be exempt from tax on this disbursement as on the wire-line disbursement. In fact we obtained the 15% deduction for sales costs for affiliates who take a local license, on the ground that if the network is entitled to it the affiliates are. We think both are.

Fundamentally this goes to the whole basic question of the proper rate of ultimate compensation the station should receive from the network out of the advertiser's dollar. We prefer not to express any view in this connection regarding the fairness of the present basis of station compensation. Naturally we would like to get more. It is human nature that the network would like to make more profit off the stations, and the stations would like to get more profit off the networks. IRNA has never set out to be a bargaining agency for station compensation. Therefore the only position IRNA can take on this is that if any individual station thinks it has a good enough argument with which to improve its general basis of station compensation, go ahead and get it.

Transcriptions Cleared at the Source—National Spot Transcriptions

For stations signing the per program or blanket contract with ASCAP, either plan will apply to transcriptions, and for these people clearance at the source of transcriptions is unnecessary. For those desiring to have no contract with ASCAP, we are insisting that ASCAP live up to the consent decree, and provide for clearance of such transcriptions at the source, that is, by the transcription companies or advertisers. It is obvious that the deal must be made now before stations commit themselves to carrying and paying for the music on network programs. The cost of clearing transcriptions at the source would have to be rebated to the companies which make the payment by the stations which get the business, so that there can be no increase in the cost of transcriptions to the advertisers. This is necessary so that there will be no tendency toward the use of network as against spot transcriptions due to any increase in cost.

The Rest of the Industry

Another view expressed has been that it is a breach of faith for N.B.C. and the N.B.C. affiliates to make a deal with ASCAP before there is assurance that the rest of the industry is willing to do likewise. Under the consent decree every other network and every affiliate will be entitled to the benefit of whatever deal can be made by N.B.C. and its affiliates, and there can be no higher charge under the consent decree to non-affiliated stations than to affiliates. We have sat in as advisers with the N.B.C. executives at a number of the discussions with ASCAP. We are prepared to express the view on our own responsibility that no better deal can be made with ASCAP without a strong likelihood of breaking up ASCAP. This might result in our having to deal with scattering groups of composers and publishers.

The last question of which we have knowledge is the problem of what to do about States where local legislation forbids dealing with ASCAP. This is a local problem in those States and cannot be treated nationally.

Our Recommendation

The above observations are made by us in our capacity as members of the Negotiating Committee of N.B.C. Affiliates constituted by IRNA. Morency is in Hartford and Rosenbaum in Philadelphia. This accident of geography is solely responsible for the fact that we were frequently called in, whereas the other three members of our Committee are at some distance. Craig in Nashville, Norton in Louisville, and Campbell in Dallas. We are aware that some of them may have views which differ from ours on some of these points, but we take the responsibility for expressing our views to you because of the contact we have had with this situation as it has developed.

We have not endeavored to cover in detail all the points the contracts should include. Some of these are satisfactory provisions regarding delayed broadcasts and origination of network programs without a local license; full indemnity provisions to protect affiliates, their artists and clients and their agencies; satisfactory definition of time sales; and there are others of equal importance. Every affiliate will have to study and analyze the contracts for itself, because, as you know, IRNA has no funds with which to engage attorneys and no staff available to act in that capacity.

For the reasons given we recommend the approval of the formula in principle and the agreement to reimburse to N.B.C. subject to final examination of the detailed contracts when they come.

Very truly yours,

Paul W. Morency,
Vice-Chairman.
Samuel R. Rosenbaum,
Chairman.

EXECUTIVE COMMITTEE

The NAB Executive Committee will meet next Wednesday, August 27, at 10:30 a. m. in the Roosevelt Hotel, New York, to consider copyright and other matters.

BMI

Try Smilin'

We have just received a letter from Ray Seeley of Folsom Prison, Represa, California, to which he has been sentenced for life. Seeley entered prison with the knowledge that the court had adjudged him an habitual criminal and that he must serve twelve years before he could be considered for parole. "Somewhere," he writes, "I found the courage to look at myself as I really was, and it wasn't long before I knew there had to be some changes made. I determined to make every year of this sentence count for something worthy and to make good, not after a future release from prison when the going got easy, but behind the walls themselves."

Seeley then relates how he started writing songs and wrote fifty of them which were rejected as fast as he submitted them to publishers. Then he had one accepted and within the next year fifteen more were accepted. But little or no royalties were received. "After much discouraging correspondence with the publishers," Seeley writes, "I began to realize that I was right back where I started and I didn't have much heart to start from scratch again, but something happened which gave me another spurt of courage. I read Elsie Robinson's column in the paper about two prisoners who wrote the *Stars Went to Sleep*. It was the inspiration for *Try Smilin'*. I went to work on the story that very night and didn't stop until the song was finished.

"Two days later I mailed the song to the Bell Music Company, a BMI affiliate, and it was accepted by them.

"Professional copies have already been released. Last week the song was given a plug by Stuart Hamblen over KFWB, Hollywood, and I wish you could see the friendly fan mail I've received from that one local plug—they are worth every single hour I've spent writing songs."

Standard Numbers

In response to many requests the editors of *Big Song Magazine* have picked some BMI tunes which they believe have become standard numbers and will be heard from year to year on the air. They are: *High on a Windy Hill, Practice Makes Perfect, The Wise Old Owl, I Hear a Rhapsody, So You're the One, I Can't Remember to Forget, I Give You My Word, It All Comes Back to Me Now, You Walk By, Accident'ly on Purpose, May I Never Love Again.*

New Song Contest

Encouraged by the spectacular success of *Daddy*, Sammy Kaye is announcing a contest open to all amateur song writers. The contest is for lyrics only. The winning words will be set to music by Sammy and his arrangers and published by the Republic Music Corporation, a BMI affiliate. Prize—a hundred dollars in cash as an advance against royalties of the song.

Which all goes to show that you never can tell where you'll find a good song. Ten thousand can be submitted and not worth the paper they are written on and then suddenly one will pop up like *Daddy*, which has what it takes to win and hold the favor of the music public.

The Friendly Tavern Polka

In connection with the observance of Friendly Tavern Week, September 15th to September 21st, we are reprinting, for the benefit of broadcasters who wish to cooperate with the National Tavern Association in observance of the week, the numbers of the transcriptions and records carrying the *Friendly Tavern Polka:*

—Transcriptions—

Associated	280	Thesaurus	933
McGregor	2312	"	943
Standard	P152	World	4319

—Records—

Horace Heidt	CO	36006	Frankie Masters	OK	6142
Milt Herth Trio	DE	3757	Teddy Powell	BL	B-11113
Sammy Kaye	VI	27381	Lawrence Welk	DE	3725

Virtually all of the name bands have arrangements of *Friendly Tavern* in their books.

New Song Research Service

BMI has just signed a contract for one year with the Bureau of Radio Research, directed by Dr. John G. Peatman of the Department of Psychology of the College of the City of New York. This is the organization which has been issuing a daily radio log and program analysis of popular music since the middle of June.

In addition to these reports the Bureau plans to issue graphs of trends showing the proportion of popular music to other types of music played on the air on both day and night programs. Trends of the proportion of titles to total performances and trends of those songs having ten or more performances in a week. Periodic releases will survey the public taste for popular music showing who listens, what they like, and the breakdown of age, sex, educational, and purchasing power differences. There may also be a psychological analysis of the characteristic developments between the outstanding hit tunes and those that didn't quite make the grade.

Chicago Lions Adopt *Hi, Neighbor*

The Central Lions Club of Chicago, which meets every Thursday at 12:15 p. m. at the Hotel Sherman, has adopted *Hi, Neighbor,* BMI's new greeter, as one of the club songs. Writes Ray S. Klein, Executive Secretary:

"It is indeed a very effective way of starting off our meetings and 'breaking the ice.'

"When you are in Chicago drop in at our luncheons and meetings and hear us sing your song."

Melodies That Linger

We have given you many a story on the origin of BMI popular numbers. Here is one from the *Progressive Farmer* on how *The Old Oaken Bucket* came to be written:

On a hot day in 1817 Samuel Woodworth left the office in New York City where he was employed as a printer and entered a saloon nearby. While at the bar drinking brandy, he called to an acquaintance:

"There is no better drink than this in the world."

"Yes, there is," rejoined the other.

"What is it?" asked Woodworth.

"A draught from the old oaken bucket that hung in the well at home," was the answer.

Woodworth made no reply, but finishing his drink he hurried back to his office. For two hours he worked steadily and then called in the man with whom he had talked in the saloon. He read aloud the lines, later set to music by George Kailmark.

Thus a chance remark over a bumper of brandy and a strange sort of genius brought into being *The Old Oaken Bucket.* The song was Woodworth's only worthwhile accomplishment. Various attempts to found newspapers and magazines failed, and he remained a "tramp printer" until his death in 1842.

BMI FEATURE TUNES

August 25 - August 31

1. WASN'T IT YOU
2. I WENT OUT OF MY WAY
3. YOU MEAN SO MUCH TO ME
4. DELILAH
5. HI, NEIGHBOR
6. TO TE AMO, OH! BABY
7. ALL ALONE AND LONELY
8. THE RELUCTANT DRAGON

New Subscribers

The following stations were added to our list of subscribers during the past week, bringing the total to 683, excluding non-commercials:

KPRO—Riverside, Calif.
WALB—Albany, Ga.
KGFJ—Los Angeles, Calif.
WCBD—Chicago, Ill.
WCRS—Greenwood, S. C.

"Sleeper" Into Natural

Written over a year ago *You Mean So Much to Me* has been sleeping peacefuly in the music departments of the broadcasting stations for lo these many months. Then something happened, no one seems to know just what, and orders have been pouring into BMI for the sheet music. The record companies also began to prick up their mechanical ears and are talking about adding to the recordings which now include waxings by Freddy Martin and Una Mae Carlisle. That's why you see it as number 3 of the BMI features tunes.

National Defense

TO SPONSOR COAL CAMPAIGN

Plans for a "Buy Coal Now" Campaign to be sponsored by the coal industry were mailed to station executives by NAB on Wednesday, August 20. The mailing piece, entitled "It's a Radio Sales Job," contained on page 2 a copy of the message sent by Luther Harr, Bituminous Coal Consumers' Counsel, Washington, D. C., to wholesale and retail bituminous coal associations and dealers, to coal producers and district boards.

He suggested that as a patriotic duty the industry at its own expense should utilize every means of buying and storing (selling) coal now so as to release shipping space for increasing defense needs in the months ahead.

Page 3 explained why demand for coal is up—away up, why the coal tie-up must be prevented and why preventing this tie-up is a sales job. The back page contained a number of 50, 75 and 100 word spots.

In a covering letter Arthur Stringer suggested that it would give the campaign a great lift if it were launched with suitable local ceremonies much in the same fashion as stations launched the scrap aluminum collection in July. Under the caption "Other Ways to Help the Campaign" he suggested that local firms sponsor insulation programs and that building supply merchants sponsor storm window campaigns.

SURVEYING CP NEEDS

The NAB National Defense Committee has begun a survey to ascertain the material and equipment needs, expressed in terms of tons of metal, required to satisfy outstanding construction permits. This was done after conferences with government officials who have the responsibility for releasing metal. At the same time with information assembled in our spot, it might be possible to secure a "Civilian Allocation Program for the Broadcasting Industry." If granted this would be a directive which would speed the filling of orders for material and equipment needed to satisfy construction needs.

STATION ND SHORTS

Edith R. Garrett, traffic manager, KXRO, Aberdeen, Wash., writes of a new use for the "Keep 'em Flying" slogan. It is written into the station's local talent show, "Doodlebug Revue." The slogan is also used on the sign-off.

KMBC's Mark N. Smith, director of merchandising and research, has drawn up special forms for the station to use in keeping track of defense broadcasts. At the end of the month data from the sheets quickly enables the preparation of the station's monthly national defense report.

WCPO, Cincinnati, has set aside 9:15 to 10:00 p. m. week days for "Songs of America." This includes transcription music and Army, Navy, defense, Air Corps, etc., spots. A similar Sunday evening show, "Land of Liberty," is scheduled from 9:15 to 9:45 p. m. Personal appearances of recruiting officers in the local area are included in the Sunday show.

Daily, 2:10 to 2:30 p. m., is "Patriotic Parade," similar in format to the other two broadcasts.

N. C. Ruddell, vice president and general manager, WJMS, Ironwood, and WATW, Ashland, Wis., has evolved tri-daily broadcasts which he finds effective. The three shows are called "Defense for America" and are aired daily at 10:15 a. m., 1:45 p. m. and 9:05 p. m.

PROMOTION

Radio talent will feature the National Tobacco Festival to be held in South Boston, N. C., September 4 and 5. Major Edney Ridge's WBIG Ensemble, Greensboro, will play at the distinguished guest banquet on September 5.

Sales

EXECUTIVE COMMITTEE MEETS

The Sales Managers Executive Committee will meet at the Roosevelt Hotel, New York City, August 25-26.

Studies Available

Two reports will be issued this week by the Department of Broadcast Advertising. One is "The Effect of Priorities on Radio Advertising"; the other is a record of department store advertising compiled from station reports to the "Broadcast Advertising Record." Limited extra copies of each will be available free upon request.

Notice

Any one planning to do business with Ed. M. Palmer, Supplemental Time Sales Operation, 428 Grand Ave., Akron, O., is asked to communicate with Benedict Gimbel, Jr., WIP, Philadelphia, Penn.

Free Time Request

"The Cranberry Kitchen" of South Hanson, Mass., is seeking free time for the promotion of cranberries, by sending scripts to stations conducting home economics programs.

DISTRICT 15

Broadcasters of the fifteenth NAB district held a meeting August 15, in San Francisco to discuss the status of the time sales tax and ASCAP negotiations. Howard Lane, KFBK, district director, just returned from Washington, gave a full report on the situation in the Capitol. Members present included:

Philip Lasky, KROW; Riley H. Allen, KGMB; David H. Sandeberg, Paul H. Raymer Co., San Francisco; Charles P. Scott, KTKC; Horace E. Thomas, KMYC; C. L. McCarthy, KQW; William B. Smullin, KIEM; Ralph Brunton, KJBS; Art Westlund, KRE; Clyde Coombs, KARM; S. H. Patterson, KSAN; Lincoln Dellar, KSFO; Harold Meyer, KYA; Charles Lloyd, KLX; Wilt Gunzendorfer, KSRO; S. W. Warner, KLS; Howard Walters, KDON; Howard Lane, KFBK, and Eddie Calder KHUB.

CIO UNION CERTIFIED

Upon the basis of a stipulation for certification on consent comparison of records, the National Labor Relations Board announced certification of American Communications Association, Broadcast District No. 1, Eastern Branch as the sole collective bargaining agency designated and selected by a majority of all broadcast technicians of Westinghouse Radio Stations, Inc., in the broadcast engineering department of Station KYW, Philadelphia, Pennsylvania.

FEDERAL COMMUNICATIONS COMMISSION

IMPROVE INTERNATIONAL BROADCAST

With a view to improving reception abroad of short-wave broadcasts emanating from this country, the FCC modified Section 4.44 of its rules governing international broadcast stations to permit greater flexibility in the choice of operating frequencies and thereby bring about more efficient use of the limited number of frequencies available for this purpose.

International broadcasting has passed through its experimental stage and has developed into a service of the utmost importance. Existing world conditions demonstrate the necessity of the United States being well represented in the international broadcast band, and of maintaining an adequate service to the people of foreign nations. At the present time the expansion of international broadcast facilities in other countries has resulted in considerable and increased interference to the transmissions of United States stations engaged in international broadcasting.

The changes made in rule 4.44 will make it possible to assign more than one frequency in the international broadcast band to a single domestic licensee. This will enable the licensee, should interference be experienced on one frequency, to shift operations to another frequency not subject to the same degree of interference. In addition, due to the time differential in foreign lands served by our international broadcast stations, it is possible to assign the same frequency to two or more stations broadcasting to different portions of the world without confusion.

There are now a dozen international broadcast stations in operation or under construction in the United States. The Commission's requirement of a minimum power of 50 kilowatts insures transmissions of reasonable strength reaching the countries for which they are intended.

NEW FM STATION

The Columbia Broadcasting System, Inc., has been granted a construction permit by the FCC for a new high frequency (FM) station at St. Louis, Mo., to serve 13,000 square miles with more than 1,800,000 population. The proposed site of the transmitter is the Mart Building, 12th and Spruce Streets. The station will operate on 45,900 kilocycles.

To enable the Philadelphia area to have scheduled television program broadcasts as soon as possible, the Commission has given the Philco Radio and Television Corporation special authorization to so operate its present experimental television station W3XE for a period of 60 days on television Channel No. 3 (66,000-72,000 kilocycles) pending the furnishing of additional engineering data required by the Commission to pass on that company's pending application for a construction permit for a full-fledged commercial television station in Philadelphia.

NATHAN H. DAVID TO ASSIST INFORMATION COORDINATOR DONOVAN

Nathan H. David has resigned from the Law Department of the FCC to join the staff of Coordinator of Information William J. Donovan.

Mr. David, who is 28 years old and a native of Massachusetts, joined the Commission in 1939 as Assistant to the Chairman. Subsequently transferring to the legal staff, his most recent assignment has been as Chief of the Litigation Section.

FROM THE FCC MAIL BAG

A Boston broadcast listener has written the Commission suggesting that an arrangement be made whereby dramas be transmitted over one network, symphonic music over another, and that varied programs be carried over a third network. But the Commission has no authority to direct this or other programming.

An Asheville resident requests copies of Commission "regulations" requiring written scripts of programs to be submitted to broadcast stations 24 hours in advance of their presentation. The Commission has adopted no such regulations; it is within the discretion of the individual broadcast station whether or not to require submission of written scripts in advance so long as the licensee retains full control over programs.

A music company complains of alleged inability to obtain information from broadcast stations as to the extent to which they have broadcast its songs. This, too, is outside of Commission jurisdiction.

A Texas inquirer is informed that it is impossible for the Commission to determine in advance of the filing of an application for broadcast facilities, and in absence of such record of engineering and other facts on which to base consideration, that establishment of a new station would be practicable and in the public interest.

A list of radio stations operating in the emergency service, such as requested by a Pennsylvanian, is not available for distribution, and, in view of pressure of other business, it cannot be stated at this time when a revision will be possible.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, August 25. They are subject to change.

Monday, August 25

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Bros., Sedalia, Mo.—C. P., **800 kc.**, 1 KW day, daytime. Present assignment: **1490 kc.**, 250 watts, unlimited time.

Consolidated Hearing

KFJM—University of North Dakota, Grand Forks, N. D.—Renewal of license, **1440 kc.**, 500 watts night, 1 KW day, unlimited time.

KFJM—University of North Dakota, Grand Forks, N. D.—Modification of license, **1440 kc.**, 500 watts night, 1 KW day, share 3 to 5 p. m. daily. Present assignment: **1440 kc.**, 500 watts night, 1 KW day, unlimited time.

NEW—Dalton LeMasurier, Grand Forks, N. Dak.—C. P., **1440 kc.**, 500 watts night, 1 KW day, specified hours.

Wednesday, August 27

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Renewal of license, **990 kc.**, 1 KW, daytime.

Thursday, August 28

NEW—West Allis Broadcasting Co., West Allis, Wis.—C. P., **1480 kc.**, 250 watts, daytime.

Friday, August 29

NEW—KNOE, Incorporated, Monroe, La.—C. P., **1420 kc.**, 250 watts, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following future broadcast hearing dates. They are subject to change.

September 24

NEW—Park Cities Broadcasting Corp., Dallas, Texas.—C. P., **710 kc.**, 5 KW, unlimited time, DA-night.

September 25

Consolidated Hearing

WICA—WICA, Incorporated, Ashtabula, Ohio.—C. P., **970 kc.**, 1 KW night, 5 KW day, unlimited time, DA-night.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—C. P., **970 kc.**, 1 KW night, 5 KW day, unlimited time, DA-night and day.

September 26

KGKO—KGKO Broadcasting Co., Ft. Worth, Texas.—Modification of license, **570 kc.**, 1 KW night, 5 KW day, unlimited time, DA-night.

September 29

Further Hearing

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—C. P., **1340 kc.**, 250 watts, unlimited time.

Consolidated Hearing

NEW—Scripps-Howard Radio, Inc., Houston, Texas.—C. P., **1230 kc.**, 250 watts, unlimited time.

NEW—Texas Star Broadcasting Co., Houston, Texas.—C. P., **1230 kc.**, 250 watts, unlimited time.

NEW—Greater Houston Broadcasting Co., Inc., Houston, Texas.—C. P., **1230 kc.**, 250 watts, unlimited time.

Further Hearing

KWK—Thomas Patrick, Inc., St. Louis, Mo.—C. P., **680 kc.**, 50 KW, unlimited time, DA-day and night.

October 14

Consolidated Hearing

KVFD—Northwest Broadcasting Co., Fort Dodge, Iowa.—Modification of license, **1400 kc.**, 250 watts, unlimited time.

KFGQ—Boone Biblical College, Boone, Iowa.—Renewal of license, **1400 kc.**, 100 watts day, specified hours.

October 16

NEW—Hennessy Broadcasting Co., Butte, Montana.—C. P., **1490 kc.**, 250 watts, unlimited time.

NEW—Barclay Craighead, Butte, Montana.—C. P., **1490 kc.**, 250 watts, unlimited time.

October 20

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Modification of license, **990 kc.**, 1 KW, limited to Knoxville, Tenn.

October 22

WBRY—American Republican, Inc., Waterbury, Conn.—Modification of C. P., **560 kc.**, 1 KW, unlimited time, DA-night and day.

October 27

Consolidated Hearing

NEW—Jefferson Broadcasting Corp., Birmingham, Ala.—C. P., **1340 kc.**, 250 watts, unlimited time, request facilities of WSGN when vacated.

NEW—George Johnston, Jr., Birmingham, Ala.—C. P., **1340 kc.**, 250 watts, unlimited time, request facilities of WSGN.

NEW—WBAM, Inc., Birmingham, Ala.—C. P., **1340 kc.,** 250 watts, unlimited time, request facilities of WSGN when vacated.

November 3

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—C. P., **1480 kc.,** 1 KW night, 5 KW day, unlimited time.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Modification of C. P., **1520 kc.,** 1 KW night, 5 KW day, unlimited time.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Renewal of license, **1420 kc.,** 250 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Columbia Broadcasting System, Inc., St. Louis, Mo.—Granted construction permit (B4-PH-102) for a new (FM) broadcast station to operate on frequency **45900 kc.,** to serve 13,000 square miles.

Westinghouse Radio Stations, Inc., Hull, Mass.—Granted construction permit (B1-PEX-37) for a new developmental broadcast station to operate on frequency **9570 kc.,** with power of 700 watts, for the purpose of furnishing a signal for the National Bureau of Standards in Washington, in connection with radio wave propagation studies made by that agency.

West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted special service authorization (B2-SSA-2) to operate on **1170 kc.,** 5 KW, unlimited time, for the period ending February 1, 1942. (Now operates on **1170 kc.,** 5 KW, Simul-Day-WOWO, shares night-WOWO, and has construction permit for 50 KW unlimited time, DA night.)

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted reinstatement of construction permit (B2-P-3257) to install a new transmitter, move transmitter to about 7 miles south southeast of center of Dayton; install directional antenna for night use, and increase night power to 5 KW. (Now authorized under construction permit which has expired, to use **1290 kc.,** 5 KW day, 1 KW night, DA at night, unlimited time.)

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted modification of construction permit (B3-MP-1250) to increase night power to 5 KW, make changes in directional antenna and extend commencement and completion dates to 60 and 180 days after grant, respectively. (Now has construction permit (B3-P-2944) for **1290 kc.,** 1 KW night, 5 KW day, DA night, unlimited time.)

WCBX—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Granted modification of construction permit (B1-MPIB-27) for international broadcast station to add frequencies **6060** and **21520 kc.,** sharing time on both frequencies with WCRC and WCAB and to share time with WCRC on **6120, 6170** and **21570 kc.** (Now has construction permit to operate on frequencies **6120, 6170, 9650, 11830, 15270, 17830, 21570 kc.,** 50 KW day and night; share on **17830 kc.** with WCRC; share on **9650, 11830, 15270 kc.** with WCAB and WCRC; unlimited time on **6120, 6170, 21570 kc.)**

WCRC—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Granted modification of construction permit (B1-MPIB-28) for international broadcast station to add frequencies **6120, 6170, 21570 kc.,** sharing time with WCBX and to share time on **6060** and **21520 kc.** with WCBX and WCAB. (Now has construction permit to operate on **6060, 9650, 11830, 15270, 17830, 21520 kc.,** 50 KW; share on **6060, 21520 kc.** with WCAB; shares with WCBX on **17830 kc.;** shares **9650, 11830, 15270 kc.** with WCAB and WCBX.)

W3XE—Philco Radio and Television Corp., Philadelphia, Pa.—Granted special authorization (B2-PCT-4) to operate television station W3XE, on a commercial basis for a period of 60 days from September 1, 1941, using Channel No. 3 (**66000-72000 kc.**).

MISCELLANEOUS

WPIC—Sharon Herald Publishing Co., Sharon, Pa.—Denied request for special temporary authority to operate additional time from 8 p. m. EST to conclusion of program in connection with the Mercer County Holy Name Society Rally on September 7, 1941.

WMRO—Martin R. O'Brien, Aurora, Ill.—Denied request for special temporary authority to operate from sign-off time (August 7 p. m. CST) to 10 p. m. CST on August 14, 1941, in order to broadcast the baseball game between Aurora and Sycamore.

WCLE—United Broadcasting Co., Cleveland, Ohio.—Denied request for special temporary authority to operate from sign-off time (September 6:45 p. m. EST) to 7 p. m. EST, for a period beginning September 1, 1941, and ending not later than September 30, 1941, in order to carry baseball games and half-hour network programs.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to operate from regular sign-off time (9 p. m. EST, September) to the conclusion of the Simon-Baer boxing bout on September 5, 1941, only, in the event this bout runs later than regular sign-off time.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to operate from regular sign-off time (9:45 p. m. EST, August) to the conclusion of the Lesnevich-Mauriello light heavyweight championship boxing bout on August 26, 1941, only, in the event this bout runs later than regular sign-off time.

W9XBK—Balaban and Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitting units to be installed and operated from the State-Lake Building, Chicago, Illinois; Link Transmitter Type No. 50-UTX with 100 watts power for visual and Link Transmitter Type No. 25-UBX, 25 watts power to be used for aural; temporary steel tower to be used on roof of said building, in order to conduct tests for the period August 18, 1941, to not later than September 16, 1941, in accordance with construction permit.

W71NY—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted extension of special temporary authority to operate frequency modulation station commercially on **47100 kc.,** power 1000 watts, special emission for frequency modulation, at 444 Madison Ave., New York City, using Western Electric Type No. D151182, Serial No. 101, one kilowatt transmitter for a period of 60 days, beginning August 20 and ending not later than October 18, 1941.

KGBS—Herbenito Broadcasting Co., Harlington, Tex.—Granted modification of construction permit for authority to move studio to approximately 3½ miles from Harlington, Tex. (B3-MP-1340).

WCRC-WCBX—Columbia Broadcasting System, Inc., New York, N. Y.—Granted special temporary authority to use already licensed Mackay Radio and Telegraph Co. point to point transmitter, Type 34-C, on **6060, 6120, 6170, 9650, 11830, 15270, 17830, 21520, 21570 kc.,** A1 emission, in order to conduct antenna tests for International Broadcast stations WCRC and WCBX, for period of 30 days, beginning August 12 to not later than September 10, 1941.

WBNT—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate a specially constructed 1 KW peak power, special emission laboratory model FM visual transmitter in conjunction with the main picture transmitter power amplifier of WNBT (formerly W2XBS) on Channel No. 1 in order to make comparisons of FM and A5 emissions and to obtain engineering data for period August 18 to not later than September 16, 1941.

KFUO—Evangelical Lutheran Synod of Mo., etc., Clayton, Mo.—Granted modification of construction permit (B4-P-2882) for extension of completion date to 9-13-41 (B4-MP-1382).

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted special temporary authority to operate an additional transmitter on **43 mc.** with power not in excess of 40 KW, using FM for a period ending no later than September 8, 1941, in order to conduct further experiments on adjacent channel operation of FM broadcast stations and demonstrate such operation to certain engineering committees of the RMA.

W2XYU—Columbia Broadcasting System, Inc., New York City.—Granted extension of special temporary authority for the period August 19 to September 17, to use a 25-watt test transmitter on **330.4, 333.4** and **336.4 mc.** in order to conduct tests.

WRCA—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate on **9670 kc.,** with effective power of 100 KW, using separate power amplifiers feeding separate directional antennas, for the period August 19 to September 17, 1941.

WKRC—The Cincinnati Times Star Co., Cincinnati, Ohio.—Granted special temporary authority to operate with power of 5 KW from 2 to 3 a. m., EST, August 16 only, to carry a special DX program (B2-S-280).

W10XF—National Broadcasting Co., Inc., Portable.—Granted modification of license for developmental broadcast station to change type designation of transmitter (B1-MLEX-13).

Tri-State Broadcasting Co., Inc., Portable-Mobile, area of El Paso, Texas.—Granted construction permit for new relay broadcast station to be used with applicant's standard broadcast station KTSM; frequencies **1622, 2058, 2150, 2790 kc.,** 50 watts (B3-PRY-248).

WBLR—Columbus Broadcasting Co., Inc.. Portable-Mobile, area of Columbus, Ga.—Granted license to cover construction permit (B3-PRY-237) for new relay broadcast station to be used with applicant's standard station WRBL; frequencies **1622, 2058, 2150, 2790 kc.,** 50 watts (B3-LRY-234).

WJRL—James Broadcasting Co., Inc., Portable-Mobile, area of Jamestown, N. Y.—Granted license to cover construction permit (B1-PRE-391) for new relay broadcast station to be used with applicant's standard station WJTN; frequencies **30820, 33740, 35820** and **37980 kc.,** 25 watts (B1-LRE-355).

KFUO—Evangelical Lutheran Synod of Mo., etc., Clayton, Mo.—Granted modification of construction permit (B4-P-2882, for new transmitter, antenna and increase in power from 1 to 5 KW) for change in frequency from **830** to **850 kc.** under NARBA.

WBEN—WBEN, Inc., Buffalo, N. Y.—Granted license to cover construction permit (B1-P-2757), for increase in power to 5 KW day and night, installation of new transmitter, directional antenna for night use and move of transmitter (B1-L-1465).

WGEA—General Electric Company, Schenectady, N. Y.—Granted license to cover construction permit (B1-PIB-25), which authorized increase in power, new equipment and additional frequencies in international broadcast station; frequencies **6190, *9559, 15330, *21500,** and **21590 kc.,** 50 KW. (*Subject to special conditions contained in construction permit.) (B1-LIB-18.)

KONO—Eugene J. Roth, tr/ as Mission Broadcasting Co., San Antonio, Tex.—Granted special temporary authority to operate on an unlimited time basis, using those day and night hours vacated by KMAC for a period not to exceed 30 days.

KGEK—Elmer G. Beehler, Sterling, Colo.—Denied request for special temporary authority to operate from 1:30 p. m. to 2 p. m. MST on August 18, 19 and 20, 1941, in order to broadcast programs in connection with the Logan County Fair, Sterling, Colo. only.

Jewel Lee Noble, E. Francis Egleston, M.D., and James W. Bonner, d/b as Physicians and Surgeons Emergency Radio Call Service, San Francisco, Calif.—Granted motion to continue hearing now set for August 18 on application for construction permit to operate on frequency **2398 kc.,** 100 watts, A3 emission, unlimited time. Hearing continued to December 9, 1941.

Jewel Lee Noble and Harry Bell, d/b as Physicians and Surgeons Radio Page Service, Los Angeles, Calif.—Granted motion to continue hearing now set for August 18 on application for construction permit to operate on frequency **2398 kc.,** 100 watts, A3 emission, unlimited time. Hearing continued to December 9, 1941.

Edward Tom O'Brien, David Shepard, Howard S. Johnson and John W. Boler, a partnership, d/b as Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Granted petition for leave to file amendment late in re application for construction permit for new station to operate on **1550 kc.,** 1 KW, unlimited time.

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Denied petition to intervene in the hearing on the application of Herald Publishing Co. for a new station in Klamath Falls to operate on **1400 kc.,** 250 watts, unlimited time.

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Petition to intervene, and opposition thereto filed by D. Schaeffer, in re application of Dorman Schaeffer for a new station at Klamath Falls, Ore., to operate on **1400 kc.,** 250 watts, unlimited time—denied; Schaeffer's petition for investigation and to strike KFJI's petition as false and sham, also denied; exception noted by counsel for Schaeffer.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Granted petition to intervene in the hearing on application of Washington Broadcasting Company for a new station in Washington, Pa., to operate on **1450 kc.,** 250 watts, unlimited time.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Granted motion for continuance to November 3, of hearing now set for September 4, on application for renewal of license and for construction permit and modification thereof.

WEEU—Berks Broadcasting Co., Reading, Pa.—Motion for leave to amend application for construction permit to request change of antenna and equipment, and 5 KW unlimited time, DA night, granted, amendment to be filed within 15 days; motion to remove application from docket, without prejudice to filing another petition to remove, dismissed.

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted extension of special temporary authority to retransmit the transmissions of experimental high frequency broadcast stations W2XAG, W65N and W1XOJ (W42B) for the period August 28 to October 27, in order to continue rebroadcasting experiments.

W2XAG—Carman R. Runyon, Jr., Yonkers, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental station on **117190 kc.,** 5000 watts, special emission for FM, for the period August 29 to October 28, 1941.

W51R—Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted extension of special temporary authority to operate frequency modulation station commercially on **45100 kc.,** special emission for FM, with transmitter located at 89 East Ave., Rochester, for the period September 2 to November 1, pending completion of construction pursuant to permit (B1-PH-75).

WOKO—WOKO, Inc., Albany, N. Y.—Granted special temporary authority to operate a 2-watt pack transmitter as a relay broadcast station on **33280, 35020, 37620** and **39820 kc.,** in order to relay to station WOKO program in connection with the Altamont County Fair, from August 18 to August 24, only.

W71NY—Bamberger Broadcasting Service, Inc., New York City. —Granted extension of special temporary authority to operate frequency modulation station commercially on **47100 kc.,** 10,000 watts power, at 444 Madison Ave., New York, for the period August 23 to September 21, pending completion of antenna construction in accordance with construction permit (B1-PH-46; B1-MPH-8).

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Granted extension of authority to rebroadcast on a sustaining basis the Raymond Gram Swing programs to be received from International Broadcast station WECA over station WPRP, for the period August 23 to October 21, conditionally.

W65H—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to rebroadcast high frequency broadcast stations W2XMN and W1XOJ emissions for a period beginning August 29 and ending no later than October 27, only.

Courier-Journal & Louisville Times Co., Louisville, Ky.—Granted special temporary authority to operate portable transmitter licensed to amateur station W9AYH on **9135 kc.** and **4797.5 kc.,** A1, A2 and A3 emission, for day and night use, as a cue circuit between station WHAS and a transcription crew following Army maneuvers in Arkansas and Louisiana, for a period ending no later than September 30.

KBZA-KBZB—Telegraph-Herald, Dubuque, Iowa.—Granted extension of special temporary authority to operate already licensed relay transmitters on **1620, 2058, 2150** and **2790 kc.,** with power of 125 watts for KDJB and 2 watts for KQHS from August 16 to September 14, in order to relay to station KDTH special events, particularly the Darlington, Wisc. Fair.

W1XK—Westinghouse Radio Stations, Inc., Hull, Mass.—Granted extension of special temporary authority to operate an FM experimental b/c station on **42600 kc.,** 1000 watts, special emission for FM, with transmitter located at Newport Road, Hull, for the period August 29 to October 28, pending completion of new FM station W67B.

W1XSN—Westinghouse Radio Stations, Inc., Springfield, Mass.—Granted extension of special temporary authority to operate an FM experimental b/c station on **42600 kc.,** 1000 watts, special emission for FM, with transmitter located at 625 Page Blvd., E. Springfield, Mass., for the period August 29 to October 28, pending completion of new FM station W67B.

W2XOY—General Electric Co., New Scotland, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 2500 watts, special emission for FM, with transmitter located at New Scotland, N. Y., for the period August 28 to September 27.

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **117430 kc.**, 40 KW power, using special emission for FM, for the period September 9 to November 7, in order to conduct tests, pending completion of new FM station W31NY.

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.**, 40,000 watts, special emission for FM, with transmitter located north of Alpine, N. J., for the period August 28 to October 27, pending completion of new FM station W31NY.

Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted special temporary authority to operate 2-watt pack transmitter as a relay broadcast station on **31620, 36260, 37340** and **39620 kc.**, with A3 emission in order to relay to station WABY program in connection with the Altamont County Fair from August 18 to 24, only.

Robert V. Lee, Bradenton, Fla.—Denied petition to reconsider and grant without a hearing application for a new station to operate on **1490 kc.**, 250 watts, unlimited time.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Granted petition to reconsider and grant without hearing the application for renewal of license; cancelled hearing heretofore scheduled, and granted renewal on a regular basis to operate on **1400 kc.**, 250 watts, unlimited time.

WRDW—Augusta Broadcasting Co., Augusta, Maine.—Granted petition to reconsider and grant without hearing the application for construction permit to change frequency to **1480 kc.**, increase power, install new transmitter and change antenna system, subject to filing with and obtaining approval of the Commission of an application for modification of construction permit requesting operating power of 5 KW, unlimited time, employing directional antenna at night, and specifying exact transmitter location, transmitting equipment, and antenna system to be used.

Utica Broadcasting Co., Inc., Utica, N. Y.—Denied petition requesting reconsideration and grant without hearing of application for new station to operate on **1450 kc.**, 250 watts, unlimited time.

APPLICATIONS FILED AT FCC

550 Kilocycles

NEW—Eastern Broadcasting Co., Patchogue, N. Y.—Construction permit for a new broadcast station to be operated on **550 kc.**, 1 KW, unlimited time.

KFYR—Meyer Broadcasting Co., Bismarck, N. D.—License to cover construction permit (B4-P-2576) to install directional antenna for night use and increase night power to 5 KW.

KFYR—Meyer Broadcasting Co., Bismarck, N. D.—Authority to determine operating power by direct method.

560 Kilocycles

WIND—Johnson-Kennedy Radio Corporation, Gary, Indiana.—Authority to determine operating power by direct measurement of antenna power.

570 Kilocycles

KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Modification of construction permit (B3-P-2571) for changes in directional antenna system and increase in power from 1 KW night and 5 KW day to 5 KW day and night, requesting extension of completion date from 9-14-41 to 3-14-42.

600 Kilocycles

KROD—Dorrance D. Roderick, El Paso, Texas.—Construction permit to install new transmitter.

610 Kilocycles

NEW—The Continental Broadcasting Co., Salt Lake City, Utah.—Construction permit for a new broadcast station to be operated on **610 kc.**, 1 KW, directional antenna, unlimited time.

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Modification of construction permit (B1-P-2897) as modified, for a new broadcast station, requesting extension of completion date from 8-15-41 to 9-15-41.

630 Kilocycles

WMIN—WMIN Broadcasting Co., St. Paul, Minn.—Construction permit to change frequency from **1400** to **630 kc.**, increase power from 250 watts to 5 KW, install new transmitter, install directional antenna for day and night use, and move transmitter. Amended: to reduce proposed night power to 1 KW and change transmitter site to Richfield, Minn., and make changes in directional antenna.

770 Kilocycles

KXA—American Radio Telephone Co., Seattle, Wash.—Construction permit to move transmitter from Atlantic Street, Dock "A," Seattle, Wash., to Second and Union, Rhodes Store Building, Seattle, Wash., and install vertical antenna.

850 Kilocycles

KFUO—Evangelical Lutheran Synod of Missouri, Ohio, and other States, Clayton, Mo.—Modification of construction permit (B4-P-2882) as modified, for new transmitter, antenna, and increase in power, requesting extension of completion date from 8-13-41 to 9-13-41.

860 Kilocycles

NEW—Etowah Broadcasting Co., Gadsden, Ala.—Construction permit for a new station to be operated on **860 kc.**, 250 watts power, unlimited time.

910 Kilocycles

WFDF—Flint Broadcasting Co., Flint, Mich.—Authority to determine operating power by direct method for auxiliary transmitter.

940 Kilocycles

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Construction permit to install new transmitter and directional antenna for night use, change frequency from **820** to **940 kc.**, increase power from 250 watts to 250 watts night and 1 KW day, and change hours of operation from limited to unlimited.

960 Kilocycles

WELI—City Broadcasting Corp., New Haven, Conn.—License to cover construction permit (B1-ML-868) as modified, for increase in power from 250 watts night and 500 watts day to 500 watts night and 1 KW day, and for changes in directional antenna.

WELI—City Broadcasting Corp., New Haven, Conn.—Authority to determine operating power by direct method.

990 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Authority to transfer control of corporation from Joseph M. Nassau, James A. Nassau, John Morgan Davis, Theodore H. Elsner, Edward D. Clery, Jack Compter, Margaret R. Collins, and LaVerne K. Shiffer, to Paul F. Harron, Joseph Lang, John B. Kelly, and Anthony J. Drexel Biddle, Jr., by transferring 100 shares of common stock and issuing 100 shares of new stock.

1040 Kilocycles

WGRC—North Side Broadcasting Corp., New Albany, Ind.—C. P. to change frequency from **1370 (1400 kc.**, NARBA) to **1040 kc. (1080 kc.**, NARBA), increase power from 250 watts to 5 KW, directional antenna for night use, change type of transmitter, move studio, also move transmitter to point between Pete Amperes and St. Mary's Rd., and Freidberger Rd., New Albany, Ind. Amended: to change requested frequency from **1040 (1080** NARBA) to **790 kc.**, decrease proposed power from 5 KW day and night to 1 KW; 5 KW-day, install new directional antenna for night use only. and change requested transmitter site from a point between Pete Amperes and St. Mary's Road and

Friedberger Road, New Albany, Ind., to Highway 31W, near New Albany, Ind., omit requested change in studio site.

1050 Kilocycles

NEW—James F. Hopkins, Inc., Ann Arbor, Mich.—Construction permit for a new station to be operated on **1050 kc.,** 1 KW power, daytime hours of operation.

1060 Kilocycles

KYW—Westinghouse Radio Stations, Inc., Philadelphia, Penna.—Authority to determine operating power by direct measurement.

1070 Kilocycles

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Construction permit to change frequency from **1140** to **1070 kc.** (under NARBA), install a new transmitter, increase power from 5 to 50 KW, change hours of operation from simultaneous day and share night with KVOO to unlimited time, install directional antenna for night use, and move transmitter from near Pratt City to 9 miles north of Birmingham, Ala. Amended: to change proposed transmitter site from 9 to 7 miles north of Birmingham, Ala.

1080 Kilocycles

NEW—WKAL, Incorporated, Kalamazoo, Mich.—Construction permit for a new station to be operated on **1080 kc.,** 1 KW, daytime hours of operation.

1130 Kilocycles

WDGY—Dr. George W. Young, Minneapolis, Minn.—Special service authorization to operate with power of 1 KW night and 5 KW day, unlimited time.

1160 Kilocycles

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Construction permit to install new transmitter and directional antenna for day and night use, change frequency from **1340 kc.** to **1160 kc.** under NARBA, increase power from 100 watts to 5 KW, change hours of operation from shares with WTEL to unlimited time, and move transmitter. Amended: To request daytime hours of operation.

1190 Kilocycles

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Special Service Authorization to operate unlimited time for a period ending 2-1-42.

1220 Kilocycles

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Construction permit to make changes in equipment and changes in directional antenna for day and night use, change frequency from **1480 kc.** to **1220 kc.** under NARBA, and change power from 1 KW night and 5 KW day to 50 KW day and night. Amended: Re directional antenna and move of transmitter from Cuyahoga Heights to Broadview Heights Village, Ohio.

1240 Kilocycles

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Authority to determine operating power by direct method.

1270 Kilocycles

WXYZ—King-Trendle Broadcasting Corporation, Detroit, Michigan.—Construction permit to make changes in directional antenna system.

1300 Kilocycles

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Michigan.—Construction permit to increase power from 500 watts to 5 KW, install new transmitter, directional antenna for night use, move studio from 16th Floor Grand Rapids National Bank Bldg., Grand Rapids, Mich., to 1st National Bank Bldg., Grand Rapids, Mich., and move transmitter from Walker Twp., Grand Rapids, Michigan, to RFD, South of Grand Rapids, Mich., Amended: To make changes in proposed directional antenna system.

1340 Kilocycles

NEW—B. S. Sadler, New Bern, N. C.—Construction permit for a new broadcast station to be operated on **1340 kc.,** 250 watts, unlimited time.

1400 Kilocycles

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Special service authorization to operate under terms of B5-P-2023, on **1090 kc.,** 250 watts, unlimited time, using equipment specified under this construction permit.

NEW—Kennebec Broadcasting Co., Augusta, Maine.—Construction permit for a new broadcast station to be operated on **1400 kc.,** 250 watts, unlimited time, requesting facilities of WDRO.

WEOA—Evansville On The Air, Inc., Evansville, Ind.—Authority to determine operating power by direct method.

WORD—Spartanburg Advertising Co., Spartanburg, S. C.—Authority to determine operating power by direct method.

1430 Kilocycles

WBYN—WBYN Brooklyn, Inc., Brooklyn, N. Y.—Modification of license to change location from #1 Nevins Street, Brooklyn, New York, to 132 West 43rd Street, New York, New York.

1450 Kilocycles

KLBM—Harold M. Finlay, LaGrande, Ore.—Voluntary assignment of license from Harold M. Finlay to Ben E. Stone.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Authority to determine operating power by direct method. Amended: Re engineering data.

KMYC—Marysville-Yuba City Broadcasters, Inc., Marysville, Calif.—Modification of license to increase power from 100 to 250 watts.

WSLI—Standard Life Broadcasting Co., Jackson, Miss.—Authority to determine operating power by direct method.

1480 Kilocycles

NEW—Southern California Broadcasting Co., Pasadena, Calif.—Construction permit for a new broadcast station to be operated on **1430 kc.,** 1 KW, daytime. Amended: Re transmitter site to be determined.

1490 Kilocycles

WHBB—Selma Broadcasting Co., Inc., Selma, Ala.—Authority to determine operating power by direct method.

1600 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—License to cover construction permit (B1-P-2233) for changes in equipment, installation of new antenna, and move of transmitter.

FM Applications

NEW—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Construction permit for a new high frequency broadcast station on **43100 kc.,** coverage 20,437 square miles; population, 6,606,882; studio located 18 Franklin St., Worcester, Mass., and transmitter at Paxton, Mass. (G. E. type GF 150-B, Max. 50 KW). Amended: To change frequency from **43100** to **46100 kc.,** coverage from 20,437 to 10,000 square miles, population from 6,606,882 to 2,703,202, change transmitter location from Paxton, Mass., to Shrewsbury St., Holden, Mass., make change in antenna system and change type of transmitter. (G. E. type GF 103D Amplifier with G. E. type 4GF 1A1 Exciter, Max. 3 KW.)

W67C—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of construction permit (B4-PH-57, which authorized new HFB Station) for extension of completion date from 9-14-41 to 3-14-42, only.

W51C—Zenith Radio Corporation, Chicago, Ill.—Modification of construction permit (B4-PH-16, which authorized new H.F.B. Station) to make changes in antenna system, only.

W67NY—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of C.P. (B4-PH-55, which authorized new

H.F.B. Station) for extension of completion date from 9-28-41 to 3-28-42, only.

NEW—WBNX Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **47500 kc.**, coverage 8,730 square miles, population 11,328,743, transmitter located at 138 Pine St., Cliffside Park, N. J., and studio at 260 E. 161st St., New York, N. Y. (G.E. Type GF 110-B, Max. 10 KW). Amended: To change frequency from **47500 kc.** to **48300 kc.**

K51L—St. Louis University, St. Louis, Mo.—Modification of construction permit (B4-PH-37) for a new high frequency broadcast station, requesting change in type of transmitter and approval of antenna system.

NEW—WOKO, Inc., Albany, N. Y.—Construction permit for a new studio transmitter broadcast station to be operated on **337000 kc.**, 50 watts, special emission for frequency modulation. Amended: To change requested power from 50 to 25 watts.

Television Application

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit for a new commercial television broadcast station (formerly W6XEA) to be operated on Channel No. 6—**96000-102000 kc.**; A5 and special emission for frequency modulation; ESR 3243; unlimited time; coverage 2215 square miles, population 2,645,521.

Miscellaneous Applications

WEOF—The National Life & Accident Insurance Co., Inc., Nashville, Tenn. (Mobile)—Construction permit to change type of transmitter, only.

WEOF—The National Life & Accident Insurance Co., Inc., Nashville, Tenn. (Mobile)—License to cover construction permit (B3-PRE-406) for change in type of transmitter, only.

KEIY—Oregonian Publishing Co., Portable-Mobile, Area of Portland, Ore.—License to cover construction permit (B5-PRE-398) for change in equipment and decrease in power.

KEIZ—Oregonian Publishing Co., Portable-Mobile, Area of Portland, Ore.—License to cover construction permit (B5-PRE-399) for changes in equipment and decrease in power.

WOAI—Southland Industries, Inc., San Antonio, Texas—Authority to install automatic frequency control equipment for auxiliary transmitter.

WEIN—The Journal Company (The Milwaukee Journal), Portable-Mobile, area Milwaukee, Wisc.—Construction permit to make changes in equipment and increase power from 25 to 50 watts.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

James Bell Company, Inc., 36 Green St., Newark, N. J., engaged in the sale and distribution of aluminum ware, enamel ware, radios and other articles of merchandise, is charged in a complaint with using lottery methods in the sale and distribution of its products. (4566)

Houston's Mineral Well—W. A. Houston, trading as Houston's Mineral Well, New Market, Tenn., engaged in the sale of a so-called mineral water intended for use in the treatment of certain ailments of the human body, is charged, in a complaint with misrepresentation and false advertising. (4567)

Malone & Moles—E. B. Moles, trading as Malone & Moles, Sioux City, Iowa, engaged in the sale and distribution of a mechanical device for use on automobiles and trucks, designated as "Gas-Miser," is charged, in a complaint issued with misrepresentation. (4557)

National Association of Sanitary Milk Bottle Closure Manufacturers—A complaint has been issued charging the National Association of Sanitary Milk Bottle Closure Manufacturers, Philadelphia; five of its officers and executive committee members, and 10 manufacturers of closure milk bottle caps, with carrying out combinations and agreements for fixing and maintaining prices, and other practices in restraint of trade.

The other respondents in the case are: Stanley Dennis, chairman, and George J. Lincoln, Jr., manager of the trade association, both of Philadelphia; Daniel A. Mackin, Long Island City, N. Y.; Harvey M. Smith, Oneida, N. Y.; and Jarvis Williams, Jr., Chicago, members of its executive committee, and the following member manufacturers: Aluminum Seal Corporation, New Kensington, Pa.; American Seal-Kap Corporation, Long Island City, N. Y.; Cowdrey Products Co., Inc., Fitchburg, Mass.; Crown Cork & Seal Co., Inc., Baltimore; Mid-West Bottle Cap Co., Belvidere, Ill.; Sanitary Metal Cap Corporation, Syracuse, N. Y.; Sealright Co., Inc., Fulton, N. Y.; Smith-Lee Co., Inc., Oneida, N. Y.; Standard Cap and Seal Corporation, Chicago; and Universal Seal Cap Corporation, Brooklyn.

The complaint charges that the respondent association members, pursuant to their combinations and agreements, have filed with the respondent association their price lists for closure milk bottle caps; agreed that they would not deviate from the filed prices until new and different prices were so filed; permitted the respondent association to disseminate prices so filed to all other members of the association; fixed and maintained uniform discounts and other conditions for the sale of their closure caps; and fixed and maintained, with dairies, uniform contract terms which provided for the sale of the dairies' actual yearly requirements of closure milk bottle caps at prices dependent on the quantity contracted for. (4565)

National Rivet & Mfg. Company—Five manufacturers of tubular and bifurcated rivets are charged, in complaints, with violation of the "tying clause" section of the Clayton Antitrust Act.

The respondent companies, who also lease and license, and in a number of instances manufacture, rivet-setting machines, are: Edwin B. Stimpson Co., Brooklyn; National Rivet & Manufacturing Co., Waupun, Wis.; Chicago Rivet and Machine Co., Cicero, Ill.; Penn Rivet Corporation, Philadelphia; and Shelton Tack Co., trading as Shelton Tubular Rivet Co., Shelton, Conn.

The complaints allege that the respondents leased, licensed and sold their rivet-setting machines, or fixed a price charged therefor or discount from, or rebate upon such price, on the condition, agreement, or understanding that the lessees, licensees or vendees thereof would not use the respondents' machines for setting any other tubular or bifurcated rivets than those manufactured by the respondents or sold under their authority. (4560-61-62-63-64)

Parfums Ronni, Inc., 18 West 20th St., New York City, engaged in selling and distributing a cosmetic preparation variously designated as "Ronni Mascara," "Ronni Cream Mascara," "Mascara by Ronni" and "Mascara," is charged, in a complaint, with misrepresentation. (4569)

CEASE AND DESIST ORDERS

During the past week the Commission has issued the following cease and desist orders:

Ajax Tire & Rubber Corporation, 601 West 26th St., New York City, engaged in the sale and distribution of automobile tires and tubes, has been ordered to cease and desist from misrepresentation in the sale of its products. (3943)

Alvi Company—Casimiro Muojo, trading as Alvi Co. and as Alvi, Inc., 158 Grand St., New York City, has been ordered to cease and desist from certain misrepresentations and false advertisements in the sale and distribution of a hair dye cosmetic designated as "Vitale Instantaneous Hair Dye," "Vitale Rapid Hair Coloring," "Vitale Rapid," "Vitale Hair Coloring," "Vitale Hair Dye," and as "Vitale." (4484)

Gates Medicine Co., Inc., Charleston, W. Va., has been ordered to cease and desist from false and misleading advertising in the sale of drugs represented as cures for the liquor habit. (4301)

Illinois Nut Products Co., Chicago candy manufacturer, has been ordered to cease using lottery methods in the sale of its products. (3807)

Jacks Chemical Company—Lambert Agin, trading as Jacks Chemical Company and as Jacque Chemical Company, Pleasant Ridge Station, Cincinnati, has been ordered to cease and desist from misrepresentation in the sale of a medicinal preparation called "Jacks" and "Jacque." (4247)

Kemico—F. W. Johnson, trading as Kemico, Park Ridge, Ill., has been ordered to cease and desist from making misleading representations in the sale of 14 formulas for medicinal and cosmetic preparations. (4505)

G. Krueger Brewing Co., Newark, N. J., has been ordered to cease and desist from misrepresentation in the sale of beer. (4434)

Rockford Furniture Factories, Inc., Newark, N. J., seller at retail and distributor of furniture, has been ordered to cease and desist from using the word "Rockford," or any simulation of it, in the firm's corporate name or in any way to refer to its business or display rooms, when the furniture sold is not in substantial proportion manufactured in Rockford, Ill., known as a furniture center. (4503)

Uco Food Corporation—An order has been issued directing Uco Food Corporation, Newark, N. J., food wholesaler, to cease and desist from violation of the brokerage section of the Robinson-Patman Act. (4277)

STIPULATIONS

Commission has made public the following stipulations:

Associate British Manufacturers—Miles Llewellyn Finch, Miles L. Finch, Jr., Guy Giordanelli and Cora S. Sontag, trading as Associate British Manufacturers, 200 Fifth Ave., New York City, engaged in the sale and distribution of textile fabrics, have entered into a stipulation with the Federal Trade Commission in which they agree to discontinue representing, through the use of any word, terms, symbols or depictions indicative of British or other foreign origin, or in any other manner, that products which are manufactured in the United States of America are made in or imported from the British Isles or any other foreign country, provided, however, that the country of origin of the various constituent fibers thereof may be stated when immediately accompanied in equal conspicuous type with an explanation that such products are manufactured in the United States. (3187)

Barton Chemical Company—Vincent B. Bartos and Clara J. Bartos, trading as Barton Chemical Company, 3907-11 South Langley Ave., Chicago, engaged in the sale and distribution of chemical preparations, such as bleaches, cleaners, whiteners, and insecticides have stipulated that they will cease and desist from representing to customers or prospective customers through the use of advertisements, printed matter, or otherwise, that the goods or merchandise offered as a premium for the return of coupons issued by them have a retail price or value greater than the price at which such products are currently sold in the usual course of business, or representing that the product given for the return of such coupons is of a certain quality or composition, when in fact the product is not of the quality and composition represented. (3186)

Paul F. Beich Co., Bloomington, Ill., candy manufacturer and distributor of enlarged tinted photographs for use as so-called premium merchandise, has entered into a stipulation in which it agrees to cease employing the words "Painted," "Hand Painted," "Portrait," "Oil Portrait" or other words of similar meaning, alone or in conjunction with other expressions, to describe or refer to colored or tinted photographs or photographic enlargements or other pictures produced from a photographic base or impression. (3197)

Cassell Products, Inc., also trading as Jaland Parfums, 131 West 33rd St., New York, entered into a stipulation to cease use of the word "Swiss" on tags, labels, invoices or other advertising matter as descriptive of bath oil not produced in Switzerland. The stipulation recites that the respondent designated as "Cassell Swiss Pine Needle Bath Oil Concentrated" a product which neither was imported from Switzerland nor contained oil of pine needles which were grown in Switzerland. (3196)

Certain-Gro Hair Preparations—Louise G. Ramsey, trading as Certain-Gro Hair Preparations, Gary, Ind., has stipulated to cease and desist from representing that "Certain-Gro Hair Preparation" is a remedy or cure for baldness, falling hair, dandruff and itching scalp, or that it will thicken or improve the health or color of hair, prevent early baldness or revitalize lifeless hair; that "Certain-Gro 'Liquid' Hot Oil Treatment" will recondition, stimulate and promote the growth of hair, and further agrees to cease representing, through use of the term "Certain-Gro" or similar terms, that such preparations will grow hair. (02859)

Elene of Vienna, Inc., and Ella M. Schnuck, 522 Fifth Ave., New York City, engaged in selling a cosmetic designated "Dervita," has stipulated that they will discontinue representing that Dervita corrects sagging facial contours or removes other evidence of age, clears aways lines of fatigue, restores youthful color or facial contours, keeps the skin youthful looking or free from blemishes, drives out all dirt in the pores, or contains healing herbs. (02858)

Elmo Sales Corporation, Philadelphia, in connection with the sale of its products "Elmo Special Formula Cream," stipulated to cease the use in advertising matter of representations which tend to convey the impression that use of the product will retard or otherwise influence or prevent changes giving rise to wrinkles, crowsfeet or lines characteristic of advancing age, or that it would do more than temporarily soften or mask and thereby lessen the prominence of such lines or age signals or temporarily correct dryness and redness of the skin. (3194)

Fanny Farmer Candy Shops, Inc., Rochester, N. Y., stipulated that in connection with the sale of its factory made candies it will cease using in advertising matter or on containers of its products the words "Home Made" or other words of similar implication as descriptive of such products, and will cease employing the words "Home Made" in any way implying that the products are home made or cooked in the home. According to the stipulation, the respondent corporation advertised factory made candies as "Old Time—Home Made Fanny Farmer Candies." (3195)

Food Balance Corporation, 519 North Central Ave., Chicago, has stipulated to cease certain representations in connection with the sale of unfermented berry juices sold under the name "Hercules." (02857)

C. J. Gordon Co., 309 West Adams St., Chicago, has entered into a stipulation to cease certain representations in the sale of fur products. (3200)

Hammond Paint & Chemical Co., Beacon, N. Y., engaged in selling an insecticide and fungicide spray for roses designated "Kix," formerly known as "Triad," has stipulated that it will cease and desist from representing that its product will kill or control all forms of insect life or all types of beetles or all types of sucking or chewing insects, and that its product contains insecticides that are new. (02853)

Olbas Company—R. Keller, trading as Olbas Co., 500 Fifth Ave., New York, has entered into a stipulation to cease representing that his medicinal preparation "Olbas Herb Oil" will ease the spasms of coughing, asthma, or irritation of the respiratory channels, and will relieve flatulence or digestive disturbances; that the essential oil from which Olbas is distilled is scarcely known in the Western world; and that every detail of Olbas's varied application is supported by clinical evidence from European physicians. (02855)

Parker Industries—A Chicago dealer and a Chicago manufacturer have agreed in stipulations to cease certain representations in the sale of flashlights described as having self-generating mechanisms producing their own lighting power and eliminating the necessity of battery or cord.

Respondents in these cases are Milton M. Tigerman, trading as Parker Industries, 100 West North Ave., who sells a type of flashlight called "Magic-Lite," "Parker-Lite," and "Flashmaster," and Match King, Inc., trading as Monarck Manufacturing Co., 711 West Lake St., manufacturer of a type of flashlight designated "The Flashmaster."

Each respondent agrees to cease using representations which tend to convey the impression that its product is of such unlimited span of usefulness that it will assure light forever or provide service for a lifetime, without necessity of replacing parts and at no cost beyond the first cost. (3198-3199)

Perspir-ator Manufacturing Company—Irene G. Fenton, trading as Perspir-ator Manufacturing Company, Toledo, Ohio, engaged in selling a Turkish bath cabinet designated "Perspir-ator," has stipulated that she will cease and desist from representing that use of the device will rejuvenate the entire system; that it is a cure or remedy in the treatment of excess weight; that it will keep the pores open or induce proper elimination of body poisons; that it will afford relief to the nervous manifestations of a woman during menopause; that it will cure, break up or is beneficial in the treatment of colds; that it will help to replace sallow, sluggish skin with a healthy youthful glow, or help to eliminate blackheads or the cause of acne and other skin blemishes; that it is a cure or remedy for symptoms of over-indulgence; or that the device is a cure or remedy in the treatment of rheumatism, lumbago, arthritis and muscular aches and pains. (02852)

A. Rhodes Company, Inc., Lowell, Mass., manufacturer of a hair dye designated "Rejuvena" and "Reju-Vena," has stipulated that in connection with the sale and distribution of its product it will discontinue the use of any representations implying to purchasers that the product has healing properties. (3192)

Chester H. Roth Co., Inc., 389 Fifth Avenue, New York City, and Century Hosiery Corporation, Burlington, N. C., engaged in the sale and distribution of men's hosiery, have stipulated in connection with the sale and distribution of their products to cease and desist from the use of the words "Linen" or "Irish Linen" as descriptive of the fiber content of hosiery not composed of linen. (3188)

Shannock Narrow Fabric Company, Pawtucket, R. I., a corporation engaged in the manufacture of narrow fabrics or ribbon, has entered into a stipulation in which it agrees in connection with the sale and distribution of its products to cease and desist from the use of the marking "50 Yards" on bolts or containers thereof when, in fact, less than fifty yards of material are contained therein, or otherwise mis-marking or misbranding such products with respect to the yardage thereof or in any other way, with a tendency and capacity or effect of misleading or deceiving purchasers or the consuming public. (3189)

Snare Brothers Ointment Company—Henry I. Snare, trading as Snare Brothers Ointment Company, and George J. Mergenthal and George O. Dennis, trading as Snare's Re-Lef Sales Company, all of Chillicothe, Mo., have stipulated to cease certain representations in the sale of "Snare's Re-Lef," a medicinal preparation. (3193)

Spiegel, Inc., 1061 West 35th St., Chicago, engaged in selling coal tar hair dyes designated "Lakro" and "Instant Clairol," has stipulated that it will discontinue disseminating any advertisements which fail conspicuously to reveal therein the following: "Caution: This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness."

Provided, however, that such advertisement need contain only the statement:

"Caution: Use only as directed on label," if and when such label bears the first described caution conspicuously displayed thereon, and the accompanying labeling bears adequate directions for such preliminary testing before each application. (02854)

Standard Ribbon Corporation, a New York corporation, with a place of business in Stroudsburg, Pa., engaged in the manufacture of various types of ribbons, including seam binding, has stipulated in connection with the sale of its products to cease and desist from the use of the marking "100 Yards" on bolts or containers thereof when, in fact, less than 100 yards of material are contained therein, or otherwise mis-marking or misbranding such products with respect to the yardage thereof or in any other way, with the tendency and capacity or effect of misleading or deceiving purchasers or the consuming public. (3190)

Sunshine Broadcasting Co., San Antonio, Texas, engaged in interstate commerce in communication by radio and dissemination of such communications, including commercial and other programs, by and through its broadcasting station designated by the call letters "KTSA," has entered into a stipulation in which it agrees that in selling the facilities and services of its station, it will cease and desist from using the slogan or words "KTSA San Antonio, Texas, 5,000 Watts, Doing a 50,000 Watt Job." According to the stipulation, Station KTSA operates on 5,000 watts in the daytime and on 1,000 watts at night. (3191)

Zendel Laboratories—A. M. Zendel, trading as Zendel Laboratories, 924 Kelly St., Bronx, New York City, entered into a stipulation in which he agrees to cease certain representations in the sale of his products designated generally as "Natural Cosmetics." (02856)

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 34, August 29, 1941

SENATE COMMITTEE DROPS RADIO TAX

The industry's all-out fight to lick the time sales tax bore first fruit Wednesday when Chairman Walter George (D-Ga.) announced that the Senate Finance Committee had eliminated the tax from the new federal revenue bill.

Now is the worst possible time to stop fighting. The committee can change its mind. The boys behind the tax can get some friendly senator to introduce it as an amendment when the bill reaches the senate floor. Or the House conference committee can insist that the tax be put back into the bill when it goes to conference to compromise differences between the House and Senate versions.

Let your senators and representatives know how you feel about it!

At the same time that Senator George informed newspapermen that the tax had been removed, he told them that the committee had instructed the Treasury and a sub-committee [Senators Brown (D-Mich.) and Danaher (R-Conn.)] to study a possible franchise tax. Whether this study would be completed in time for inclusion of a franchise tax in the current bill was conjectural, the chairman said.

The NAB is opposed to a franchise tax, unless the federal government reverses long-standing policy and makes all federally regulated industries stand the cost of their regulation.

The American Federation of Labor and labor unions dealing with the industry have continued to express their unqualified opposition to the tax. William Green, A. F. of L. president, urged all state federations and city central bodies to advise their senators and representatives of the federation's position.

After the Allied Printing Trades Council suggested last week that the Senate double the House tax, the NAB, through its special tax counsel, Ellsworth C. Alvord, sent the following letter to the Senate committee:

> On August 21 there was submitted to your Committee, on behalf of Mr. John B. Haggerty (Chairman, Board of Governors, International Allied Printing Trades Association, and President, International Brotherhood of Bookbinders), a statement in support of Title VI of the pending bill (H. R. 5417), and recommending a 100 per cent increase in the radio broadcasting tax provided for by that title. While my oral testimony before the Committee (Hearings, pp. 676-681), together with the written memorandum which I submitted for the record (Hearings, pp. 681-689), constitutes an adequate reply to the arguments presented by Mr. Haggerty, his statement contains certain erroneous statements which require correction.
>
> (1) *Need for Revenue.*—Mr. Haggerty's first argument is that the revenue needs justify the imposition of a special tax on radio broadcasting, at double the rates proposed by the House. The simple answer to this argument is that the revenue needs can never be great enough to excuse an unjust, discriminatory tax.
>
> (2) *Return on Investment.*—Mr. Haggerty next revives the specious argument that the tax is justified because radio broadcasters earn large profits on the investment in, or "value" of, their physical property. He speaks as though the only outlay required were the cost of a moderate amount of technical equipment. He completely neglects the need for operating capital, the certainty of early losses, the constant hazards of the business, and the necessity for plowing back earnings in order to maintain efficient service. In any event, capital is only one of many income-producing factors. As this Committee has repeatedly recognized, such

(Continued on page 712)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

SENATE COMMITTEE DROPS RADIO TAX

(Continued from page 711)

factors as individual ability and initiative deserve equal encouragement.

(3) *Entertainment.*—In attempting to justify his position, Mr. Haggerty over-emphasizes the entertainment aspects of radio. Radio broadcasting is, as Mr. Haggerty says, the principal source of entertainment in America today. That entertainment, incidentally, comes to the public whether or not it can afford to pay for it; the cost being borne by the advertiser. Of far greater importance, however, is the fact that radio broadcasting is also the principal source of *information* in America today. In the latter respect, radio performs a unique and vital public service.

(4) *Monopoly.*—Mr. Haggerty once again puts forward the argument that the radio broadcasting industry's alleged monopoly, based upon a public franchise, justifies the tax. It has already been pointed out to this Committee that no broadcaster has a monopoly of the listening public, and that radio has no monopoly of advertising media. Furthermore, the necessity for regulation, far from justifying the proposed tax, does not even justify a tax based upon the costs of regulation, unless a similar tax is imposed at the same time upon all businesses regulated by the Federal Government. The imposition of such taxes would require the reversal of a long-standing national policy.

In an effort to demonstrate that the opposition of advertising agencies is founded solely upon a desire to protect a monopolistic source of unconscionable profits, Mr. Haggerty asserts that newspapers and magazines pay a 15 per cent commission to advertising agencies for securing advertising, but that radio broadcasters "pay rebates, and discounts as well as agency commissions ranging from 36 per cent upward." He alleges that these discounts line the pockets of the advertising agencies, and cites as his authority, first, a letter from Frank K. White, Treasurer of the Columbia Broadcasting System, to Editor and Publisher, the second, the National Broadcasting Company Red Network 1941 published rate card.

Curiously enough, Mr. White's letter, published in the May 3, 1941 issue of Editor and Publisher, specifically states that the standard 15 per cent commission is allowed to recognized advertising agencies; and carefully explains that discounts, which he states "correspond generally to the frequency and space allowances which are made to advertisers by magazines and newspapers", are passed along "to the advertisers (and not to the agencies)".

Similarly, Mr. Haggerty purports to quote the National Broadcasting Company published rate card, as indicating that large discounts are allowed to advertising agencies. His supposed quotation contains words which would prove his point if they appeared on the rate card, but the fact is that they do not appear there. Wherever the word "advertiser" appears on the rate card, Mr. Haggerty has inserted, after that word, the phrase, "(advertising agency)", so that his purported quotation is not a quotation at all.

As Mr. White's letter indicates, the discounts and rebates allowed by radio broadcasters correspond generally to the frequency and space discounts allowed by other advertising media. They are more volume discounts, inducing the advertiser to maintain his advertising throughout the year. In the case of radio, they tend to maintain program continuity, an obviously salutary result.

(4) *Wage-earners' Interest.*—Finally, Mr. Haggerty attempts to belittle the stake the wage-earner has in radio. Here again, he disregards the facts. The radio broadcasting industry has at least 22,000 full-time employees. Its annual pay-roll is about $60,000,000, or well over $1,100,000 weekly. The average weekly pay check in the industry is one of the highest in the country, and is becoming higher every year. In addition to full-time employees, about 30,000 more are employed on a part-time basis. Perhaps 250,000 more are employed in the manufacturing and distributing fields. Mr. Haggerty is not specific in his claims of a loss of job opportunities in the printing trades. In view of the increase in recent years in the aggregate circulation of both newspapers and magazines, it is at least doubtful whether he could be specific.

Mr. Haggerty fails to present a single valid argument in favor of the proposed tax. The fact of the matter is that the tax is being urged not because it will produce revenue, not because it is a sound tax measure, but solely in the hope that it will hamper the normal operation of competition between various advertising media. The use of the taxing power for this purpose cannot conceivably be justified. For labor as a whole and even for the printing trades alone, it would be a short-sighted policy. The stimulation of competition by the development of new industries does not destroy job opportunities, it creates them. In this connection, Mr. W. C. Hushing, Chairman of the Legislative Committee of the American Federation of Labor, had this to say to this Committee:

> "This is not a new question to us by any means. In the middle 1890's there was another new industry coming into existence and in one of the Central Labor Unions on the West Coast, which was located in the largest West Coast city, there was an organization which came in with a proposal that no member of the organization, of organized labor, ride in an automobile, even to a funeral, and the motion was adopted. This proposal here is on all-fours with and is made for the same reason that that motion was passed through that central body over forty-five years ago; and in the future you will probably look back on this proposal in the same manner that you do on the one which I have just mentioned.
>
> * * * * * * * *
>
> "This proposal in this Bill could well have been made against electric lights, because they put the manufacturers of oil lamps out of business, or could have been made by the candlemakers with the same force when the oil lamp came into use." (Hearings, Aug. 23)

I shall appreciate it if this letter can be incorporated in the record of the hearings.

William C. Hushing, A. F. of L. legislative representative of the American Federation of Labor, told the Senate Finance Committee that the federation was opposed to the radio tax.

Speaking August 23 at the final day's hearing, Mr. Hushing read the resolution against the tax adopted by the A. F. of L. Executive Council at its Chicago meeting.

He pointed out that the tax was the idea of several printing trades unions and was "simply an attempt to deprive the radio industry, a new industry, of some of the work or some of their income and to transfer it to an older industry."

Unions dealing with radio, he added, were opposed to the tax on the ground that it would deprive them of employment opportunities.

Mr. Hushing informed the committee that all the unions asking for the tax had increased their membership since the advent of radio, intimating that they had not suffered because of radio. He then told a story about a West Coast labor group which once adopted a resolution against union men riding in automobiles, and said that the tax proposal someday would seem just as silly.

The proposal to tax radio, he said, might just as well have been made against electric lights because they put the manufacturers of oil lamps out of business.

Statement by Lawson Wimberly

on behalf of the

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

(Affiliated A. F. of L.)

In Re: H. R. 5417, Title VI—*Radio Broadcasting and Network Tax*

This statement is presented to the Senate Finance Committee on behalf of the International Brotherhood of Electrical Workers, an American Federation of Labor affiliate, in opposition to the proposed tax on radio advertising sales contained in Title VI of H. R. 5417. Time allotted for our appearance before the Committee did not permit detailed discussion of the various phases of this matter. We therefore wish to present some additional facts with respect to our objections to a tax being imposed only on radio advertising.

Undoubtedly, every one realizes that a radio station, like a newspaper, magazine or any other business must compensate its employees with income from some source. A radio station, like a newspaper or a magazine, derives its principal income, with which employees are paid, from advertising sales. While in the advertising field, the radio utilizes an entirely different type or form of sales appeal—it still must compete with all the other advertising mediums. For Congress to tax one medium of advertising without taxing all would certainly be discriminatory.

It is interesting to look into the background of the proposal to tax radio advertising and not tax newspaper, magazine or periodical advertising—which really constitutes the large volume of advertising sales. This proposal originated in the Ways and Means Committee of the House of Representatives when an agent of the International Allied Printing Trades Association, an organization of five unions in the printing industry, complained to the House committee that radio advertising was reducing the earning opportunities of members of the unions comprising the Association.

The records available do not support this allegation. If we can take the record of the number of members on which these unions have paid per capita tax to the American Federation of Labor as a standard of comparison, their membership has actually increased in the period of radio's greatest expansion. The following with respect to the number of members reported, is taken from the official proceedings of the American Federation of Labor for the years shown:

Name and membership of respective unions

	Typographical	*Printing Pressmen*	*Bookbinders*	*Photo Engravers*	*Stereotypers*
1925	71,000	40,000	13,600	7,200	6,800
1930	77,600	40,000	13,900	8,900	7,800
1935	73,400	32,000	11,700	6,700	7,900
1940	79,400*	43,700	18,700	10,500	8,400

It should be interesting to note the number of broadcasting stations which were licensed for operation during the above period. From reports of the Federal Communications Commission we find that the number of standard commercial broadcast stations were as follows:

1925	571	stations	licensed
1930	612	”	”
1935	605	”	”
1940	814	”	”

Figures could be given to show how the number of radio receiving sets in use in the United States has risen from a few hundred thousands to over 50,000,000 at the present time. We could also list authentic figures to show the tremendous increase in circulation of newspapers and magazines during the past 20 years; we could quote statistics to show that hundreds of thousands have been provided employment as a result of the development of radio, but we do not feel that is necessary, especially when this information is general knowledge.

The printing industry workers in attempting to have Congress enact a punitive tax on radio advertising, have selfishly disregarded these obvious facts. *They have also apparently ignored the fact that the radio broadcasting industry each year spends several millions of dollars for printed promotional activities.* The radio manufacturing industry spends considerably more for its sales and promotional work.

When the proposed tax was first broached, it was termed "an amusement tax" by its sponsors. The fact that it was so designated emphasizes the existence of inherent deficiencies which render such a disguise necessary. A properly formulated tax on amusement would impose the tax burden upon those who are the beneficiaries of the particular entertainment or amusement. The proposed tax would be imposed upon the broadcasting stations and networks—upon the producer, not upon the consumer, and would have a detrimental effect directly upon employees in the broadcasting industry. The only measure of the amount of the tax would be the amount of revenue, irrespective of the quantity or quality of amusement afforded to any listener. While perhaps radio offers more entertainment with the advertising it carries than do newspapers with their advertising, there is no substantial basis upon which an amusement tax levy could be made upon radio.

Another fact regarding radio advertising that is generally overlooked is the type of advertising carried by the radio which requires the services of many vocations, including not only technicians and engineers, but musicians, actors, script writers, announcers and others. The annual wage bill of radio broadcasting amounts to several millions annually.

In view of these facts, we submit that there can be no justifiable reasons for taxing radio time sales unless there is an equal rate of taxation on all other forms of advertising. A radio advertising tax alone would have a very serious effect upon the earning opportunities of the members of this organization employed in the broadcasting industry, as well as thousands of others in broadcasting and other allied industries. This situation would not prevail to such a degree if the tax is made applicable to all forms of advertising.

We would like to reiterate our statement before the Committee to the effect that we are not opposing any tax that may be necessary—so long as that tax is equitable and applies to all alike. We submit that the tax proposed on radio broadcasting in this bill is a punitive tax, unreasonable, discriminatory, and partaking of the character of class legislation, violative of the fundamental democratic principle of equality under law. It should be stricken from the bill.

FCC Calls New Hearing on "Monopoly" Rules

On August 14, 1941, Mutual Broadcasting System, Inc. filed with the FCC a petition requesting it to amend its regulations dealing with network option time and the term of affiliation contracts. This petition has been set for oral argument before the Commission en banc on Friday, September 12, 1941 at 10 A.M. at a place hereafter to be announced. At that time the Commission will hear oral argument by Mutual Broadcasting System, Inc., and by any other licensees and network organizations who desire to be heard with respect to the chain broadcasting regulations as promulgated, the Mutual petition, or any other modification of any of the chain broadcasting regulations which those appearing desire to propose. All persons wishing to be heard are requested to file appearances with the Secretary of the Commission on or before September 10th. Written briefs may be filed on or before September 12th.

The chain broadcasting regulations will not be placed in effect with respect to existing affiliation contracts, or network organization station licenses, or the maintenance of more than one network by a single network organization, until after the disposition of the Mutual petition and of any other which may be filed.

Broadcast licensees will be afforded opportunity to adjust their operations to accord with rules with respect to chain broadcasting following the Commission's September 12 oral argument on petition of the Mutual Broadcasting System to amend same, the Commission said in a statement late Thursday.

Reasonable time will elapse after disposal of this and any other petition offered on that occasion before making such rules effective. This supplementary statement is issued in response to inquiries from the industry concerning possible Commission action in connection with this oral argument.

(*) Figure in 1939. This union not affiliated with AFL in 1940.

Priorities

As of Wednesday, August 27, this is the procedure to be followed by broadcasters possessing construction permits:

If a broadcaster needs every item of material and equipment to satisfy the construction permit, he should apply to Mr. Ward Freeman, Project Rating Section, Priorities Division, Office of Production Management, 462 Indiana Avenue, Washington, D. C., for a Project Rating. When, as and if granted this covers the entire bill of material.

In your letter, after advising Mr. Freeman that you are applying for a Project Rating, supply the answers to the following questions:

1—Owner or owners of the station.
2—Principal office of the broadcasting station.
3—Indicate the plant site.
4—Material produced. [Broadcaster can not fill this out.]
5—Justification of the project.
6—General description of the project.
7—Types and quantities of material and equipment required.
8—Number of certificate of necessity. [Disregard this as a broadcaster would not have such a certificate.]
9—Date of completion.
10—Cost.
11—Per cent completed now.

Now suppose the applicant has physical possession of part of the equipment, say transmitter plus some wire, etc. Under this circumstance the station is advised to fill out form PD-1. Attached to properly filled out PD-1s should be photostat copies of supporting data which would serve to indicate the necessity for the desired material.

A photostat copy of the CP should be attached to it, for example. If the station will be serving a substantial number of additional radio families, now denied regular service, this should be brought out in a letter. These and other things which demonstrate the need for station construction or improvements should be appended.

Full directions for returning the priorities form appear on the form itself. If not available in your city forms may be obtained by writing NAB or Information Division, Division of Priorities, Office of Production Management, 4th and Independence Avenue, Washington, D. C.

(Leon Henderson, OPACS director, announced that material would be allocated to keep in repair the nation's 50,000,000 receiving sets).

Engineering

RECORDING STANDARDS

A meeting of the Executive Committee of the Recording and Reproducing Standards Committee was held in New York City on August 20. Those present were R. M. Morris, NBC, Chairman; H. A. Chinn, CBS; C. Lauda, Jr., World; R. A. Lynn, NBC (guest); E. T. Mottram, Bell Labs; I. P. Rodman, Columbia Recording; and L. C. Smeby, NAB, ex officio.

The Committee made a more detailed study of the answers to the NAB Recording Questionnaire (see Reports, p. 612, July 18). In order to proceed with the work of standardization, it is necessary to know what the present practice of the manufacturers is. The Committee, therefore, formulated a comprehensive questionnaire to be sent to all manufacturers for the purpose of obtaining this information. A time table was set up for the purpose of insuring that the results of the questionnaire will be tabulated for use at the next meeting of the main committee on October 23.

It was suggested that the adoption of standards might be expedited by dividing the items into three categories, (1) those already standardized by custom, (2) those upon which standardization is important, (3) those which fall into the class of "good engineering practice."

The Recording and Reproducing Standards Committee now has a membership of 58 including practically all the leaders in the field. The membership is as follows: Alliance Mfg. Co., P. M. Turner, Chief Engineer; Altec Service Corp., J. H. Littenberg; Associated Music Publishers, K. R. Smith, Chief Engineer; The Astatic Corp., J. R. Bird, Chief Engineer; Audio Devices, Inc., C. J. LeBel, Chief Engineer; Bell Telephone Laboratories, Inc., E. T. Mottram; Blackett-Sample-Hummert, Inc., Henry Rahmel, Studio Manager; David Bogen Co., Inc., Joseph B. Hersh, General Manager; Broadcast Productions, John Stamford, Owner; The Brush Development Co., Dr. S. J. Begun; C. K. Recorders, Pliny O. Clark, Manager; Central Broadcasting Co., WHO, P. A. Loyet, Technical Director (Representing NAB); Christensen Recording Studios, Carle A. Christensen, Owner; Columbia Broadcasting System, Inc., Howard A. Chinn (Representing NAB); Columbia Recording Corporation, I. P. Rodman, Director of Engineering; Electrical Research Products, F. C. Schmid, Licensing Engineer; FM Broadcasters, Inc., Samuel Waite; Federal Recorder Co., Inc., Jack Seigel, Head, Recorder Division; Federal Transcribed Programs, Inc., A. Ralph Steinberg, President; Film Associates, Ray Arn, Owner; General Communication Products Company, R. J. Thompson, Chief Engineer; General Sound Corporation, Edgar P. Kampf, President; Gray Manufacturing Co., H. T. Stenhammer, Director of Research; Lillian Gurdoni Radio Productions, Stan Gurdoni, Recording Engineer; Harvard University, Frederic V. Hunt; Hollywood Recording Co., John Hirsch, Owner; Illinois Educational Sound Service, R. W. Damron, Owner; John D. Keating, John D. Keating, Owner; Kermit-Raymond Corporation, Raymond R. Green, General Manager; Mirror Record Corporation, Paul K. Trautwein; C. P. MacGregor Transcription Company, Arthur Q. Felthausen, Chief Engineer; Memovox, Inc., Sigurd A. Sollie, Sales Manager; Miller Bros. Recording Studio, Ross J. Miller, Partner; Musicraft Records, Inc., Earl Carter, Engineer; National Association of Broadcasters, Lynne C. Smeby, Director of Engineering; National Broadcasting Company, Inc., Robert M. Morris, Business Manager Radio Recording; Pacific Sound Equipment Co., Inc., Robert G. Metzner, President; Permo Products Corporation, F. M. Hummel, Sales Engineer; Photo & Sound, Inc.; Poinsettia, Inc., Earl P. Carter; Presto Recording Corporation, George J. Saliba, President; B. A. Proctor Company, Inc., B. A. Proctor, President; Radiad Service; RCA Manufacturing Co., Inc.; E. T. Dickey, (Representing RMA); Radio Features of America, Oliver W. Nicoll, Director Programs and Production; Reeves Sound Studios, Inc., Hazard E. Reeves, President; Rek-O-Kut Corporation, George Silber; Robinson Recording Laboratories; J. P. Seeburg Corporation, Hugh Davis, Engineering Department; Shure Brothers, Benjamin B. Bauer, Chief Engineer; Star Record Company; Technisonic Recording Lab., James M. Althouse, Chief Engineer; United Artists Bureau, R. B. Eaton, General Manager; Universal Microphone Co., Ltd., Ralph L. Power, Ph.D., Promotion Manager; Thomas J. Valentino, Inc., T. J. Valentino, Sales Manager; Western Sound & Electric Lab., Inc., Edward M. Dieringer, President; WGAR, Morris Pierce, Chief Engineer, (Representing NAB); World Broadcasting System, Charles Lauda, Jr., Plant Manager.

Chairman—Lynne C. Smeby.

Executive Committee—Howard A. Chinn; C. Lauda, Jr.; Robert M. Morris, chairman; E. T. Mottram; I. P. Rodman.

Interference from Trucks

The automobile or motor truck in ordinary operation is a rough-and-ready broadcasting station and interferes seriously with short wave radio communications, according to radio experts of the Department of Commerce.

Most motorists are unaware of the annoyance they cause as they drive along city streets. However, radio broadcasting companies, radio manufacturers, government experts in the communications field and automotive engineers are fully alive to the problem.

One leading broadcasting company has conducted a series of tests and made a large number of measurements to determine the extent of interference from different types of ignition systems installed in motor vehicles.

A special committee set up by the American Standards Association is giving the problem close attention. A committee of engineers appointed by the Radio Manufacturers Association also is actively at work and a committee of automotive engineers is cooperating.

One way to eliminate interference of this kind is to place a shield over the spark plugs and other exposed parts of motor vehicle ignition systems. Experiments along this line are understood to have eliminated the interference at least to a large extent. Other means have been devised.

This type of interference is understood to be especially serious in television operations. Even frequency modulation, designed to eliminate much of the interference normally encountered in radio communications, is said to be affected under certain conditions.

Technical experts of the Federal Communications Commission, the National Bureau of Standards and other interested government agencies are keeping in touch with developments.

Sales Managers Executive Committee Meets

The Sales Managers Executive Committee met in New York Monday and Tuesday to discuss industry sales problems and plan a coast-to-coast series of district sales meetings.

Presiding was Chairman Gene Carr, WGAR, Cleveland, and committee members present were John Outler, WSB, Atlanta, representing large stations; E. Y. Flanigan, WSPD, Toledo, medium stations; Robert MacKenzie, WCMI, Ashland, Ky., small stations; George Frey, NBC; Arthur Hayes, CBS, and Linus Travers, WAAB, Boston, representing Mutual-affiliated stations. C. E. Arney, Jr., and Frank E. Pellegrin attended from NAB headquarters.

Tuesday's meeting included a conference with a committee from the New York Radio Time Buyers Association, consisting of John Hymes, Lord & Thomas, and William Maillefert, Compton, and with national station representatives holding affiliate NAB membership: Edward Petry, of Edward Petry & Co.; Russel Woodward, Free & Peters; George Bolling, John Blair & Co., and Jerry Lyons, Weed & Co.

Problems discussed included station affidavits, local and national rates, surveys and coverage maps, dealer-cooperative advertisers, visual presentations, per-inquiry and free time requests, handling of commercial mail, merchandising and station promotion, program schedules and similar matters. As a result of the meeting closer cooperation was pledged by the Time Buyers association in helping to solve mutual problems, in line with the theme set by the sales managers committee "to make it easier for more clients to buy more time on more stations."

Full details on specific action and recommendations will be sent each sales managers' district chairman, to be presented to the NAB membership at the forthcoming district meetings.

BMI

Joining the Parade

The Kiwanis Club of Rockland, Massachusetts; the Chamber of Commerce of Alma, Michigan; the Lions Club of Ridgewood, Brooklyn, New York; and the Chamber of Commerce of Lancaster, Pennsylvania, have all notified BMI that they plan to adopt *Hi, Neighbor* as a "break the ice" song to open their luncheons and meetings.

Dr. Benjamin Lelyveld, Secretary of the Kiwanis Club of Rockland, Massachusetts writes:

> "At our meeting this week our club adopted the song *Hi, Neighbor* for our club song.
>
> "As a former professional dance pianist I can say that the work you seem to be doing both in this direction and in the way of backing unknown composers is of distinct advantage to the musicians of the country."

Hi, Neighbor is climbing rapidly up the list of most-played numbers. It ranks 19th in network performances for the week ended August 24.

BMI's Lusty Infant

Radio Tunes, BMI's brain baby, is off to a good start with its first tune *I See A Million People* showing up on the list of network favorites. The tune is by the same team that wrote the highly successful *Walking By the River*. The theme, a romantic natural for these times, or for any times, is based on the idea that there are millions of people in fancy, but in reality only two.

Bob Sour, who wrote the lyric, has proven his ability time after time to touch the heartstrings. Una Mae Carlisle, the composer, who is rapidly gaining popularity as a singer and orchestra leader, has a rare gift for melody.

Recordings have been made by Miss Carlisle, Teddy Powell, Cab Callaway, Jan Savitt, and Benny Goodman. Billboard has the following comment to make on the tune: "*I See A Million People* shows possibilities and should definitely be stocked."

Swell Place

The United States War Department has selected BMI's *It's A Swell Place To Be* as the official song of the Ravenna Arsenal of Ravenna, Ohio. Plans call for the use of the song at other locations where defense projects are under way. The writers are Marsh Crosley of Akron, Ohio, and Bill Wirges of New York.

Britain is Catching Up

Indication that the British know a good song when they hear one is offered in their acceptance of *I Hear A Rhapsody. Rhapsody* has just arrived on the British list of best sellers and is climbing rapidly to the top.

Alexander in the Movies

Alexander the Swoose, hero of the song of the same name, has joined the cast of *Hedda Hopper's Hollywood,* a Paramount picture featuring Kay Kyser and his band, to be released on September 16th. World premier of the picture will be held at the Milwaukee American Legion Convention.

Inside Stuff

Illustrative of the opportunity BMI has brought to those in the music business who did not share in the ASCAP distribution is a story in the current Variety about a song plugger who has become the publisher of "what looks like a smash hit."

"He was without a job for over a year prior to the ASCAP-radio split," says Variety, "and had been living on relief money obtained from the industry's benevolent organization, Professional Music Men, Inc. His break came when an ASCAP firm agreed to return the song in question to the writers because of the firm's inability to exploit the number on the networks. The unemployed plugger soon fell heir to the song and licensed it for radio through Broadcast Music, Inc. A band leader recorded the tune and included it consistently in his remote broadcasts. In quick time three other bands put the song on wax. Recently an ASCAP publisher offered the plugger $5,000 for outright transfer of the number, but the ex-reliefer turned the proposition down."

There is no way of estimating how many publishers and employees of publishers have found opportunities through BMI. But if we made a rough guess of an average of ten employees per publisher we would have three thousand, which all goes to show that any break in established procedure is an opportunity for someone.

Co-eds, Touchdowns, and Siss Boom Bah!

Broadcasters are all set to play BMI football this year with *You Made a Touchdown in My Heart, Georgette the Majorette,*

BMI FEATURE TUNES

September 1 - September 7

1. WASN'T IT YOU
2. I WENT OUT OF MY WAY
3. YOU MEAN SO MUCH TO ME
4. DELILAH
5. HI, NEIGHBOR
6. YO TE AMO, OH BABY
7. ALL ALONE AND LONELY
8. RELUCTANT DRAGON
9. HAVE YOU CHANGED
10. A PRETTY CO-ED HAS GONE TO MY HEAD

and *Siss Boom Barbara Brown* in the backfield and a new top tune by a prominent writer, *A Pretty Co-ed Has Gone to My Head* as Center. The writer of the words and music is Captain Paul Fogarty, a producer at WGN. Captain Fogarty crashed through to the big time a few years ago with his *Betty Co-ed*.

Asked about his own football experience the Captain contributes the following verse which he wrote and the *Chicago Tribune* published:

Substitute '93

(Friday Night)

I'm a ninth string sub on the varsity club.
My number is old '93.
And I realize that just ninety-two guys
Are quite a bit better than me.
But my gal thinks I'm the best back of all time.
Another Red Grange more or less.
And if she's her way, she'll be there Saturday,
So, brother, I'm sure in a mess.
The first thing she'll miss is my name on the list,
Of players who MIGHT get to play,
Guess I went too far, when I said I would star,
That's why I'm unhappy today.
The head coach don't know if I'm Tom, Dick or Joe,
He spoke to me once—saying "Hi."
Tho I did infer in my letter to her,
That I kinda apple'd his eye.
Well, alack-alas, I'll be there on the grass,
At gametime—with chin on my knee,
It might help like, if she'd save just one yell,
For substitute—old '93.

(Saturday Night)

Well, I guess my name made the gallery of fame,
That drop kick of mine saved the day.
I'm the fair haired lad—just a kid Galahad,
The king of the campus—they say.
My gal has my pin, I've her rouge on my chin,
The head coach is calling me "Son."
My "ninety-three" has been taken from me,
The new one they gave me is "one."
If you keep it mum, I will tell you how come,
I happened to get such a chance.
When "Butchy" O'Brien tore a hole thru the line,
He tore a big hole in his pants.
Says the coach, says he, "Hey there—YOU—ninety-three,"
"Get out there, give Butchy your pants."
But I thought he said—tho I may be misled,
"Get Butch out of there—here's your chance."

Christmas in September

Preparation for the holidays is practically completed at BMI, which will spend its first Christmas with the broadcasters. Last year with ASCAP music on the air Christmas was not much of a problem and this year it will not be either as BMI has available many new orchestrations of familiar Christmas carols. Among them are *God Rest You Merry Gentlemen, O Little Town of Bethlehem, We Three Kings of Orient Are, Good Christian Men Rejoice, Good King Wenceslas, Away in a Manger, Hark the Herald Angels Sing, Deck the Halls with Boughs of Holly, I Saw Three Ships*, and *The First Noel*—not to speak of the well known *Silent Night (Holy Night)* and *Jingle Bells*.

Old Tunes — New Lyrics

The BMI public domain lyric department, under the direction of Irving Weil, is fitting new lyrics to familiar melodies and has about sixty new ones available for vocalists who wish to sing melodies that have been known to radio audiences over the past twenty years. One of the new lyrics by Gertrude Forster to the tune *Romance* follows:

Should you across the years recall our days together,
Those far off happy hours now lost and gone forever.
If but one corner of your heart is all I claim,
Remember dear, my love for you will always be the same.

Your face in dreams I see, so near you seem to be,
I press your lips to mine tenderly again;
I hear the melody, that once you sang to me,
It wakes anew, my longing and my pain.

Like some divided stream your life and mine must be,
To drift apart and flow for ever t'ward the sea,
No one can take your place, the years will not erase
Those days I shared with you;
I live them through and through in mem'ry,
In dreams your sweet caresses belong to me,
Once more your lovely image each night I see.

The longing and the pain,
Return to me again,
In dreams in dreams of you.

National Defense

Indicative of the manner in which stations are able to serve their local citizenry, WSTV, Steubenville, Ohio, has just begun the broadcast of a series of programs on Americanism, Wednesdays at 8:00 p.m. Featured on the program are persons from real life who tell their story. Cooperating is the Ohio office of WPA.

Flying Cadet Series

WCAU, Philadelphia, plans to continue its dramatic series on "Flying Cadets of the Navy". The programs are produced by WCAU for use of stations throughout the Fourth Naval District. Joe Connolly, special events director, and Joe Gottlieb, script writer, went to the Jacksonville, Fla., air base for material for six 15-minute programs for later recording in WCAU studios with professional talent.

"Thirty-four radio stations throughout Pennsylvania, southern New Jersey and Delaware have informed the Cadet Procurement Office for the Fourth Naval District of their intention to carry the program."

Stars and Stripes Forever

"Stars and Stripes Forever" is the name of a new strip program just started over KGGF, Coffeyville, Kan. Melvin Drake, manager, has planned to incorporate several of the national defense spots in each show along with transcribed band music.

"Send 'em — We'll Air 'em"

Says Robert Bentley, patriotic director, WCPO, Cincinnati, Ohio: "Thanks for the new 'Keep 'em Flying' spots. 'Keep 'em Flying' to us, please, and we'll keep 'em on the air."

WGAR's "War" Coverage

John Patt, vice president and general manager, WGAR, Cleveland, is firmly convinced that the production of the station's series of transcriptions from Army camps is a definite public service to listeners and he is sparing no effort or expense to back up his contention. Since last spring a staff of engineers and representatives of Carl George's program department have covered Camp Claibourne, Camp Shelby, Fort Knox, Selfridge Field, Chanute Field and the Naval Stations at Grosse Isle, Michigan and the Great Lakes Base at Great Lakes, Illinois.

At the present time the men are at Wright and Patterson Field. Early in September David Baylor, who has been in charge of these broadcasts, will leave for the Louisiana war games to setup coverage for WGAR's listeners. A few days later he will be followed by three engineers and Program Director George. They plan not only to take their recording equipment but also the short wave mobile unit so as to be able to pick up broadcasts on the run. Transcriptions will be air expressed back to Cleveland. With proper plane connections broadcasts will be on the air within eighteen hours.

Coal Campaign

From as far west as KUTA, Salt Lake City, Utah, letters favorable to the coal campaign, details of which were released to stations on August 20, have been received.

Says Jack A. Burnett, account executive, KUTA: "Your folder 'Coal Dealers Can Prevent a Coal Tie-Up This Winter by Acting Now' has been very well received here."

Federal officials concerned with the coal campaign assured us, this week, that there is an ample supply of coal in every section of the country for dealers to work on. Because of the flood of publicity about shortages in most materials it is fortunate that no shortage of coal exists now. The shortage will show up some two or three months in the future. By storing coal in the bins of the ultimate consumers, coal dealers will be doing a service to their customers and to the country.

ANY SCRIPTS!

The U. S. Office of Education has requests from several broadcast stations for scripts on the subject of vocational defense training. That office would like to send scripts that have already been tested on the air. It will be appreciated by William D. Boutwell, director, information service, U. S. Office of Education, Washington, D. C., if broadcasters having such scripts will forward them to him with a note giving him permission to supply them to these other stations.

PROMOTION

At WCBS, Springfield, Ill., there is a utility program that is now in its fourth year and which, according to Jack Heintz, manager, "is practically an institution as we have almost forgotten it is a commercial show."

At our request Mr. Heintz has written several paragraphs concerning this program in the belief that they may prove helpful to other broadcasters with or without utility sponsorship.

The program is known as "Homemakers Institute." Frequent guest speakers are local persons of interest and representatives of various food companies. It is scheduled each Wednesday afternoon, 2:30-3:00 p.m. CST, and always broadcast before a capacity audience. Always, people from a dozen to several hundred, are turned away. Seats are provided for two hundred.

The homemakers program has always been informal and conducted in a "homey" sort of way. It even permits an open forum discussion for thirty minutes after the broadcast is off the air.

"From our point of view and that of the utility, the Central Illinois Light Company," he said, "it is most gratifying that there is a constant and large turnover of audience, despite the fact that there is always a portion of the audience that come back each week."

RESTRICTS VISITORS

Chairman James Lawrence Fly of the Defense Communications Board has addressed notices to all persons engaged in the wire or radiocommunications industry, including manufacturing, directing attention to the following resolution adopted by the Defense Communications Board restricting access to communication plants and stations:

"Whereas on account of the importance to national defense of the plants and facilities of the communications industry it appears desirable to restrict free access thereto;

"Be It Therefore Resolved that all persons engaged in the wire or radiocommunications industry, including manufacturing, be requested to take all measures necessary to ensure that access to premises containing communications equipment or facilities (other than the premises necessarily open to the general public) be restricted to employees, federal, state, or local government officers, acting in their official capacity, and other persons considered necessary by the management in the conduct of its business.

"Be It Further Resolved that all persons engaged in the wire or radio communications industry, including manufacturing, be requested to exclude representatives of any foreign government, persons, associations, or corporations, from access to the premises containing communications equipment or facilities (other than premises necessarily open to the general public) except only upon express permission granted at the direction of the Defense Communications Board."

COST OF LIVING

Another rise in living costs for wage earners and lower salaried workers in the larger cities was reported for the month ended July 15 by the Labor Department. The increase was 0.6 per cent, making the total increase almost 7 per cent since the outbreak of the war. The department's index July 15 stood at 105.2 per cent of its 1935-39 average.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, September 1. They are subject to change.

Wednesday, September 3

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **920 kc.**, 1 KW night, 5 KW LS, unlimited time.

Friday, September 5

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, **920 kc.**, 500 watts night, 1 KW day, share KUSD.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

September 15

KPAC—Port Arthur College, Port Arthur, Texas.—Modification of license, **1220 kc.**, 1 KW, unlimited time, DA-night.

Consolidated Hearing

NEW—Herald Publishing Company, Klamath Falls, Oregon.—C. P., **1400 kc.**, 250 watts, unlimited time.

NEW—Dorman Schaeffer, Klamath Falls, Oregon.—C. P., **1400 kc.**, 250 watts, unlimited time.

October 3

NEW—Frequency Broadcasting Corporation, Borough of Brooklyn, New York, N. Y.—C. P., **620 kc.**, 500 watts, daytime.

WEEU—Berks Broadcasting Company, Reading, Pa.—C. P., **850 kc.**, 1 KW, unlimited time, DA-night.

October 9

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—C. P., **1070 kc.**, 50 KW, DA-night, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Southern Calif. Broadcasting Co., Pasadena, Calif.—Granted construction permit (B5-P-3108) for a new station to operate on **1430 kc.**, 1 KW, daytime only. Exact site to be determined, subject to Commission's approval.

Washington Broadcasting Co., Washington, Pa.—Granted petition for reconsideration and grant without hearing the application for a new station; cancelled hearing heretofore scheduled, and granted construction permit to operate on **1450 kc.**, 250 watts, unlimited time.

Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Granted construction permit for a new (FM) station to operate on frequency **48100 kc.** for commercial FM broadcasts; coverage 9,300 square miles; population 3,900,000.

KONO—Mission Broadcasting Co., San Antonio, Texas.—Granted modification of license (B3-ML-1085) to increase hours of operation to unlimited time. Facilities of KMAC when that station goes on new frequency (Station KONO now operates on **1400 kc.**, 250 watts day and night; shares with KMAC).

KPQ—Westcoast Broadcasting Co., Wenatchee, Wash.—Granted construction permit (B5-P-3150) to install a new transmitter and antenna, increase power to 500 watts night, 1 KW day, and change frequency to **560 kc.** (now operates on **1490 kc.**, 250 watts, unlimited time).

W9XC—Central Broadcasting Co., Mitchellville, Iowa.—Granted modification of construction permit (B4-MPEX-5) to change frequency to **1040 kc.** (under NARBA), make changes in antenna system and extend completion date to 150 days after grant (now has construction permit for new developmental broadcast station to use **1000 kc.**, A3 emission; 150 KW night and day; hours of operation, 12 midnight to 6 a. m., CST).

WRNL—Richmond Radio Corp., Richmond, Va.—Granted construction permit (B2-P-2995) to install a new transmitter, make changes in directional antenna for night use only, and increase power to 5 KW. (Now operates on **910 kc.**, 1 KW, unlimited time, DA).

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted construction permit (B1-P-3207), subject to redesigned antenna and location approval, to install new transmitter, employ directional antenna both day and night, increase power to 10 KW, day and night, unlimited time, move transmitter to Waverly & Church Roads, Cheltenham Twp., Penna., and move studio to site to be determined in Philadelphia. (Now operates on **990 kc.**, 1 KW, daytime).

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special service authorization (B5-SSA-5), to operate on **1090 kc.**, 250 watts, unlimited time. (Now operates on **1400 kc.**, 100 watts night and day; shares with KRKO; and construction permit for **1090 kc.**; 250 watts, unlimited).

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted petition to reconsider and grant without hearing applications for renewal of license and for authority to transfer control; cancelled hearing heretofore scheduled on renewal application, and granted renewal of license to operate on **990 kc.**, 1 KW, daytime only; and consent to transfer control of Seaboard Radio Broadcasting Corp. from Joseph M. Nassau, James A. Nassau, John Morgan Davis, Theo. H. Elsner, Edward D. Clery, Jack Compter, Margaret R. Collins, and La Verne K. Shiffer, to Paul F. Harron, Joseph Lang, John B. Kelly, and Anthony J. Drexel Biddle, Jr.

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Granted modification of construction permit (B3-MP-1368) subject to proof of performance, to make changes in equipment and for approval of directional antenna. (Has construction permit for **990 kc.**, 10 KW, unlimited time, DA-N).

RENEWAL OF LICENSES

WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted renewal of license for the period ending August 1, 1942.

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted renewal of license for the period ending August 1, 1942.

The following stations were granted further extensions of licenses on a temporary basis only, for the period ending October 1, 1941, pending determination upon applications for renewal:

WCNW, Brooklyn, N. Y.; WHK, Cleveland, Ohio; WIRE and auxiliary, Indianapolis, Ind.; WKAT (Aux.) Miami Beach, Fla.; WORK, York, Pa., and WWRL, Woodside, L. I., New York.

W2XVP—City of New York, Municipal Broadcasting System, New York City.—Present high frequency broadcast station license was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1941.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present high frequency broadcast station license was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1941.

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present high frequency broadcast station license was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1941.

DESIGNATED FOR HEARING

Northeastern Penna. Broadcasters, Inc., Wilkes-Barre, Pa.—Construction permit (B2-P-3221), for new station to operate on **1240 kc.**, 250 watts, unlimited time. Requests facilities of WBAX.

Key Broadcasters, Inc., Wilkes-Barre, Pa.—Construction permit (B2-P-3222), for new station to operate on **1240 kc.**, 250 watts, unlimited time. Facilities of WBAX.

Central Broadcasting Co., Wilkes-Barre, Pa.—Construction permit (B2-P-3218), for new station to operate on **1240 kc.**, 250 watts, unlimited time. Requests facilities of WBAX. Exact site and antenna system to be determined subject to Commission's approval. (All three of foregoing applications for the **1240** channel to be heard jointly.)

MISCELLANEOUS

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition for extension of termination date of petitioner's temporary license for operation of station WBAX, and extended license from September 1 to November 1, 1941.

Peter Q. Nyce, Alexandria, Va.—Dismissed petition for rehearing directed against the action of the Commission on June 24, 1941, granting without hearing the application of Long Island Broadcasting Corp., Brooklyn, N. Y., for construction permit to increase power of station WWRL from 250 watts to 5 KW, install new transmitter and vertical antenna, and use frequency **1600 kc.**, unlimited time.

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Denied petition for rehearing directed against the action of the Commission July 16, granting the application of Helena Broadcasting Co., Helena, Ark., for construction permit to erect a new station using frequency **1490 kc.**, 250 watts, unlimited time.

KFJM—University of North Dakota, Grand Forks, N. Dak.; Dalton LeMasurier, Grand Forks, N. Dak.—Granted petition to reconsider and grant without hearing the application of KFJM for renewal of license and for modification of license to change operating time from unlimited to 2 hours a day, 3 to 5 p.m.; together with application for construction permit for LeMasurier to operate station all but the two hours used by the University. (Station operates on **1440 kc.**, 500 watts night, 1 KW LS.)

Western Mass. Broadcasting Co., Pittsfield, Mass.—Adopted order removing application for a new station from the hearing docket and placing same in pending file pursuant to Order No. 79.

WFAM, Inc., Lafayette, Ind.—Denied petition for assignment of call letters WFAM to new station authorized July 30, 1941.

W59C—WGN, Inc., Chicago, Ill.—Granted modification of special temporary authority to operate frequency modulation (FM) station commercially on **45900 kc.,** with power of 3 KW, on a temporary basis only for a period of 60 days.

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Granted motion for continuance of hearing now scheduled for September 10, on application for construction permit, and hearing extended to October 9.

Herald Publishing Co., Klamath Falls, Ore.; Dorman Schaeffer, Klamath Falls, Ore.—Granted motion for continuance of hearing from September 8 to September 15, on applications for new station to operate on **1400 kc.,** 250 watts, unlimited time, in Klamath Falls.

Granite District Radio Broadcasting Co., Murray, Utah.—Extended to September 10 the time for filing Findings of Fact and Conclusions due June 6, in re application for new station to use **1490 kc.,** 250 watts, unlimited time.

KFJM—University of North Dakota, Grand Forks, N. Dak.; Dalton LeMasurier, Grand Forks, N. Dak.—Granted continuance to September 8 of hearing now scheduled for August 25 on application of KFJM for renewal of license and modification of license, and application of LeMasurier for construction permit to operate station KFJM.

Scripps-Howard Radio, Inc., Houston, Texas.—Granted motion to strike item No. 6 from notice of hearing in re application for new station to operate on **1230 kc.,** 250 watts, unlimited time.

Homer Rodeheaver, Winona Lake, Ind.—Granted petition to accept late appearance in re application for new station to operate on **1480 kc.,** 1 KW, daytime.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted motion for continuance of hearing now scheduled for August 27, on application for renewal of license, and hearing continued to September 26.

WOAI—Southland Industries, Inc., San Antonio, Texas.—Granted petition for leave to amend application to change to NARBA frequency, and increase power, on condition that amendment is filed within 30 days.

The American Legion, Dept. of Hawaii, Honolulu, T. H.—Denied petition for change in location of hearing on application of Hawaiian Broadcasting System, Ltd., for a new station in Honolulu.

The American Legion, Dept. of Hawaii, Honolulu, T. H.—Granted petition to take depositions in application of Hawaiian Broadcasting System, Ltd., for a new station.

WJPR—John R. Pepper, Greenville, Miss.—Granted motion to amend application for new station to change frequency from **1600** to **1420 kc.,** and power from 1 KW to 1 KW night, 5 KW-LS, and application removed from hearing docket.

KDRO—Drohlich Bros., Sedalia, Mo.—Granted motion to dismiss without prejudice, application for new station to operate on **800 kc.,** 1 KW, daytime only.

WEEU—Berks Broadcasting Co., Reading, Pa.—Granted motion for continuance of hearing now scheduled for September 3, on application for construction permit to operate on **850 kc.,** 1 KW, unlimited time; DA-night. Hearing continued to October 3.

W2XWG—National Broadcasting Co., Inc., New York City.—Granted extension of special authority for the period August 28 to October 27, pending final authorization and completion of construction of applicant's new FM broadcast station, to operate station W2XWG on **45100 kc.,** 1000 watts, at 350 Fifth Avenue, New York City.

KAHP—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Cal.—Granted special temporary authority to operate regularly licensed relay station KADB on **1622, 2058, 2150,** and **2790 kc.,** power of 200 watts, A3 emission, on August 29 and 30, 1941, only.

W9XYN—Head of the Lakes Broadcasting Co., Superior, Wisc.—Granted extension of special temporary authority to operate high frequency experimental broadcast station on **43000 kc.,** 1000 watts power, special emission for FM, with transmitter located at 39th St. and Tower Ave., Superior, Wis., for the period August 30 to October 29, EST.

W47A—The Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Granted special temporary authority to operate with main studio at the transmitter of FM broadcast station W47A for a period beginning August 30 to September 28, 1941.

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted extension of special temporary authority to operate daytime with a nondirectional antenna until sunset at Sacramento, Cal., for the period August 25 to September 23 (B2-S-762).

KWAT—Midland National Life Ins. Co., Watertown, S. Dak.—Granted special temporary authority to remain silent after 4 p. m., CST, on September 1, only, in order to observe Labor Day (B4-S-1048).

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Denied special temporary authority to operate additional time from 8:30 p. m., CST, to conclusion of Greenbay Packers football game on August 23; and to operate from 8 p. m., CST, to conclusion of Gus Lesnovich-Tami Mauriello light heavyweight championship boxing bout on August 26, only (B4-S-924).

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from sign-off time (August, 7 p. m.; September, 6 p m., CST), to 9 p. m., CST, on August 29, 30 and 31 and September 1, for the purpose of broadcasting programs in connection with the St. Charles Homecoming and Labor Day celebration, only, on a noncommercial basis (B4-S-995).

W8XAD—WHEC, Inc., Rochester, N. Y.—Granted extension of special temporary authorization to operate a high frequency experimental broadcast station on **42600 kc.,** 1000 watts, special emission for FM, for the period August 29 to October 28, 1941.

Telegraph-Herald, Portable-Mobile, area of Dubuque, Iowa.—Granted license for new relay station formerly licensed to Mason City Globe-Gazette Co. under call KDJB; frequencies **1622, 2058, 2150, 2790 kc.;** 125 watts power. To be used with applicant's standard broadcast station KDTH, Dubuque (B4-LRY-233).

Telegraph-Herald, Portable-Mobile, area of Dubuque, Iowa.—Granted license for new relay station formerly licensed under call KQHS; frequencies **1622, 2058, 2150, 2790 kc.;** 2 watts power only. To be used with applicant's standard broadcast station KDTH, Dubuque (B4-LRY-232).

W65H—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to operate FM station commercially on **46500 kc.,** 1000 watts, special emission for FM, for the period August 29 to October 27, 1941, pending completion of construction pursuant to construction permit (B1-PH-35).

WGST—Georgia School of Technology, Atlanta, Ga.—Ordered that hearing on renewal of license now scheduled to be held September 3 in Atlanta, be changed to be held in Washington, D. C., and that issues for hearing be reexamined to determine if broad enough to get record of entire situation.

WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Granted extension of special temporary authority to operate on an unlimited time basis for a period August 23 to September 21.

W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43700 kc.,** 1000 watts, with transmitter located at Avon, Conn., for the period September 1 to October 31, 1941.

W41MM—Gordon Gray, Winston Salem, N. C.—Granted special temporary authority to operate FM station W41MM commercially on **44100 kc.,** 3000 watts, with transmitter atop Clongman's Peak, N. C., for the period November 15 to December 14, 1941, pending completion of construction of FM station.

APPLICATIONS FILED AT FCC

570 Kilocycles

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Construction permit for reinstatement of construction permit (B4-P-2579) as modified for installation of directional antenna for night use, and increase in power from 1 and 5 KW to 5 KW day and night.

580 Kilocycles

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Construction permit to install new transmitter and increase power from 5 KW to 5 KW night, 10 KW day.

590 Kilocycles

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Construction permit for increase in nighttime power from 1 to 5 KW and make changes in directional antenna for night use.

680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Construction permit to make changes in equipment (tubes in last radio stage).

810 Kilocycles

NEW—Fred C. Morgan, Harrison Eiteljorg, Roger A. Beane, d/b as Hoosier Broadcasting Co., Indianapolis, Ind.—Construction permit for a new broadcast station to be operated on **810 kc.**, 250 watts and daytime hours of operation.

850 Kilocycles

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of construction permit (B1-P-2201) for new transmitter, directional antenna for night use, increase in power and hours of operation, requesting changes in transmitting equipment.

860 Kilocycles

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Modification of construction permit (B5-P-2631) for **860 kc.**, 1 KW, daytime or unlimited time provided directional antenna installed and transmitter site approved, requesting new transmitter, directional antenna for night use, 1 KW, unlimited time and approval of transmitter site.

1150 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wisc.—License to cover construction permit (B4-P-2608) as modified, for transmitter, installation of directional antenna for day and night use, increase in power and move of transmitter.

WISN—Hearst Radio, Inc., Milwaukee, Wisc.—Authority to determine operating power by direct method.

1180 Kilocycles

WLDS—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge and Korsmeyer, Jacksonville, Ill.—Modification of construction permit (B4-P-2465) for a new broadcast station, requesting change in type of transmitter, approval of transmitter and studio sites and approval of antenna.

1240 Kilocycles

NEW—Charles P. Blackley, Staunton, Va.—Construction permit for a new broadcast station to be operated on **1240 kc.**, 250 watts, unlimited hours.

1250 Kilocycles

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Modification of construction permit (B3-P-2985) as modified for installation of directional antenna for night use, new transmitter, change frequency, increase in power and move of transmitter, requesting changes in directional antenna system.

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Modification of construction permit (B3-P-2985) as modified, for new transmitter, installation of directional antenna for night use, change in frequency, increase in power and move of transmitter, requesting an extension of completion date from 9-21-41 to 1-21-42.

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—License to cover construction permit (B1-P-2948) as modified, for change in frequency, power and new transmitter.

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Authority to determine operating power by direct method.

1290 Kilocycles

KUOA—KUOA, Inc., Siloam Springs, Ark.—Authority to install automatic frequency control equipment.

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Modification of construction permit (B4-P-2609) for installation of directional antenna for night use, increase night power, requesting extension of completion date from 8-29-41 to 10-28-41.

1320 Kilocycles

WJHP—The Metropolis Co., Jacksonville, Fla.—Construction permit to change frequency from **1320** to **640 kc.**, increase power from 250 watts to 50 KW, install new transmitter and directional antenna for day and night use and move transmitter from Jacksonville to Marietta, Fla.

KLCN—Fred O. Grimwood, Blytheville, Ark.—Modification of construction permit (B3-P-3037) for installation new transmitter and antenna, increase in power and move transmitter, requesting change in frequency from **1320** to **950 kc.**, and make changes in transmitter.

1340 Kilocycles

NEW—J. E. Rodman, Fresno, Calif.—Construction permit for a new broadcast station to be operated on **1340 kc.**, 250 watts and unlimited hours. (Requests facilities KARM.)

1350 Kilocycles

KSRO—Ernest L. Finley, Santa Rosa, Calif.—License to cover construction permit (B5-P-2916) as modified, for new transmitter and directional antenna for day and night use and change in frequency.

KSRO—Ernest L. Finley, Santa Rosa, Calif.—Authority to determine operating power by direct method.

1380 Kilocycles

KBWD—Wendell Mayes, Joe N. Weatherby, B. P. Bludworth and J. S. McBeath, d/b as Brown County Broadcasting Co., Brownwood, Texas.—License to cover construction permit (B3-P-2672) as modified for a new station.

KBWD—Wendell Mayes, Joe N. Weatherby, B. P. Bludworth and J. S. McBeath, d/b as Brown County Broadcasting Co., Brownwood, Texas.—Authority to determine operating power by direct method.

1400 Kilocycles

NEW—Bartlesville Broadcasting Co., Bartlesville, Okla.—Construction permit for a new broadcast station to be operated on **1400 kc.**, 250 watts, unlimited hours.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—License to cover construction permit (B3-P-3123) for changes in tubes in last radio stage.

KTUC—Tucson Broadcasting Co., Tucson, Ariz.—Construction permit to install new transmitter and antenna and move studio and transmitter.

1410 Kilocycles

WNBC—State Broadcasting Corp., New Britain, Conn.—License to cover construction permit (B1-P-2723) as modified for changes in equipment, increase in power and changes in directional antenna for day and night use.

WNBC—State Broadcasting Corp., New Britain, Conn.—Authority to determine operating power by direct method.

1440 Kilocycles

NEW—Edward Tom O'Brien, David Shepard, Howard S. Johnson, and John W. Boler, a partnership, d/b as Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Construction permit for a new broadcast station to be operated on **1550 kc.**, 1 KW, unlimited time. Amended: to change frequency from **1550 (1600** NARBA) **kc.** to **1400 kc.**, reduce power to 250 watts, change type of transmitter and make changes in vertical antenna.

1490 Kilocycles

KYCA—Southwest Broadcasting Co., Prescott, Ariz.—Acquisition of control of licensee corporation by KTAR Broadcasting Co. through purchase of 65 shares common stock from Albert Stetson.

FM APPLICATIONS

NEW—Globe-Democrat Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.**; coverage: 15,850 square miles; population: 1,858,665. Amended: to change coverage to 13,083 square miles and population to 1,766,569.

NEW—Portland Broadcasting System, Inc., Portland, Me.—Construction permit for a new high frequency broadcast station to be operated on **47100 kc.**; coverage: 5,050 square miles; population: 256,466. Amended: to change coverage to 3,980 square miles.

K53LA—Standard Broadcasting Co., Los Angeles, Calif.—Modification of construction permit (B5-PH-32) for a new high frequency broadcast station, for changes in antenna system and change in studio location.

MISCELLANEOUS APPLICATIONS

NEW—Commercial Radio-Sound Corp., Portable-Mobile.—Construction permit for a new Class II Experimental Public Address Relay Station to be operated on **162080 kc.**, 1/10 watt, special emission for frequency modulation.

W8XO—The Crosley Corp., nr. Mason, Ohio.—Construction permit to make changes in equipment and increase power from 100000 and 500000 watts to 100000 and 750000 watts.

NEW—Wichita Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.**, 2 watts, A3 emission.

WNBT—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to increase power of the aural transmitter from 2200 watts to 2800 watts.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Life Savers Corporation, Port Chester, N. Y., is charged with violation of the Robinson-Patman Act through price discrimination and through allowances made to some of its retailer customers for services and facilities furnished by them in the sale of the respondent's confection product "Life Savers." (4571)

Par-A-Pac Company—Arnold Thompson and Joyce Kittinger, trading as Par-A-Pac Company, 521 Fifth Ave., New York City, engaged in the sale and distribution of a non-medicated pad or device designated as "Par-A-Pac" and "Par-A-Pac Natural Heating Pad," are charged, in a complaint, with misrepresentation. (4568)

Queen Chemical Company—A complaint has been issued charging Charles Shrader, trading as Queen Chemical Co., 126 Arden Road, Mount Lebanon, Pittsburgh, with misrepresentation in the sale of a drug preparation known as "Shrader's Queen Brand Capsules" and as "Queen Brand Capsules." (4570)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week.

Cinchona Products Institute, Inc., 10 Rockefeller Plaza, New York City, a New York Corporation, has been ordered to cease and desist from misrepresentation in advertising the drug quinine. (4398)

Disabled American Veterans of the World War Rehabilitation Dept.—Use of the corporate name "Disabled American Veterans of the World War Rehabilitation Department" by a Chicago corporation selling historical books, or representing in any manner that such corporation is identical to, identified with, or is a constitutent part of the Disabled American Veterans of the World War, a national patriotic organization, is prohibited under a cease and desist order issued against the Chicago corporation and four of its officers, Frank J. Mackey, L. C. Maier, Daniel C. Moore and Robert T. Mackey. (4492)

William Clarence Ohlendorf, trading under the names W. C. Ohlendorf, Clarence Ohlendorf, C. Ohlendorf and Dr. Ohlendorf, 1924 Blue Island Ave., Chicago, has been ordered to cease and desist from misrepresentation in the sale and distribution of a medicinal preparation. (4079)

Peoples Hardware Stores—Domenico Del Vecchio, trading as Peoples Hardware Stores, 1434 Florida Ave., N. E., Washington, dealer in paints and other commodities, has been ordered to cease representing that he manufactures the paint products he sells and that he offers them at savings of 20 per cent to 35 per cent or at any other savings in excess of the actual savings available from the prices charged by competitors for similar products. (4495)

Reed-Harlin Grocer Company—Prohibiting violation of the brokerage provision of the Robinson-Patman Act, a cease and desist order has been issued against the Reed-Harlin Grocer Co., West Plains, Mo., which operates branch warehouses in Missouri and Arkansas; against John R. Reed and Orr M. Reed, trading as West Plains Brokerage Co., West Plains, Mo., and against six companies found to have sold merchandise to Reed-Harlin Grocer Co. through the brokerage firm. (4486)

STIPULATIONS

During the past week the Commission has made public the following stipulations:

Continental Diamond Company—W. K. Quinn and C. E. Quinn, trading as Continental Diamond Company, Beloit, Wisc., engaged in selling various articles of jewelry, the jewelry being for the most part simulated diamond rings, have stipulated to cease and desist from using the terms "free," "gift" or "free of extra cost" or other terms of similar meaning to describe a wrist watch or other article of jewelry included in a combination offer with simulated diamond rings or similar articles of merchandise; from representing by use of the word "diamond" or any abbreviation thereof, as part of their trade name, that they sell diamonds; representing that a man's wrist watch advertised and sold by them is shock proof, or from the advertising or sale of finger rings marked in any manner so as to exaggerate or otherwise misrepresent the total or relative amount or fineness of gold therein contained. (02867)

Dr. Deederer Products—Dr. Carlton Deederer, trading as Dr. Deederer Products, Miami, Fla., stipulated to cease certain representations in the sale of "Vitamina," an oil extracted from sharks' livers, and in the sale of the "Vitaminascope," a device for determining Vitamin A deficiency. (02861)

Home Treatment Service—James M. O'dell, trading as The Home Treatment Service, 1959 Cortland St.,Chicago, has stipulated to cease certain representations in the sale of medicinal preparations designated "Pur-Erb Compound No. 1," "Laxative Tea Compound," "Bathing Tea #22," "Fu-Tina," "Nerve Sedative Compound," and "Home Ointment." (02864)

Reclaimo Manufacturing Company—William Schwalge, trading as Reclaimo Manufacturing Company, 2306 North Western Ave., Chicago, engaged in selling an oil filter designated "Reclaimo," has stipulated to discontinue representing that no other device than Reclaimo removes kerosene and distillate from motor oil, or that no other such device applies heat from the exhaust manifold, or that Reclaimo is the only oil filter refiner available for use on automobiles, trucks, tractors or diesel engines, or that the National Bureau of Standards recommends oil reclaiming. (02866)

Salus Laboratory, Inc., trading as Italian Imperial Company, 644 Pacific St., Brooklyn, engaged in selling a medicinal preparation designated "Tonico Del Cappuccino," has stipulated to cease and desist from representing that the preparation has been approved by legal authorities; that it is a general tonic or possesses other than bitter tonic properties, or will cause one to gain weight or possesses any value as a weight builder in excess of that of a stomachic or stimulant to the appetite; that the preparation is indispensable for children or helps their growth; or that it possesses any therapeutic value in excess of that of a stomachic or stimulant to the appetite. (02865)

Stop-Lite Products, Incorporated, 849 South 6th East St., Salt Lake City, engaged in selling three drugs designated "Stop-Lites," "Haps," and "Anti-Acid Tablets," has stipulated to discontinue representing that the tablet preparation designated Stop-Lites relieves a cold or is a remedy or cure for a cold, or that it is of any benefit in the treatment of a cold or rheumatism beyond inducing laxation and affording temporary relief from the physical discomfort symptoms incident to or associated therewith; or that Stop-Lites are different from any other product intended for the same purpose and use; or that they constitute an effective internal antiseptic; or that Anti-Acid Tablets aid digestion. (02862)

Supreme Publications—Morris N. Beitman, trading as Supreme Publications, 3727 West 13th St., Chicago, has entered into a stipulation to cease certain representations in the sale of a book entitled "Complete Authorized Radio Servicing Course." (02860)

Vita Health Food Company—Walter Camp and Werner Orbach, trading as The Vita Health Food Co., American Health Products Company, and Eastern Health Food Stores Assn., 3040 14th St., N. W., Washington, D. C., have stipulated to cease certain representations in the sale of food products and medicinal preparations designated "Almano," "Bro-Sak," "Cali-Kelp Tablets," "C-Veg-Salt," "Dalmatian Sage Leaves," "Nutrolac," "O-Pep-O-Mint," "Pomona Grape Juice" and "Seven Herbs Laxative." (02863)

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 35, September 5, 1941

Time Sales Tax

The new federal tax bill—minus the radio time sales tax adopted by the House—was on the Senate floor for debate this week.

After the Senate completes its version, the bill will be referred to a conference committee made up of members of the Senate Finance and House Ways and Means committees. This conference committee will iron out the differences between the Senate and House versions. The House conferees might insist that the radio tax be retained.

These House conferees probably will be chosen from among the senior members of the Ways and Means committee. The senior Democrats are Doughton, Cullen, Cooper of Tennessee, Boehne, Disney and Buck. The Senior Republicans are Treadway, Crowther and Knutson.

Remember that our fight on this discriminatory super tax on broadcasting is not yet won. The tax still remains in the measure as it was passed by the House—and the House could get it back into the Senate bill and into the final law.

The NAB is continuing its all-out opposition to the tax, but help back home is needed now, just as much as ever.

Let your Senators and Representatives know how you feel about this tax on their radio stations—and get others to do so as well.

There is a possibility of a round-table conference in connection with a franchise radio tax, James Lawrence Fly, FCC Chairman, told a press conference on Tuesday. In answer to questions Mr. Fly said that he had not prepared any such tax and that the Commission did not have plans in a concrete form. He said, however, that he thought such a tax would be worked out eventually and that broadcasters had indicated a sympathetic interest. *(The NAB is opposed to a franchise tax unless and until all federally regulated industries are similarly taxed.)*

Mr. Fly told the newsmen that he hadn't yet talked with representatives of other portions of the communications industry but he didn't think there will be any great difficulty. Any such plan, he stated, would have to be worked out with the Treasury Department.

Mr. Fly stated that it might be rather difficult to work out such a plan in order to arrive at any formula as the basis for such a tax. In answer to a question, the Chairman declared that such proposals would include the entire communications industry with the probable exception of amateurs and like services. In this way he stated the tax would be spread throughout communications industry as a whole. Mr. Fly expressed the idea that there might be a round-table discussion of this situation.

Chairman Fly told the correspondents again that the broadcasters will be given a reasonable time to do what is necessary in connection with the possible date of network regulations. He stated that the Commission must first dispose of the matter now pending and give due notice to the industry. This, he said, may run into weeks. It is not the Commission's intention, the Chairman stated, to have any unnecessary extension of time in putting the new network regulations into effect.

DAYLIGHT SAVING

The daylight-saving time situation is much confused at the moment, and appears likely to remain so for several weeks to come. It was reported here that the Federal Power Commission is re-examining the power supply in the Southeastern States resulting from recent rains. The result may be a recommendation that such of those Southeastern states now on daylight time return to standard time September 28.

The President on July 15 requested the passage of legislation authorizing him to provide daylight-saving time upon a regional or national basis, and for such part or all of the year, as he might deem necessary in the interest of national defense. This took the form of H. R. 5343, introduced by Rep. Clarence Lea (Dem.-Calif.). Hearings were held on this bill during which NAB appeared and urged that Daylight Saving be observed on a nation-wide basis. This bill has not been reported out of committee as yet and there is little possibility that it will be enacted before September 28. There has been no indication that any of the Eastern metropolitan centers, such as New York, now on daylight time, intend to remain on daylight time after September 28.

Sales

Two Reports Issued

In the mails last week went a summary table on department store advertising, taken from "The Broadcast Advertising Record", showing the extensive use made of radio by American department stores. In New York last week arrangements were made for radio to be represented at the annual January convention of the National Retail Dry Goods Association, attended by several thousand department store executives.

Also mailed was a study on "The Effect of Priorities on Radio Advertising," intended to assist stations in directing their sales efforts most productively.

Limited extra copies of both studies are available while they last at no charge.

To Speak on Radio

Frank E. Pellegrin, director of the Department of Broadcast Advertising, will discuss commercial radio Sept. 17 at a civic meeting sponsored by the Columbus, Ga., Rotary Club, and Sept. 18 at a meeting of the Atlanta, Ga., Advertising Club.

Information Requested

A member station, wishing to sponsor a cooking school, asks for the names of reliable organizations experienced in that type of pro-

(Continued on page 724)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

SALES

(Continued from page 723)

motion. If you have had a satisfactory experience with any such organization, please send its name and address to the NAB.

Per-Inquiry Offers

The **Benjamin Ansehl Co.**, St. Louis, is seeking per-inquiry deals on behalf of its toilet preparations.

M. E. Sherman, Dallas, is doing likewise for his pecan products.

Both have been invited to use radio on the proper card-rate basis.

National Defense

Courses for Radio Technicians

Executives of leading American colleges and universities currently are being contacted by District Representatives of the NAB National Defense Committee regarding the establishment of radio technician courses this fall.

These intensive courses are planned to provide a needed supply of competent technicians, not only valuable to the military forces and industry, but to broadcasting. They will be open to both young men and women.

Dean Van Leer, of the Engineering School of North Carolina State, is first to announce a full-time twelve weeks campus course. His plans were transmitted to A. J. Fletcher, president of WRAL, Raleigh, and a member of the National Defense Committee.

The Dean also has in prospect off-campus courses in the larger cities of North Carolina, wherever the minimum number of students can be recruited. A third course, also resident, would be open to graduates of Electrical Engineering Schools.

The details of the courses worked out in North Carolina, together with suggestions resulting from contacts with the Army, the Naval Academy, George Washington University, Chief Engineer Jett, of FCC, and others, were mailed to District Representatives of the Defense Committee last Saturday.

They were accompanied by a covering letter by NAB President Neville Miller which said in part:

> "We are sending you all of this information because we believe you may want to talk the subject over with the broadcasters in your district. If you come to the conclusion that such courses would be helpful, you could then take up the subject with the Colleges and Universities of the states within your district.
>
> "We are advised that such radio courses are among those financed by Congress through the U. S. Office of Education. The Dean of your Engineering Schools probably has the application forms in his possession.
>
> "Dean Crothers, U. S. Office of Education, estimates that only approximately 20-25 schools gave radio courses last year. The office is favorably disposed toward them, he said.
>
> "By aggressively using our own medium, I believe that we can be of assistance to the schools in recruiting students, to the services that will need trained radio technicians, to industry and to broadcasting.
>
> "It is our belief, supported by fact, that the question of trained technical personnel will become more serious as time passes and that if the courses are to be given, they should be started this fall.
>
> "We shall be glad to answer any questions and hope you will keep us advised of any plans you make for your district."

Those responsible for the inauguration of the training courses within their respective districts are:

E. E. Hill—WTAG, Worcester.
Harry Wilder—WSYR, Syracuse.
George D. Coleman—WGBI, Scranton.
Howard Chernoff—WCHS, Charleston.
Red Cross—WMAZ, Macon.
Howard Summerville—WWL, New Orleans.
Franklin Schurz—WSBT, South Bend.
Leslie C. Johnson—WHBF, Rock Island.
George Burbach—KSD, St. Louis.
Morgan Murphy—WEAU, Eau Claire; WMFB, Hibbing.
W. C. Gillespie—KTUL, Tulsa.
George Cranston—KGKO, Forth Worth.
Ed Yocum—KGHL, Billings.
Thomas E. Sharp—KFSD, San Diego.
Paul Connet—KGW-KEX, Portland.

Directors Howard Lane (15) and J. Harold Ryan (7) are soon to announce the National Defense Committee's representative for their Districts.

Coal Spots Zoom

Stations are now broadcasting sponsored announcements in all sections of the country in behalf of the "Buy Coal Now" campaign. Round lot orders of 100 spots are not uncommon; and one letter showed 130 spots from a single coal dealer. Many dealers are buying 20 and 25. Dr. George W. Young, WDGY, Minneapolis, Minn., has scheduled sponsored "Buy Coal Now" copy for the the first received in September.

Supports ND from Start

KHMO, Hannibal, Mo., which went on the air August 22, began cooperation with national defense agencies from the beginning. KHMO's report for the eleven days of its existence was among the first received in September.

WMRN's Sign-Off

Stanley A. Miller, assistant general manager, WMRN, Marion, Ohio, has devised a unique sign-off. It is "Buy a Defense Bond and Keep 'em Flying." This is followed by taps. The station's sign-on includes Reveille.

WJPA Has Special Significance

Call letters assigned to the new station, to be erected in Washington, Pa., are WJPA. First two letters, W and J, will serve to remind listeners that Washington is the home of "W & J", Washington & Jefferson College. Last two letters are the abbreviation for Pennsylvania, in which state the city of Washington is located.

BMI

Play Ball

The most complete collection of college music available in the United States will be presented to its subscribers by BMI as a result of a contract just signed with Allen Intercollegiate Music, Inc., headed by Thornton W. Allen. Mr. Allen will also make available to broadcasters the twenty-five best numbers of the Thornton W. Allen Company, an ASCAP member, under the terms of the ASCAP Consent Decree.

BMI has secured exclusive performing rights in the library of Allen Intercollegiate Music, Inc., which has gathered together the most representative songs of the leading universities and colleges and will supplement them during the next few weeks by other important college songs.

The following songs are included:

Alabama	" 'Bama, You're Wonderful"
Amherst College	"Cheer For Old Amherst"
Boston College	"For Boston"
Boston U.	"Clarissima"
Brown	"Alma Mater"
Bucknell	"Dear Bucknell"
Case School	"Alma Mater, Case"
Chicago	"Go, Chicago"
California	"Bear Down, You Golden Bear"
Colgate	"Alma Mater"
Colorado	"Alma Mater" "The Buffaloes"
Columbia	"Sans Souci" "Roar, Lion, Roar"
Cornell	"Far Above Cayuga's Waters" "The Big Red Team"
Dartmouth	"D-A-R-T-M-O-U-T-H"
Florida	"Alma Mater"
Fordham	"Alma Mater" "Fordham Ram" "Fordham Marching Song"
Georgia U.	"Glory to Old Georgia"
Georgia Tech.	"Rambling Wreck From Georgia Tech"
Georgetown	"Sons of Georgetown"
Hardin-Simmons	"Anthem" "Parade of the Purple and Gold"
Harvard	"Harvard Victory March" "Fair Harvard"
Holy Cross	"Ring Out Your Hoiahs"
Illinois	"On to the Goal, Illinois"
Kansas	"For Kansas"
Lafayette	"Ring the Bell"
Louisiana State	"Alma Mater"
Maine	"For Maine"
Maryland	"Hail, Alma Mater" "Drinking Song" "Maryland Fight Song" "Terrapins On Parade" "We're In the Army" "Old Stone Wishing Well" "Maryland, My Maryland"
Manhattan	"Let's Go, Manhattan"
Michigan	"Yellow And Blue" "The Victors"
Minnesota	"Hail, Minnesota" "U. of M. Rouser"
Mississippi	"Travel Along, Mississippi"
Nebraska	"The Cornhusker"
New York U.	"The Palisades"
No. Carolina	"Hark, the Sound of Tar Heel Voices"
Northwestern	"Alma Mater" (Quaecumque sunt Vera)
Notre Dame	"Spirit of Notre Dame"
New Mexico Mil.	"N. M. M. I. March"
Oklahoma	"Go, Oklahoma"
Ohio State	"Carmen Ohio" (music only)
Pennsylvania	"Cheer, Pennsylvania"
Pittsburgh	"Fight, Fight, Fight"
Princeton	"Orange and the Black"
Rutgers	"Loyal Sons of Rutgers"
San Jose St.	"Spartan Fight Song"
So. Dakota	"Field Song"
South. Methodist	"Go, On, Mustangs"
Stanford	"Hail, Stanford, Hail"
Syracuse	"Syracuse Varsity March"
Tennessee	"Tennessee Forever"
Texas A. & M.	"The Aggie Spirit"
Texas	"The Eyes of Texas"
Tulane	"For Old Tulane"
Vanderbilt	"Vanderbilt Salute"
Wesleyan	"The Battle Cry"
Wash. & Lee	"Fight, Fight, Blue & White"
Washington St.	"Washington, My Washington" "The Fight Song" "Washington State College"
Washington St.—(*Cont.*)	"Forth Our Warriors Go" "So This Is Washington State" "My Washington State" "Fight, Cougars" "W. S. C. Color Song" "Victory Song" "Color Clouds of Morning" "Loyalty Song" "The Old State College"
West Point	"Army Blue"
Yale	"Toast to Yale"
Miscellaneous Colleges	"Fight for the Red, White & Blue"

In reference to the licensing of the twenty-five numbers from the Thornton W. Allen Company, Mr. Allen has sent out a letter informing broadcasters that they are available on the following basis: $3.00 for stations having a 1940 revenue of $50,000 or less; $5.00 for stations having a 1940 revenue of between $50,000 and $150,000; and $7.00 for stations having a 1940 revenue in excess of $150,000.

A copy of the Thornton W. Allen Company proposed license agreement under the ASCAP Consent Decree has also been sent to broadcasting stations. BMI urges the acceptance of the terms of the proposal made by the Thornton W. Allen Company inasmuch as the twenty-five songs from its catalogue together with those of the Allen Intercollegiate Music will give the broadcasters an ideal football repertory for all places and occasions. In the event that any BMI subscriber desires to broadcast the music of any college not included in either the catalogue of Allen Intercollegiate Music, or among the twenty-five songs, we suggest that he communicate directly with BMI and best efforts will be made to secure such rights for him.

Be Neighborly

The Kiwanis Clubs of Wilkes-Barre, Penn., and Scranton, Penn., report the adoption of *"Hi, Neighbor"* and its use at club meetings. George Sutherland, President of the Scranton club, had the words screened so that all the members could join in the singing.

The Santa Clara County Fair in Northern California has made the song its theme for the annual fair which will be staged in San Jose during the early part of October. Permission has been granted to change the second and fourth lines of the chorus so that the chorus used at the fair reads:

"Hi, Neighbor! Hi, Neighbor!
Come to the Fair—let's make it a day!
Hi, Neighbor! Hi, Neighbor!
Meet your friends in San Jose!
Come on and shake my hand—and let a grin do the rest
It makes ya feel so grand to get your chin off your chest.
I'm shoutin', Hi, Neighbor! My Neighbor!
Time to play and say "HI!"

Designed to "break the ice," *"Hi, Neighbor"* seems to be just what the doctor ordered. It is already the second ranking BMI published song and will soon be heard wherever men are gathered together for a good time. The National Tavern Association which chose BMI's *Friendly Tavern Polka* for the theme of National Tavern Week, September 15-September 21, is using the slogan *"Hi, Neighbor,* let's get acquainted" on some 200,000 window streamers which will be displayed in taverns during the week.

Local Hit Parades

In several cities of the country, and in some states, compilations are being made up week by week of the ten top ranking songs in the territory covered. While in certain instances, these songs conform well to the national favorites, in others preferences expressed for tunes not well known nationally. BMI would like to have copies of as many of these lists as it can obtain and if broadcasters know of any of them, we would appreciate receiving them. Send them in care of the Public Relations Department.

White Selects Professional Men for Radiotunes, Inc.

Elmore White, Professional Manager of Radiotunes, Inc., BMI subsidiary, announces the appointment of Charles Gordon as a member of the New York staff; Jack Perrin as manager of the Chicago office and Alan Ross as manager of the Hollywood office. They are all men of long experience in popular music.

American Folk Music

BMI has conducted a special campaign to popularize its music in coin operated phonographs. Evidence of the wide spread popularity of this music in the coin phonographs of the country is contained in the following editorial from the *New York Herald Tribune* of August 22nd. Every song mentioned is a BMI tune:

"From ocean to ocean, from the Gulf to the Great Lakes, countless juke boxes bright with glamour lights, stirring the hearts and the feet of youth in roadside dance halls, seaside casinos, short order restaurants, excursion boats, small-town bars—where not among the places of entertainment of the folk—pour in a Niagara stream of the popular music of the American people. Last spring it was *Amapola* that charmed a fortune of nickels out of the pockets of lumberjacks and cowmen on payday night; of defense workers having a late snack at the Greek's after overtime; of soldiers who had just signed the pay roll; of boys piling out of cars with their girls for a beer or two at Gil's diner or Ted and Ruth's place. Now it is *Maria Elena, Daddy* and *The Hut Sut Song* that magnetizes nickels in every city ward and every joint in Montana and Alabama.

"Coldly, professionally, analytically, as is their duty and right, the purveyors of these ephemeral folk songs weekly measure the popular approval that they win. What is going strong? What is coming up? What songs get the most radio plugs? What is the score in sheet music and the retail record stores? Like insects on a June night fluttering in a headlight beam, the comic and the sentimental hits swirl about, rise and fall, drop and pass, as the fickle heart of the amusement public continuously changes. But so it was in the days of Stephen Foster; and some of these songs blared today on the radio and the jukes, like his no doubt, are alive with the unpretentious immortality of popular songs that speaks the language of the heart with the accent of genuine folk song."

BMI FEATURE TUNES

September 8 - September 15

1. WASN'T IT YOU
2. I WENT OUT OF MY WAY
3. YOU MEAN SO MUCH TO ME
4. DELILAH
5. HI, NEIGHBOR
6. YO TE AMO, OH BABY
7. HAVE YOU CHANGED
8. A PRETTY CO-ED HAS GONE TO MY HEAD

Til Reveille, inspired by the news that one of its writers would be drafted, climbed to the top position this week in national sheet music best sellers, running neck to neck with Meredith Willson's *You And I. I Went Out of My Way* was the sensation of the week in eastern sales, jumping from 13th place in the week ending August 22nd to 6th place in the week ending August 29th. *Green Eyes* continues to head the list of national retail records with the exception of the south where Jimmy Dorsey's *Yes, Indeed* has top billing. Martin Block's *I Guess I'll Have To Dream the Rest* continues to show up in the first division of radio performances by all stations.

In response to a request, Stanley Cowan (the son of Ruby Cowan of NBC) who wrote *Till Reveille,* with Bobby Worth, has written us the following letter:

"As for me . . . I happen to be a married man, but up until a short time ago, my partner, Bobby Worth, was a real target for the draft. A couple of days after Bobby received his papers, I walked into a room and found him sitting there in deep meditation. The only thought on his mind at the time was that, if he was accepted for the army, he would be separated from his sweetheart. Bobby figured that from the time they sounded taps in the evenings until reveille the next morning would be the only time he would have to himself—time in which to dream of his sweetheart. About three hours later, I returned to the room again to find Bobby seated at the piano, playing the melody and with part of the lyrics of what he called *'Til Reveille.'* The fact that we had just been speaking of his predicament but a few short hours before served to inspire Bobby to write a song, which he felt depicted, not only his own particular situation, but that of many another young man who was being separated from his loved one by the army. I can honestly say that this song was rightfully Bobby's, as it was one of those things that come to a person only when he is truly inspired. As for myself, there was very, very little work remaining to be done on the song, as it was almost perfect all 'round as Bobby had it, but I was glad to help out in the few little changes that were made.

"To make a long story short, as someone once said, 'Most of us spend a lot of time worrying about things that never happen,' and in this particular case the same thing held true, as when Bobby went up for his physical examination he was deferred because of a physical disability resulting from an accident that happened to him years before. Anyway, the whole thing resulted in a break for us in the form of *'Til Reveille'.*"

Monitor Station on Gulf Coast

A radio receiving station for defense operations of the Federal Communications Commission in checking air messages in the Gulf of Mexico is under construction with WPA aid at Kingsville (Texas) near the southern border, on the upper reaches of Baffins Bay which empties into Laguna Madre. WPA crews will be on the job eight months to erect most of the station except the antenna. This monitor station is located on a 69-acre site. WPA workers have started to clear the land and will build roads, erect a heavy-duty fence, and remodel a farm house on the property. In addition, 75 poles will be erected for antenna and transmission lines.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, September 8. They are subject to change.

Thursday, September 11

KFXM—J. C. Lee and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—C. P., **1420 kc.,** 1 KW, unlimited time. Present assignment: **1240 kc.,** 250 watts, S-KPPC.

Friday, September 12

Oral Argument Before the Commission En Banc

On the Petition of Mutual Broadcasting System, Inc., requesting the Commission to amend its regulations dealing with network option time and the term of affiliation contracts.

Friday, September 12

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., **1500 kc.,** 250 watts, unlimited time. Present assignment: **1340 kc.,** 100 watts, S-WHAT.

FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings. They are subject to change.

October 2

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, **920 kc.,** 500 watts night, 1 KW day, S-KUSD.

October 13

WJAX—City of Jacksonville, Jacksonville Fla.—C. P., **930 kc.,** 5 KW, DA-night, unlimited time.

Consolidated Hearing

NEW—Scripps-Howard Radio, Inc., Houston, Texas.—C. P., **1230 kc.,** 250 watts, unlimited time.

NEW—Texas Star Broadcasting Co., Houston, Texas.—C. P., **1230 kc.,** 250 watts, unlimited time.

NEW—Greater Houston Broadcasting Co., Inc., Houston, Texas.—C. P., **1230 kc.,** 250 watts, unlimited time.

October 21

Consolidated Hearing

KVOA—Arizona Broadcasting Co., Inc., Tucson, Arizona.—C. P., **590 kc.,** 1 KW, unlimited time, DA-day and night.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. M.—C. P., **590 kc.,** 5 KW, unlimited time, DA-night.

KVSF—New Mexico Broadcasting Co., Sante Fe, N. M.—C. P., **1260 kc.,** 1 KW, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WIAC—Enrique Abarca Sanfeliz, San Juan, Puerto Rico.—Granted modification of construction permit (B-MP-1337), subject to condition that applicant install a directional antenna if it is shown by actual measurement that objectionable interference is caused to WDBO, Orlando, Fla., for approval of antenna and approval of transmitter location, 3 miles east of San Juan, change in type of transmitter and increase of nighttime power to 5 KW, unlimited time. Now operates on **580 kc.,** 1 KW night, 5 KW day.

KMPC—KMPC, The Station of the Stars, Beverly Hills, Calif.—Granted modification of construction permit (B5-MP-1274) to install new transmitter, increase power to 10 KW, for approval of directional antenna for day and night use, and for approval of transmitter site between Whitsett and Coldwater Canyon, Van Nuys, Calif. Now operates on **710 kc.,** 1 KW night, 5 KW day, unlimited time, and construction permit for 5 KW night.

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted special service authority to operate on **1190 kc.,** 10 KW, unlimited time, for the period ending February 1, 1942 (B4-SS-6).

WNBF—Wylie B. Jones Advertising Agency, Binghamton, N. Y.—Granted construction permit (B1-P-3185) to increase day and night power to 5 KW, change frequency to **1290 kc.,** install new transmitter and change transmitter site to approximately 3.4 miles SW of center of Binghamton, and to employ a directional antenna system for use during nighttime only. Now operates on **1490 kc.,** 250 watts, unlimited time.

WSAU—M. F. Chapin (Transferor), W. E. Walker (Transferee), Waseau, Wisc.—Granted consent to transfer 5 shares of common stock of the Northern Broadcasting Company, licensee of Station WSAU, from M. F. Chapin to W. E. Walker, for a consideration of $1,500 (B4-TC-273).

WWDC—Capital Broadcasting Co., Washington, D. C.—Granted application for license (B1-L-1418) to cover construction permit to operate on **1450 kc.,** 250 watts, unlimited time, and for license to operate booster amplifier (B1-L-1419) using 100 watts power in connection therewith; also granted authority to determine operating power by direct measurement (B1-Z-957 & B1-Z-959).

W75C—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted modification of construction permit (B4-MPH-29) for FM station for approval of transmitter, antenna system and antenna site at R. F. D. No. 1, Addison, Ill., and for a change of coverage from 10,800 square miles to 10,950 square miles.

DESIGNATED FOR HEARING

Lake Shore Broadcasting Corp., Cleveland, Ohio—Application for construction permit (B2-P-3267) for new station to operate on **1300 kc.,** 5 KW, unlimited time, using directional antenna day and night; to be heard in consolidation with the application of Cuyahoga Valley Broadcasting Company.

MISCELLANEOUS

WHER—Westinghouse Radio Stations, Inc., Portable-Mobile, (Area of Boston, Mass.)—Granted license to cover construction permit (B2-PRY-244) which authorized installation of new transmitter, increase in power to 25 watts; **1606, 2074 kc.,** conditonally, **2102, 2758 kc.;** to be used with applicant's standard broadcast stations WBZ and WBZA (B1-LRY-235).

WRUW—World Wide Broadcasting Corp., Hatherly Beach, Scituate, (Boston,) Mass.—Granted modification of construction permit (B1-PIB-30, which authorized increase in power and changes in equipment of international broadcast station) for extension of completion date to 11/15/41 (B1-MPIB-30).

KGEI—General Electric Co., Nr. Belmont, Cal.—Granted license to cover construction permit (B5-PIB-24, which authorized installation of new transmitter, move of transmitter and increase in power to 50 KW for international broadcast station (B5LIB-16).

W3XWT—Allen B. DuMont Labs., Inc., Washington, D. C.—Granted modification of construction permit (B1-PVB-31, for new television station), for change in transmitter location from 14th and F Sts., N. W., to 726 11th St., N. W., Washington; change type of visual and aural transmitters and extend commencement and completion dates to 30 and 180 days after grant, respectively (B1-MPVB-50).

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted modification of construction permit (B4-PVB-50, which authorized a new television station) for extension of completion date from 9/1/41 to 2/1/42 (B4-MPVB-53).

W3XNB—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-PVB-58 which authorized a new television station) for extension of completion date from 7/28/41 to 3/1/42 (B1-MPVB-52).

WCHB—The Tribune Co., Portable-Mobile, Area of Tampa, Fla.—Granted license to cover construction permit (B3-PRY-240) for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.,** 40 watts; to be used with applicant's standard broadcast station WFLA (B3-LRY-229).

WEOF—The National Life and Accident Ins. Co., Portable-Mobile, (Area of Nashville, Tenn.)—Granted license to cover construction permit (B3-PRE-406) which authorized change in type of transmitter only, of relay broadcast station (B3-LRE-357). Also granted construction permit for change in type of transmitter, only (B3-PRE-406).

WGST—Georgia School of Technology, Atlanta, Ga.—Granted motion for continuance of hearing now scheduled for September 3 on application for renewal of license, for an indefinite period.

WKBH—WKBH, Inc., LaCrosse, Wisc.—Granted modification of construction permit (B4-P-2738, to move transmitter, install DA for night use, and increase power to 5 KW, day and night, change frequency to **1410 kc.** under NARBA) for move of transmitter from proposed site to Junction of County Highway, Area of Campbell Twp., Wisc., extend commencement date to 30 days after grant and completion date to 180 days thereafter (B4-MP-1365).

WOL—American Broadcasting Co., Washington, D. C.—Granted license to cover construction permit (B1-P-3033, which authorized move of old Western Electric Type 301-B transmitter from 1111 H St., NW, Washington, D. C., to Ager Road near Chillum, Md., and use as auxiliary transmitter using 100 KW, for emergency purposes only) (B1-L-1461).

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted license (B2-L-1464) to cover construction permit (B2-P-2700, for new transmitter, new antenna, increase in power and move of transmitter). Also granted authority to determine operating power by direct measurement. (B2-Z-1181.)

WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Granted motion to withdraw without prejudice application for new station to operate on **590 kc.**, 1 KW, unlimited time; DA—day and night.

Nashville Radio Corp., Nashville, Tenn.—Passed for a week motion for order to take depositions in re application for new station.

KFNF—KFNF, Inc., Shenandoah, Ia.—Granted motion for postponement of hearing on application for renewal of license now scheduled for Sept. 5 to Oct. 7, 1941.

Greater Houston Broadcasting Co., Inc., Houston, Texas—Granted petition and order to take depositions in re applications for a new station in Houston by Scripps-Howard Radio, Inc., Texas Star Broadcasting Co., and Greater Houston Broadcasting Co., Inc., to use **1230 kc.**, 250 watts, unlimited time; and the Commission on its own motion continued the hearing until October 13.

Trent Broadcast Corp., Trenton, N. J.—Granted petition for extension of time to Sept. 20, in which to file an opposition to petition for rehearing in re application for new station to operate on **920 kc.**, 1 KW, unlimited time, using directional antenna day and night.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted license to cover construction permit (B3-P-1939, for installation of new transmitter, DA for night use, increase in power, change in frequency and move of transmitter (B3-L-1467). Also granted authority to determine operating power by direct measurement of antenna input (B3-S-1184).

WREC—WREC Broadcasting Service, Memphis, Tenn.—Granted license (B3-L-1474) to cover construction permit (B3-P-2979 for increase in power and changes in DA system). Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-1192).

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1119).

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1179).

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1180).

KBTM—Regional Broadcasting Co., Jonesboro, Ark.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1176).

W3XO—Jansky & Bailey, Washington, D. C.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43,200 kc.**, 1000 watts, for the period August 28 to October 26, with transmitter located at 1219 Wisc. Ave., N. W. (Action taken 8/27).

W55M—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted modification of construction permit (B4-MPH-35) which authorized a new FM broadcast station, for extension of completion date to 11/30/41.

W53H—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted modification of construction permit (B1-MPH-9) which authorized a new FM station, for approval of transmitter and antenna system, and change in population from 4,893,439 to 1,036,400; **45,300 kc.**; 6,100 square miles.

W67C—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted modification of construction permit (B4-MPH-36) which authorized a new FM station, for extension of completion date from Sept. 14/41 to March 14, 1942.

W47C—WJJD, Inc., Chicago, Ill.—Granted modification of construction permit (B4-MPH-28) for new FM station, for change in type of transmitter and to make changes in antenna system.

W39B—The Yankee Network, Inc., Boston, Mass.—Granted modification of construction permit (B1-MPH-27) which authorized a new FM station, to make changes in antenna system and extend commencement and completion dates to 60 and 180 days after grant, respectively.

W51C—Zenith Radio Corp., Chicago, Ill.—Granted modification of construction permit (B4-MPH-38) for changes in antenna system only, in authorization for new FM station.

W9XLA—KLZ Broadcasting Company, Denver, Colo.—Granted license (B5-LHB-70) to cover construction permit authorizing change in transmitter location of experimental high frequency station. The license is granted on an experimental basis only, conditionally.

WELB—WAVE, Inc., Portable-Mobile (Area of Louisville, Ky.)—Granted license to cover construction permit which authorized installation of new transmitter and increase in power of relay broadcast station to 50 watts (B2-LRE-356).

WEIN—The Journal Co. (The Milwaukee Journal), Portable-Mobile (area of Milwaukee, Wis.) —Granted construction permit for change in equipment and increase in power of relay broadcast station from 25 to 50 watts (B4-PRE-403).

WOKO, Inc., Portable-Mobile, (Area of Albany, N. Y.)—Granted construction permit for new relay broadcast station to be used with applicant's standard station WOKO; frequencies **33,380, 35,020, 37,620, 39,820 kc.**; 2 watts. (B1-PRE-404).

Adirondack Broadcasting Co., Inc., Portable-Mobile, (Area of Albany, N. Y.)—Granted construction permit for new relay broadcast station; frequencies **31,620, 35,260, 37,340, 39,620 kc.**, 2 watts, to be used with applicant's standard broadcast station WABY. (B1-PRE-405).

Port Huron Broadcasting Co., Portable-Mobile (Area of Port Huron, Mich.)—Granted construction permit for new relay broadcast station to use frequencies **1622, 2058, 2150, 2790 kc.**, 15 watts, to be used with applicant's standard broadcast station WHLS. (B2-PRY-255).

WTNB—The Tribune Co., Portable-Mobile, (Area of Tampa, Fla.)—Granted license to cover construction permit (B3-PRY-241) for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**; 40 watts; to be used with applicant's standard broadcast station WFLA. (B3-LRY-230).

KSCJ—Perkins Brothers Company, (The Sioux City Journal) Sioux City, Ia.—Granted modification of construction permit (B4-P-2290, as modified, which authorized installation of directional antenna for night use, and increase in power) for extension of completion date to 11/24/41. (B4-MP-1375).

Park Cities Broadcasting Corp., Dallas, Texas—Granted motion to accept amendment to application for new station, to delete 4 minority stockholders and pass that stock on to the 3 majority stockholders; and the Commission on its own motion struck items 7 and 8 from the hearing notice. Counsel for applicant to furnish opposing counsel with addresses and names of business connections of proposed deponents. Also granted motion for order to take depositions.

WHK—WHK Broadcasting Company, Kansas City, Mo.—Granted petition for leave to intervene in hearing on above application of Park Cities Broadcasting Corp.

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from local sunset (Sept. 6:15 P.M., PST), until completion of the Baer-Simon boxing match on Sept. 5, 6, or 7, whichever of these evenings the match is held. (B5-S-896).

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Denied special temporary authority to operate simultaneously with KLX from 8 to 10 P. M., P.S.T., on Sept. 9, in order to broadcast a program in connection with the Governor's Day Celebration to be held in Vancouver, Wash. (B5-S-1027)

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.— Denied special temporary authority to operate from local sunrise Glenside, Pa., to local sunset Knoxville, Tenn. (Radio station WNOX) instead of daytime as stipulated in reallocation, for period September 1 to September 30, 1941. (B2-S-339).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Reconsidered action of Aug. 11, and granted special temporary authority to operate additional time from 8 P. M., E.S.T., to conclusion of program in connection with the Mercer County Holy Name Society Rally on Sept. 7, using 250 watts only. (B2-S-984).

WCNW—Arthur Faske, Brooklyn, N. Y.—Denied special temporary authority to operate additional time from 12 midnight to 1 A. M., E.S.T., Thursdays, Sept. 4, 11, 18 and 25 only, in order to broadcast the "Concert Hall of the Air", on a sustaining basis only. (B1-S-216).

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Denied special temporary authority to operate on **1170 kc.**, with power of 50 KW until local sunset, pending completion of construction authorized by (B3-P-2530), for a period of 30 days only. (B3-S-462).

Capital City Broadcasting Co., Inc., Topeka, Kans.—Placed in pending files pursuant to Order No. 79, application for construction permit (B4-P-3059) for new standard broadcast station to use **1210 kc.,** 5 KW, daytime only.

Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Placed in pending files pursuant to Order No. 79, application for construction permit (B4-PH-103) for new FM broadcast station.

Federated Publications, Inc., Battle Creek, Mich.—Dismissed petition for rehearing directed against the Commission's action of July 22 granting without hearing the application of WJIM, Inc., Lansing, Mich., for a new FM broadcast station at that place.

E. Anthony & Sons, Inc., New Bedford, Mass.—Denied petition to remove from pending file, reconsider and grant without hearing, the application (B1-PH-98) for a new FM broadcast station.

APPLICATIONS FILED AT FCC

570 Kilocycles

WNAX—WNAX Broadcasting Co., Yankton, S. D.—Authority to install automatic frequency control equipment.

580 Kilocycles

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Construction permit to make changes in transmitting equipment and increase power from 5 KW to 5 KW night, 10 KW day, using directional antenna day and night.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Construction permit to make changes in transmitter and increase power from 5 KW to 5 KW night, 10 KW day, using directional antenna day and night.

620 Kilocycles

KGW—Oregonian Publishing Co., Portland, Ore.—Modification of construction permit (B5-P-2954) for installation of directional antenna for day and night use, increase in power, requesting extension of completion date from 9-21-41 to 11-21-41.

640 Kilocycles

WALB—The Herald Publishing Co., Inc., Albany, Ga.—Modification of construction permit (B3-MP-1327) for changes in directional antenna for night use, requesting change in frequency from **1590 kc.** to **1530 kc.,** increase in power from 1 to 10 KW, using directional antenna night, install new transmitter. Contingent on WCKY's change to **640 kc.** or other frequency.

690 Kilocycles

KGGF—Hugh J. Powell, Coffeyville, Kans.—Construction permit to increase power from 500 watts night, 1 KW day to 1 KW day and night, change type of transmitter, directional antenna for night use, hours of operation from specified to unlimited and move transmitter. Amended: To use directional antenna for day and night.

810 Kilocycles

NEW—Fred C. Morgan, Harrison Eiteljorg, Roger A. Beane, d/b as Hoosier Broadcasting Co., Indianapolis, Ind.—Construction permit for a new broadcast station to be operated on **810 kc.,** 250 watts and daytime hours.

820 Kilocycles

WOSU—Ohio State University, Columbus, Ohio.—License to cover construction permit (B2-P-3138) as modified, for new transmitter, change in frequency, increase in power and change in hours of operation.

WOSU—Ohio State University, Columbus, Ohio.—Authority to determine operating power by direct method.

860 Kilocycles

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Modification of construction permit (B5-P-2631) for **860 kc.,** 1 KW, daytime or unlimited, provided directional antenna installed, which meets with approval of Commission and approval of transmitter site and new transmitter, requesting new transmitter, directional antenna for night use, 1 KW, unlimited hours and approval of transmitter site.

950 Kilocycles

KPRC—Houston Printing Corp., Houston, Texas.—Modification of construction permit (B3-P-2791) as modified, for installation directional antenna for night use, increase in power, change in frequency under NARBA, requesting extension of completion date from 9-19-41 to 11-18-41.

1080 Kilocycles

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—License to cover construction permit (B5-P-2881) as modified, for change in frequency, increase in power, change in hours of operation and installation of directional antenna for day and night use.

1180 Kilocycles

KFGQ—Boone Biblical College, Boone, Iowa.—Construction permit to change frequency from **1400 kc.** to **1180 kc.,** increase power and hours of operation from 100 watts, specified hours to 250 watts daytime, make changes in transmitter and install new vertical antenna.

1190 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—Construction permit to install new transmitter and increase power from 100 watts night, 250 watts day to 1 KW day and night. Amended: To request change in frequency from **1600 kc.** to **1190 kc.,** and limited hours.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Construction permit to change frequency from **1430 kc.** to **1190 kc.,** increase power from 5 to 50 KW, install new transmitter, changes in directional antenna for night use and move transmitter (facilities of WOWO requested).

1230 Kilocycles

WESX—North Shore Broadcasting Co., Salem, Mass.—Authority to install automatic frequency control equipment.

1240 Kilocycles

KMAC—W. W. McAllister and Howard W. Davis, d/b as The Walmac Co., San Antonio, Texas—Authority to determine operating power by direct method.

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—License to cover construction permit (B3-P-3233) for new transmitter and move of studio and transmitter.

WIMM—Kentucky Broadcasting Corp., Louisville, Ky.—Modification of license for increase in power from 100 watts night, 250 watts day, to 250 watts (Section 32).

KGBS—Harbenito Broadcasting Co., Harlingen, Texas—License to cover construction permit (B3-P-2747) as modified, for a new station.

1290 Kilocycles

WNBF—Wylie B. Jones Advertising Agency, Binghamton, N. Y.—Construction permit to install new transmitter, directional antenna for night use, increase in power from 250 watts to 5 KW, move transmitter and change frequency from **1490 kc.** to **1200 kc.** Amended to request **1290 kc.**

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Authority to determine operating power by direct method.

KOIL—Central States Broadcasting Co., Omaha, Nebr.—License to cover construction permit (B4-P-2609) as modified for increase in power, using directional antenna for night.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio—Authority to determine operating power by direct method.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio—License to cover construction permit (B2-P-3257) to reinstate construction permit (B2-P-2628) as modified for equipment changes, changes in directional antenna, increase in power, and move of transmitter.

1320 Kilocycles

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Modification of construction permit (B4-P-2821) as modified for increase in power, using directional antenna for night, requesting extension of completion date from 9-21-41 to 11-21-41.

1330 Kilocycles

NEW—WJPS, Inc., Evansville, Ind.—Construction permit for a new broadcast station to be operated on **1330 kc.,** 1 kilowatt, and unlimited time, using directional antenna night.

NEW—WJPS, Inc., Evansville, Ind.—Construction permit for a new broadcast station to be operated on **1330 kc.,** 1 kilowatt and unlimited hours, using directional antenna night (Section 41a).

1340 Kilocycles

WPER—Tropical Broadcasting Co., DeLand, Fla.—Modification of construction permit (B3-P-2991) as modified for a new broadcast station, requesting changes in proposed transmitter site and change proposed studio site. Amended to specify proposed transmitter and studio sites and extension of commencement and completion dates to 10 days after grant and 45 days thereafter, respectively.

WGAA—Northwest Georgia Broadcasting Co., Cedartown, Ga.—Authority to determine operating power by direct method.

WGAA—Northwest Georgia Broadcasting Co., Cedartown, Ga.—License to cover construction permit (B3-P-3029) as modified, for a new broadcast station **(1340 kc.)** (Section 10c).

KHMO—The Courier Post Publishing Co., Hannibal, Mo.—Authority to determine operating power by direct method.

WLBC—Donald A. Burton, Muncie, Ind.—Construction permit to move transmitter and make changes in vertical antenna.

1400 Kilocycles

KTNM—Lester Q. Krasin and Otto A. Krutzner, d/b as Krasin and Krutzner Broadcasting Co., Tucumcari, N. Mex.—Modification of construction permit (B5-P-2934) for a new broadcasting station, requesting changes in equipment and antenna and extend commencement date from 8-24-41 to 10 days after date of grant and completion date from 2-24-42 to 90 days thereafter.

NEW—Raymond C. Hammett, Talladega, Ala.—Construction permit for a new broadcast station to be operated on **1400 kc.,** 250 watts, and unlimited hours (Sections 18, 19, 23, 27, 28, 29 and additional copy).

KOKO—The Southwest Broadcasting Co., La Junta, Colo.—Construction permit to increase power from 100 to 250 watts and install new transmitter.

1450 Kilocycles

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—License to cover construction permit (B5-P-2458) as modified for a new broadcast station.

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Authority to determine operating power by direct method.

KFIZ—Reporter Printing Co., Fond du Lac, Wisc.—License to cover construction permit (B4-P-2986) for new transmitter, changes in antenna system, and increase in power.

KFIZ—Reporter Printing Co., Fond du Lac, Wisc.—Authority to determine operating power by direct method.

1480 Kilocycles

NEW—Associated Broadcasters, Inc., Indianapolis, Ind.—Construction permit for a new broadcast station to be operated on **1480 kc.,** 100 watts night, 250 watts day, and unlimited time.

1490 Kilocycles

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Modification of construction permit (B4-P-3139) for change in frequency, power, installation of new transmitting equipment, directional antenna for night use and move of transmitter, requesting change type of transmitting equipment.

NEW—The Torrington Broadcasting Co., Inc., Torrington, Conn.—Construction permit for a new broadcast station to be operated on **1490 kc.,** 250 watts and unlimited hours (Section 19(p)).

1520 Kilocycles

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Modification of construction permit (B1-P-2902) for new transmitter installation of directional antenna for day and night use, increase in power and move, requesting changes in directional antenna and **1520 kc.** under NARBA. Amended: To change tubes in last radio stage.

1560 Kilocycles

NEW—Edward E. Reeder, Seattle, Wash.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 250 watts and unlimited hours. Amended: To request **1560 kc.**

1600 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—Authority to determine operating power by direct method.

FM APPLICATIONS

NEW—The La Crosse Tribune Co., La Crosse, Wisc.—Construction permit for a new high frequency broadcast station to be operated on **46500 kc.;** coverage, 4,520 square miles; population, 166,600. Amended: To change antenna system, coverage to 7,040 square miles and population to 244,750.

NEW—Oak Park Realty and Amusement Co., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on **47900 kc.;** population, 5,030,510; coverage, 10,800 square miles.

MISCELLANEOUS APPLICATIONS

W9XBT—Balaban and Katz Corp., Relay.—License to cover construction permit (B4-PVB-84) for reinstatement of construction permit for decrease in power and equipment changes for new relay broadcast television station.

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license requesting additional frequencies **6100, 11890** and **21630 kc.,** and addition of transmitting equipment now licensed to WNBI (Submitted in Duplicate).

WERB—Pinellas Broadcasting Co., Portable-Mobile.—License to cover construction permit (B3-PRE-401) for a new relay broadcast station.

NEW—Board of Education of the Memphis City Schools, Memphis, Tenn.—Construction permit for a new noncommercial educational broadcast station to be operated on **42100 kc.,** 250 watts, A3 emission.

NEW—Hampden-Hampshire Corp., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.,** 25 watts, A3 emission.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Aspironal Company—J. D. Jacobs and P. W. Smith, trading as Aspironal Company, Atlanta, Ga., engaged in the sale and distribution of a medical preparation designated as "Aspironal," are charged in a complaint with misrepresentation and false advertising. (4574)

Carolene Products Company, Litchfield, Ill., engaged in manufacturing and distributing skimmed milk products designated as "Carolene" and as "Milnut," is charged in a complaint with misrepresentation. (4575)

Imperial Knife Company, Inc.—A complaint has been issued charging Imperial Knife Co., Inc., 14 Blount St., Providence, R. I., with the use of lottery methods in the sale of knives.

A complaint has also been issued charging Marion Allen, trading as Triangle Sales Co., Phoenix, Ariz., and Alfred J. Landay, of Chicago, with the use of lottery methods in the sale of radios, cameras and other merchandise. The complaint alleges that the respondent Landay is engaged in the mailing of push cards and literature for the respondent Marion Allen. (4573-4576)

Lux-Visel, Inc., trading as The Lux Company, and Superlux, Elkhart, Ind., engaged in the manufacture and sale of an electric water heater designated variously as the "Magic Disc," the "Super-Lux Heater" and the "Lux," is charged in a complaint with misrepresentation. (4577)

Manhattan Brewing Company—A complaint has been issued charging Manhattan Brewing Co., 3901 Emerald Ave., Chicago, with representing that certain of its beer and ale is imported from Canada and that some of its products are brewed in Wisconsin, when such are not the facts. (4572)

STIPULATIONS

The following stipulations have been made public by the Commission:

Eureka Springs Water Company—Richard R. Thompson, trading as Eureka Springs Water Co. and as Ozarka Water Co., Eureka Springs, Ark., has entered into a stipulation to cease certain representations in the sale of "Eureka Springs Ozarka Water." (3201)

Jose G. Gonzalez and Mrs. Henry (Felicitas G.) Myers, 817 Hidalgo St., Laredo, Texas, stipulated to cease certain representations in the sale of "Malintzin," a hair dye product. (3202)

Northam Warren Corporation and its subsidiary, Peggy Sage, Inc., of New York and Stamford, Conn., have stipulated to discontinue certain representations in the sale of fingernail polishes. (3203)

William Smith & Sons, Inc., 51 Madison St., Paterson, N. J., manufacturer and distributor of seam binding, has entered into a stipulation to cease using the marking "100 yards" on bolts or containers of its product, when in fact less than that number of yards of material are included therein, and to cease otherwise mismarking its products with respect to their yardage. (3204)

CEASE AND DESIST ORDERS

During the past week the Commission has issued the following cease and desist orders:

Detroit Candy & Tobacco Jobbers Association, Inc., Detroit, and its officers, directors and representatives, have been ordered to cease and desist from practices deemed to be in restraint of trade in the sale of candies, tobaccos and groceries. (4321)

Inlaid Optical Corporation, 1058 Broad St., Providence, R. I., has been ordered to cease and desist from misrepresentation in the sale of lenses and eyeglasses. (4178)

Rockdale Monument Company—James J. Collins, Charles J. Hepp and Catherine Hepp, trading as Rockdale Monument Company, Joliet, Ill., have been ordered to cease and desist from misrepresentation in the sale of imitation granite monuments and markers. (4404)

Schneck-Wayne Company—Orders prohibiting the use of lottery methods in the sale of commodities in commerce have been issued against a New York and a Chicago firm each selling miscellaneous merchandise, and a Bryan, Ohio, candy manufacturer. The Commission also ordered an Adrian, Mich., firm to cease selling sales promotion cards or other articles so designed that their use by retail merchants constitutes the operation of a gift enterprise or lottery scheme.

Respondents are Schneck-Wayne Co., Inc., and its officers, Gustave B. Wayne and Frank J. Schneck, 261 Fifth Ave., New York; Philip Harry Koolish and Sara Allen Koolish, trading as Standard Distributing Co., 2222 Diversey St., Chicago; Ora R. Yates and Charles W. Miller, trading as Monarch Printers and Binders, 812 Hunt St., Adrian, Mich.; and Arthur G., Ernest D., and Mrs. Faie Spangler, trading as Spangler Candy Co., Bryan, Ohio. (3441-4135-4339-4540)

Soap Lake Products Corp.—Two Washington State distributors of packaged mineral salts have been ordered to cease and desist from misrepresentations of the therapeutic value of their preparations. The respondents are Soap Lake Products Corporation, Seattle, and Roxie Thorson, trading as Thorson's Soap Lake Products Co., Soap Lake, Wash. (2823-2832)

J. H. Weil & Co., et al.—Eleven producers or distributors of tracing cloths, blueprint papers and various other supplies and equipment used by the engineering, drafting and building professions, and their trade association, and several of its executive committee members, have been ordered to cease and desist from a combination and conspiracy to fix and maintain prices for their products.

Respondents in the proceeding are: Surveying-Drafting-Coaters Section of Scientific Apparatus Makers of America, Philadelphia; Arthur L. Parker, its manager, Paul J. Bruning, chairman, and Karl Keller, R. Fred Allin, and W. A. Berger, former executive committee members; Charles Bruning Co., Inc., New York; The Frederick Post Co., The Huey Co., Eugene Dietzgen Co., Economy Blue Print Products, Inc., C. F. Pease Co., and United States Blue Print Paper Co., all of Chicago; Keuffel & Esser Co., Hoboken, N. J.; and Charles W. Speidel and Walter A. Kohn, trading as Chas. W. Speidel & Co., Jacob H. Weil, Edwin H. Weil, and Manfred Krauskopf, trading as J. H. Weil & Co., and Alphonse A. Brunner, trading as Keystone Blue Paper Co., all of Philadelphia.

The Commission order directs the eleven members of the Surveying-Drafting-Coaters Section of Scientific Apparatus Makers of America, and all other present and future members, of which those named are representative, to cease and desist from carrying out any understanding, agreement, arrangement, combination or conspiracy to restrain or monopolize competition in the sale of their products, and, in pursuance of such understandings or agreements, from fixing and maintaining or agreeing to fix and maintain the prices at which their products will be sold by them and the terms and conditions, including the classification of customers, freight allowances and duration of and optional clauses in contracts, in connection with any sales by them of their products. (3092)

R. C. Williams & Company, Inc., 265 Tenth Ave., New York City, engaged in importing and exporting food products, has been ordered to cease and desist from violation of the brokerage provision of the Robinson-Patman Act. (4279)

FTC CLOSES CASE

The Federal Trade Commission closed without prejudice a case against Morris Orenstein, 625 Broadway, New York, trading as Fair Deal Novelty Co., and as Fair Deal Novelty House, charged with violation of the Federal Trade Commission Act in the interstate sale of merchandise, including pen and pencil sets, cigarette lighters and electric lamps.

The case growing out of the complaint against the respondent was closed without prejudice to the Commission's right to resume proceedings, should future facts so warrant.

The closing order recites that in an order to cease and desist issued last June against Morris Orenstein and Isidore Halperin, trading as Wellworth Sales Co., New York (Docket 3470), the respondent Orenstein was ordered individually to cease practices similar to those charged in the current case now closed. The order against the respondents Orenstein and Halperin prohibited the use of lottery methods in the sale of merchandise, use of the word "free" to describe premiums or gifts given as compensation for services, and use of the word "silver" to designate plated ware. (3353)

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 36, September 12, 1941

Executive Committee Approves New ASCAP Deal

The Executive Committee met in New York City on Tuesday, September 9. The ASCAP proposals in their revised form were considered in detail and after full discussion the following resolution was adopted:

"The Executive Committee of the NAB has had ample opportunity to study, through a series of meetings, the terms and conditions of the proposed ASCAP contracts. It is the consensus of the Executive Committee that these contracts in their present form are highly satisfactory and offer broadcasters who desire to use ASCAP music an eminently fair and equitable basis for such use, provision having been made for the various operating problems which confront the industry.

"The NAB, therefore, recommends favorable consideration of that form of contract which best suits the station's individual operating needs."

Elias, Elmer, Morency and Shouse voted in the affirmative, and Gillin voted in the negative. West was absent.

The forms of contracts which are to be tendered to stations were not available in final form when this issue of the REPORTS went to press so no analysis could be made. However, a complete analysis will be contained in next week's NAB REPORTS.

After the meeting, Neville Miller issued the following statement:

"The contract in its present form achieves principles for which broadcasters have been contending for many years. It enables them to take their choice of a blanket contract for all ASCAP music, or to purchase this music for the programs on which it is played. Moreover, the contract reduces substantially the fees which our industry has hitherto been compelled to pay."

It was pointed out by Mr. Miller that the contact with ASCAP would not affect the operations of BMI, to which both NBC and CBS had pledged their continued support on a long term basis.

"The proposed contracts with ASCAP in their final form will be mailed to all stations within the next few days, and will be subject to the scrutiny and approval of the individual broadcaster," Mr. Miller said. He further stated that the terms and conditions of the proposed contracts were acceptable, he had been informed, to the National Broadcasting Company and to the Columbia Broadcasting System. Signature by the networks, it is understood, is contingent upon the agreement of affiliated stations to bear their proportion of the cost of the license.

Radio Priorities Conference

Manufacturers and suppliers of materials and equipment for commercial broadcast stations, representing every branch of the industry, came to Washington, last Wednesday, at the invitation of NAB President Neville Miller for an all day conference to ascertain the exact nature of the critical problem facing the industry.

The meeting was called in the face of the anticipated order P-22 which was actually issued September 9, the day before the meeting. This order places commercial broadcasting in the National Defense category.

The consensus of manufacturers attending the meeting was to the effect that A-10 would soon prove thoroughly inadequate to procure a large variety of critical repair parts. Most factories are filled with equipment orders bearing substantially higher priorities, they said.

On the day prior to the NAB meeting the Radio Apparatus & Electronic Tube Section of the National Electrical Manufacturers Association met in New York City to discuss the problem of supplying broadcasters. The findings of these manufacturers were transmitted to the NAB meeting by S. Norris, chairman, Tube Line Committee, Radio Apparatus & Electronic Tubes Section and C. J. Burnside, chairman, Radio Apparatus & Electronic Tubes Section. Frank Martin of the NEMA staff and S. Norris were in attendance. The latter read the report which he said would be anything but cheerful news. It reads in part:

"It is the considered opinion of the Radio Apparatus & Electronic Tubes Section of NEMA that manufacturers are approaching the point where they can no longer give assurance that they can supply to the broadcasting industry replacement tubes that may be needed to maintain services.

"As of today, the situation on certain transmitting tubes is extremely critical and certain types must soon be unavailable except on the highest priority ratings, because of the present and immediate future demand for manufacturing facilities, skilled labor and materials.

"Discussion with various Government departments regarding 1942 tube requirements would indicate the possibility that National Defense needs for TRANSMITTING TUBES will exceed the productive capacity of the industry.

"Sometime ago, it seemed that a priority rating in the nature of A-10 would be sufficient to render the broadcasters adequate service. The present quantity of transmitting tubes being produced or contemplated to which high priority ratings have been or will be assigned indicates that an A-10 rating on these products would not be adequate.

"Everything that has been said above with regard to transmitting tubes applies with equal force to transmitting apparatus and replacement parts.

"The members of this Committee individually and collectively through the Association have for some time been cognizant of the tube and parts replacement problem of the broadcasting industry and have expended considerable effort to obtain relief.

"The situation has now come to a point where it is very evident that a high priority rating would be, in our opinion, the best solution to the problem, since this would permit the manufacturers to ship broadcaster requirements in conjunction with defense schedules.

"This Committee is anxious to be of assistance in the preparation of statistics or further information which might be of help to the broadcasters in their effort to obtain such Industry rating."

After an hour and a half discussion of the entire problem the manufacturers divided themselves into four groups for the purpose of accurately estimating the amounts of various critical

(Continued on page 734)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

RADIO PRIORITIES CONFERENCE

(Continued from page 733)

materials required for keeping the present broadcast system in operation on a 1940 basis.

They also made estimates of materials required in new construction. By remaining late the compilations were practically completed. These will be used in making a case before the proper Government agencies.

It is realized that in applying an A-10 rating to the broadcasting industry that it is the belief of the Government that such a rating is satisfactory. The condition of the individual factories making up the industry does not support this contention. The information which NAB gathered with the cooperation of the manufacturers is naturally the latest information available. Conversations will be continued with the Government.

NAB sets forth below suggestions which bear on the problem of getting the necessary parts and equipment for repairs and emergency inventory.

Present at Meeting

S. Norris, Amperex Electronic Products, Inc., New York City.

B. Haynes, Audio Devices, Inc., New York City.

E. J. Staubitz, Blaw-Knox Company, Pittsburgh.

H. H. Darbo, Burgess Battery Company, Freeport, Ill.

P. M. Deeley, Cornell-Dubilier Elec. Corp., South Plainfield, N. J.

Ernest F. Ling, Corning Glass Works, Corning, N. Y.

W. Eitel, Eitel-McCullough, Inc., San Bruno, Calif.

C. E. Brigham, Federal Telegraph Co., Newark, N. J.

S. G. Jones, Gates Companies, Quincy, Ill.

G. W. Henyan, General Electric Company, Schenectady.

L. H. Whitten, Graybar Electric Co., Inc., Washington, D. C.

Harry Ehle, International Resistance Company, Philadelphia.

Kenneth D. Hamilton and H. L. Quick, Isolantite, Inc., New York City.

J. F. Neary, Lehigh Structural Steel Co., New York City.

Wesley Thompson, John E. Lingo & Son, Inc., Camden, N. J.

G. M. Ruoff, Locke Insulator Corporation, Baltimore

Sigurd Sollie, Memovox, Incorporated, Beverly Hills, Calif.

Joseph Tait, Presto Recording Corporation, New York City.

I. R. Baker, RCA Manufacturing Company, Camden, N. J.

G. Reiniger and Miss Marion Wade, Radio Engineering Laboratories, Inc., Long Island City, N. Y.

D. I. Cooke, The Triplett Electrical Instrument Co., Bluffton, Ohio.

E. O. Onstead, Thordarson Electric Mfg. Co., Chicago.

George F. Bateson, Truscon Steel Company, Youngstown, Ohio.

A. J. Eaves and H. N. Willets, Western Electric Company, New York City.

E. T. Morris and W. M. Anderson, Westinghouse Electric and Mfg. Co., Baltimore.

R. F. Weinig, Wincharger Corp., Sioux City, Iowa.

Frank Martin, NEMA, New York City.

Lawrence C. F. Horle, RMA, Washington, D. C.

Members of the NAB staff present were: Neville Miller, C. E. Arney, Jr., Russell Place, Lynne Smeby and Arthur Stringer.

New Priority Procedure

As of September 9 the following is the procedure which commercial broadcast stations are to follow in order to procure tubes, parts and apparatus necessary to the station's continued operation, i.e., for repairs and emergency inventory. This procedure was set forth in OPM's Preference Rating Order P-22.

That order has assigned to the commercial broadcasting industry an A-10 rating for repairs and emergency inventory. Because A-10 is a national defense rating, all repair work in broadcasting automatically becomes national defense so far as the Supplier is concerned.

How Commercial Broadcasters Are to Get Material for Repairs and Emergency Inventory:

Fill out a purchase order as usual,—you don't need a form,—and endorse on the order and all copies as follows (this exact wording must be used and it must be signed by a responsible station official duly designated):

> "Purchase Order for Repair or Emergency Inventory—Preference Rating A-10 under Preference Rating Order P-22."

A station is privileged to use A-10 for orders covering breakdown; orders in the face of an imminent breakdown; and, to build up an emergency inventory. Emergency inventory is held to be as small an inventory as is needed to safeguard continued operation. It corresponds to the individual station's inventory practice. It is advised that your emergency inventory be maintained 100 per cent.

If your Supplier tells you an A-10 rating will not enable him to make delivery, ask him what rating is necessary and then communicate with the Repair Section of the Office of Production Management, 462 Indiana Avenue, N. W., Washington, D. C. (REpublic 7500, Extension 2897. Until further notice talk with Colonel J. F. Coneybear. This work may be assigned to another man in the near future). Explain to him the emergency, that you cannot wait for material under the A-10, reciting the facts your Supplier has given you. With this explanation it is likely that you may be assigned a higher defense rating which will enable you to get the material delivered almost immediately. This procedure should be followed to build up your emergency inventory, if that is necessary, as well as in case of breakdown. It is not necessary to wait until you go off the air before using it. The same procedure should be used in case your tower collapses.

IMPORTANT. Do not use the A-10 rating under the following circumstances:

> (1) To obtain material IN EXCESS of your requirements for repairs or emergency inventory;
>
> (2) Unless the material to be delivered cannot be obtained when requested without such rating.
>
> (Severe penalties including criminal prosecution are provided for wilful violations of the terms and provisions of Order P-22).

What to Do for New Construction:

At the present time new construction means everything that is not a repair job or emergency inventory. The erection of one tower, for example, by an existing station, in order to protect against another station, is new construction. (This week one such project was given a B-1 rating, which was too low for the Supplier to secure steel for fabrication). A new transmitter for increased power is new construction exactly as an entire layout to satisfy a brand new construction permit.

In these cases the station owner is to apply for a "Project Rating". When granted, this provides for all of the material necessary to complete the job. You do not fill out a form for a "Project Rating". You write a letter to Mr. Ward Freeman, Project Rating Section, Priorities Division, Office of Production Management, 462 Indiana Avenue, Washington, D. C. After telling him that you are applying for a "Project Rating", supply the following information:

1. Owner or owners of the station.
2. Principle office of the broadcasting station.
3. Indicate the plant site.
4. Material produced. In the case of the broadcasting station this is not filled out as it would be ether waves.
5. Justification of the project.
6. General description of the project.
7. Types and quantities of material required. This means list of materials.
8. Number of certificate of necessity. Disregard this as a broadcaster would not have such a certificate.
9. Date of completion.
10. Cost.
11. Per cent completed now.

M.I.T. SCHEDULES RADIO COURSE

Massachusetts Institute of Technology, Worcester Polytechnic Institute and five or six other important New England schools have agreed with the suggestion made by NAB that it is in the country's interest to institute radio technician courses.

This information was telephoned on Thursday by E. E. Hill, director, WTAG, who is District No. 1 liasion for the NAB National Defense Committee. Mr. Hill was morally certain that Harvard and Yale would be among five or six other important New England schools participating in the plan.

At M.I.T. Professor E. L. Moreland is carrying the ball for the courses. With Mr. Hill's aggressive support and that of the New England radio station MIT, Worcester and the other participating schools should have their full quota of students. It is expected that a large number of course graduates capable of passing the FCC examination for operator's license will result.

At Ohio State, Columbus, Professor Harry E. Nold, director, Engineering, Science and Management Defense Training, has arranged for a "Defense Training Program in Applied Electronics" beginning September 29. This intensive course of twelve weeks duration is open only to college graduates who have majored in engineering or physics and advanced undergraduates who have completed three years of college work with a strong major in engineering or physics.

Seventy-one prospective students have been recruited for the Radio Training courses at North Carolina State by Manager J. Frank Jarman, Jr., of WDNC, Durham. In accordance with the plan suggested by A. J. Fletcher, WRAL, Raleigh, the North Carolina stations are "taking to the air" and forwarding the prospect names to the college officials.

SPEED NECESSARY DELAYED

In an effort to facilitate delayed broadcasting of speeches by public officials and programs in the interest of national defense, when facilities are not available for live broadcasts, John Shepard, III, NAB's National Defense Committee chairman, has contacted the three national networks. He has authorized the following statement:

CBS affiliates have blanket authority, as transmitted by H. V. Akerberg, to transcribe and repeat above types of programs without securing special permission.

MBS affiliates, according to notice from Fred Weber, can also record and repeat programs without securing permission.

William S. Hedges of NBC states that they do not desire to give blanket permission; but that they will bend every effort to give prompt answers when their affiliates request permission on any specific program of the above type.

NEW MILITARY SERIES

A series of outstanding defense programs originated by WSUN, St. Petersburg, Fla., are picked up from nearby military establishments. First broadcast was from the new U. S. Maritime Training School; second, from the school's full-rigged training ship, the Joseph Conrad. In subsequent weeks broadcasts will originate in the Training Station's auditorium. Later on broadcasts will be presented from MacDill Field and Drew Field, Tampa, headquarters of the Third Interceptor Command. Transcriptions will be sent to the various stations in the eleven southern states embraced by the Command.

Movie-Radio Hearing

Hearings began Tuesday before a subcommittee of the Senate Interstate Commerce Committee headed by Senator D. Worth Clark of Idaho on Senate Resolution 152 proposing an investigation into alleged pro-war propaganda in motion pictures and radio. When the hearings adjourned today after two and a half days of testimony, only three witnesses had appeared: Senator Gerald P. Nye (R—N. Dak) Senator Bennett Champ Clark (R—Mo), the senators who proposed the investigation, and publicist John T. Flynn of New York. Testimony of these witnesses was devoted almost entirely to a discussion of alleged motion picture propaganda, although Senator Clark's prepared statement read to the committee, contained a strongly-worded indictment of radio broadcasters.

In his statement Senator Clark charged that the "man who owns the radio machine. . . . a business man who, by virtue of his acquisitive talents, has gotten possession of this little microphone" now exercises a power even greater than that of the Government itself over freedom of speech and discussion in the United States. He pictured a "few men" as having complete control over what the American people shall or shall not hear on the radio, and said that raido broadcasters are "fighting for the freedom to say what *they* want, and the freedom to prevent those who disagree with them from uttering a syllable in opposition."

NAB President Neville Miller immediately addressed an open letter to the Chairman of the committee vigorously objecting to the charges which he characterized as an "unwarranted public indictment" of the radio broadcasting industry.

"It is difficult to believe that charges such as these are made in all sincerity," Mr. Miller said. "There are more than 800 broadcasting stations in this country. These stations are operated by men and women of all creeds and political beliefs— Republicans and Democrats, farmers, lawyers, newspaper people—plain business people of all kinds. Some are members of the Senate and the House of Representatives. After full examination into their fitness and responsibility, the Federal Government has granted them the license to broadcast. They have invested substantial sums of money in the necessary physical facilities to carry on broadcasting operations, and have devoted their intelligence and energy to the building of a radio broadcasting service which is conceded to be the best in the world.

"These men and women are charged by their Government with the duty of conducting their broadcasting operations at all times in the public interest, convenience, and necessity, and whenever they fail to measure up to their responsibilities, they are subject to loss of their right to broadcast.

"Of course it is absurd on its face to say that any man or group of men control what is broadcast in this country. The American people and they alone exercise a day-to-day control of broadcasting far too powerful for anyone, even Government itself, to interfere with. But beyond this, these men and women have voluntarily accepted as part of their public reponsibility the duty to see to it that radio shall promote and enlarge free public discussion and debate, that it shall serve as a instrument of enlightment as well as of entertainment for all the people. This assumption of responsibility is given expression in the industry Code by which radio broadcasters declare that they shall conduct radio as an instrument of public expression, and that in the discussion of public questions, the people shall be given an opportunity to hear all sides of controversial issues, and that the news of the day shall be reported factually and analyzed objectively.

"Senator Bennett Clark has charged radio with keeping the air "hot with propaganda for war". In all critical periods there is a tendency on the part of those who harbor differing beliefs and conceptions to regard their opponents as "propagandists". Ever since this country embarked upon a program of strengthening its national defenses, radio has given wholeheartedly of its time and energies and resources to the furtherance of our preparedness program. Radio is "all-out" for national defense. If that is what the Senator means, radio admits it. And any malicious attempt to smear a great industry at a time when it is playing so important a part in the interest of the public welfare—any attempt to produce confusion, disbelief and disunity among our people—will fail, as all such efforts have failed in the history of the Union."

Sales

Dealer-Cooperative List

All NAB stations this week will receive a brief questionnaire asking for a list of dealer-cooperative advertisers. Please give this as prompt attention as possible.

When all returns are in, duplicates will be eliminated, the final compilation made, and copies will be sent to all those participating. This study, authorized by the Sales Managers Division, will be of real value to radio in two ways:

1. Working from this list, stations can direct their sales efforts most effectively in securing more dealer-cooperative advertising than in the past;
2. The list will also be used in national solicitation to obtain a dealer-cooperative advertising policy, more favorable to radio, from those manufacturers who now discriminate against this medium.

Thus by both methods, total radio revenue can be increased, but to make the study truly effective, *your* cooperation is essential.

The Hoover Co. Policy

Dealer advertising in radio, while not encouraged, is permitted by the Hoover Co. of North Canton, O.

D. K. Colvin, advertising manager of the company, has advised the NAB that his company confines its local advertising to six-week periods in the spring and fall when it conducts a special dealer campaign, and the company pays the entire cost of such local advertising.

"Because of the shortness of the period and the relatively small appropriations available to individual dealers, we have not been able to offer dealers a wrapped-up radio campaign. Since we pay the entire cost, we generally insist that it be spent in the same manner as the dealer spends the majority of his own advertising money," Mr. Colvin said.

"In certain instances, however, upon the request of individual dealers who were carrying on a consistent radio advertising effort, we have approved the expenditure of our funds in this medium.

"You asked whether we have any index of our dealers' attitude toward radio, and I can only say that we get practically no requests for such cooperation. We are confident that radio can be used very effectively by retail merchants, and we would be very happy if our local advertising setup permitted us to provide adequate funds for dealer participation in radio advertising. Under present circumstances it does not seem to fit in very well with our program, other than in those isolated instances which I have mentioned," Mr. Colvin declared.

Obviously, therefore, if more Hoover money is to be spent on radio, stations should endeavor to sell local campaigns to Hoover dealers for their own advertising, and then persuade them to request radio when the Hoover appropriation becomes available. Here is a good case of a company, open-minded towards radio, that declares it gets "practically no requests for such cooperation."

The NAB Department of Broadcast Advertising will continue to work with Mr. Colvin, stressing the success of other manufacturers with radio in dealer-cooperative advertising. When the survey mentioned in the previous item is completed, it will be a potent sales point to use with this and similar companies.

FAA Convention Held

Members of the Sales Managers Executive Committee are cooperating with the NAB Department of Broadcast Advertising by seeing to it that radio is represented at various national conventions which the Director cannot attend. Eugene Carr, WGAR, committee chairman, represented the NAB at the annual convention of the Financial Advertisers Association held in Cleveland September 8. Reports Mr. Carr:

"Practically every banking institution represented is now using radio and apparently most of them are using radio successfully. I was greatly impressed with the intelligent approach of these men to the use of the medium with various types of program and announcement campaigns. Not once did anyone so much as indicate that radio is an uncertain medium for banking institutions and, all in all, I would say that any salesman for a radio station should find banks and savings and loan associations very susceptible to our selling arguments."

National Dairy Council

The National Dairy Council, 111 North Canal St., Chicago, has appointed McCann-Erickson, Chicago, to handle its advertising campaign. Neal D. Kelly, assistant to the president of the National Dairy Council, represents the Council on advertising matters. Also, Carl F. Deysenroth was named by the Council to devise some plan, possibly radio, whereby syndicated advertising material could be furnished to independent dairy groups for local advertising. Earl Thomas is radio director of McCann-Erickson. Recommendations for radio by local members of the Council will be helpful.

Miscellaneous

Radio Time for Defense

With permanent government departments continuing their customary requests and national defense agencies asking more and more time on the stations of the country, it is impossible to make an entirely accurate estimate of the time which radio has been and is contributing to the government. In an attempt to take some broad general measurements, the NAB recently made a test survey of representative radio broadcasting stations throughout the country. An analysis of the replies to a questionnaire discloses that during the month of July, 1941, the "average" station made the following contribution to the agencies directly involved in the national defense effort:

Defense Effort Aided	*Number of Announcements*	*Program Minutes*
Man power	116	120
Financing	114	205
Morale	47	435
Totals	277	760

Since more than 800 radio stations are actively cooperating in this effort, it may be conservatively estimated that the broadcasting stations of the country are giving some 200,000 announcements and approximately 600,000 program minutes monthly directly to the cause of national defense.

In addition, the average station presented in behalf of government agencies other than those primarily engaged in defense work, ten announcements and 90 program minutes for the month of July. For the industry this means a total of 8,000 announcements and 7,200 program minutes.

In addition to this contribution by the individual stations, the network companies have devoted a considerable amount of time to national defense. The National Broadcasting Company reports that during the first seven months of 1941 it presented 627 programs dealing with every phase of the defense effort, 473 of these programs having been carried by the Blue network of NBC and 154 by the Red network. During the month of August, Columbia Broadcasting System presented 112 programs in the interest of national defense, representing a contribution of 41¼ hours of network time. Mutual Broadcasting System reports that during July alone it presented 41 network programs, totalling 16½ hours of network time, devoted to national defense.

Many of these broadcasts have been produced and presented by the network companies themselves; others have been broadcast in cooperation with various departments of the government, the military establishments and a large number of civil organizations engaged in defense activities. Carried over nationwide networks, and reaching people simultaneously throughout the country, these programs have been of inestimable aid to furtherance of our preparedness program and to maintenance of national morale.

DAYLIGHT SAVING

Last Saturday Neville Miller wrote Chairman Lea of the House Interstate and Foreign Commerce Committee, urging his support for daylight-saving time legislation that will provide uniformity and certainty of operation. We print the letter below.

Uncertainty still prevails as to the entire daylight-saving time situation. In the absence of Federal legislation meanwhile, it appears that New York will return to standard time with the coming of Sunday, September 28, and there is virtually no chance of Congress acting before then. Of the southeastern states which went on daylight-saving time in the middle of the summer at the President's request in order to conserve power. North Carolina and Virginia will also return to standard time on September 28, unless a request from the President should intervene to alter present plans. Alabama, Mississippi, and South Carolina will stay right on daylight-saving time until the President indicates the emergency is over, or Congress enacts a daylight-saving law. It is reliably reported here that the Federal Power Commission desires the southeastern states to stay on D.S.T. the year 'round.

September 6, 1941

Honorable Clarence F. Lea
House Office Building
Washington, D. C.

My dear Mr. Lea:

The situation in respect of the subject matter of your bill, H.R. 5343 (daylight-saving time), is a matter of grave concern to the radio broadcasting industry. As September 28 draws near, when states on daylight-saving time return to standard time, radio stations in other states are faced with the necessity of changing over their broadcast schedules to meet the change in time observed by the network-originating stations in New York City. These change-overs are exceedingly difficult and expensive operations. It now appears that states in the southeastern area, just recently changed to daylight-saving time, may remain on daylight-saving time throughout the year as a result of the President's request; this involves another change-over for stations in those states. Furthermore, should your bill or a similar bill be enacted after September 28—and enactment before then appears to be unlikely—stations might again be forced to rearrange their program schedules. I think you can picture the confusion in which broadcasters now find themselves as a result of these uncertainties as well as the burden and expense involved.

We appeared at the hearing on H.R. 5343 and testified that the broadcasting industry is chiefly concerned with certainty and uniformity in the matter of daylight-saving time. Will you permit me again to urge in behalf of the broadcasting industry that you lend your support to a measure that will make daylight-saving time nationwide and for definite periods of time. The benefits of uniformity and certainty in this connection, it seems to me, which would result from nationwide daylight-saving time greatly outweigh any consideration favoring regional daylight-saving time and executive discretion to change it at any time and from time to time.

In ordinary times, partial observance of daylight-saving time is a heavy burden to the industry and creates confusion in the minds of the public. Any bill which does not provide for uniform observance of daylight-saving time for definite periods of time would only make the situation worse, rather than better, for all communication and transportation industries and the public served by them.

Sincerely yours,
Neville Miller

NM/hml

A GOLDEN OPPORTUNITY

Scarcely a day goes by that does not bring from one to a dozen requests from school teachers, clubs and other organized groups for copies of NAB publications. Most recently the requests have been for the second edition of HOW TO USE RADIO IN THE CLASSROOM. The ABC OF RADIO seems quite popular as does HOW TO USE RADIO and Dorothy Lewis' report, BROADCASTING TO THE YOUTH OF AMERICA, has brought a veritable flood of requests.

As we have announced in previous editions of the Reports these books are available to stations at cost, the prices being as follows:

HOW TO USE RADIO IN THE CLASSROOM—
1 to 1,000—6¢ each
1,001 to 3,000—5¢ each
3,001 and over—4¢ each

ABC OF RADIO—
1 to 3,000—6¢ each
3,001 to 6,000—5½¢ each
6,001 and over—5¢ each

HOW TO USE RADIO—
1 to 6,000—6¢ each
6,001 and over—5½¢ each

BROADCASTING TO THE YOUTH OF AMERICA—
1 to 1,000—15¢ each
1,001 and over—12½¢ each

The primary purpose of issuing these booklets was to make them available to stations to distribute in their communities as a public relations activity. A lot of advantage can accrue to a station or to the combined NAB stations of a community by buying a quantity of these and having imprinted upon them the call letters of the station or stations participating in the distribution.

When these publications are sent out from headquarters to a local group in any quantity, two results follow: First, the local stations get no credit; and second, an undue burden of expense is placed upon the Association which in reality should be carried by the local stations.

It may be that stations are missing a spendid opportunity by not securing a quantity of each of the publications and wisely distributing them. It is a matter that is entitled to some careful thought.

CHILDREN'S PROGRAM SURVEY

Mrs. Dorothy Lewis, Vice President of the Radio Council on Children's Programs, last year under RCCP and NAB auspices made a nation-wide tour primarily to study children's radio programs. The results of her survey are set forth in an interesting report entitled, BROADCASTING TO THE YOUTH OF AMERICA, published by NAB.

So widespread has been the commendation of Mrs. Lewis' splendid work on children's programs and in the field of educational and cultural programs generally, that a second tour and survey has been scheduled. The general purposes will be to follow up the survey on children's programs, to encourage local radio councils already established, and to assist in organizing and founding others, to hold conferences with radio station executives on the subject of children's programs, to visit colleges and radio educational councils, to promote good will and enlist cooperation between public and industry and to hold conferences with unorganized groups.

Mrs. Lewis plans to leave her New York office on September 21. Her itinerary follows:

September 22—Albany, New York
September 23—Syracuse and Rochester, New York
September 24—Erie, Pennsylvania
September 25-26—Cleveland, Ohio
September 27—Toledo, Ohio
September 28-29—Indianapolis, Indiana
September 30—Peoria, Illinois
October 1—Rockford, Illinois
October 2-3—Chicago, Illinois
October 4—Davenport, Iowa
October 5—Iowa City, Iowa
October 6—Cedar Rapids, Iowa
October 7—Des Moines, Iowa
October 8-9—Kansas City, Missouri
October 10—Omaha, Nebraska
October 11—Omaha and Lincoln, Nebraska
October 12-13—McCook, Nebraska (Nebraska Federation of Women's Clubs)
October 14—Travel
October 15—Denver, Colorado
October 16—Boulder, Colorado, and Cheyenne, Wyoming
October 17—Rock Springs, Wyoming
October 18—Ogden, Utah
October 19-20—Salt Lake City, Utah
October 21—Pocatello, Idaho
October 22—Boise, Idaho
October 23—Portland, Oregon
October 24—Seattle, Washington
October 25-26—Portland, Oregon
October 27—Medford, Oregon
October 28—Sacramento, California
October 29—Berkeley, California
October 30-31—San Francisco, California
November 1—Fresno, California
November 2 to 14—Los Angeles, San Diego and other Southern California points
November 15—Phoenix, Arizona
November 16—Travel
November 17—Albuquerque, New Mexico
November 18—Amarillo, Texas
November 19—Oklahoma City, Oklahoma
November 20-21—Fort Worth, Texas
November 22—San Antonio and Austin, Texas
November 23—Travel
November 24—Dallas, Texas
November 25—Shreveport, Louisiana
November 26—Jackson, Mississippi
November 27—Tuscaloosa, Alabama
November 28—Birmingham, Alabama
November 29-30—Nashville, Tennessee
December 1—Louisville, Kentucky
December 2—St. Louis, Missouri
December 3-4-5—Chicago, Illinois.

The schedule for return trip will be arranged and notices sent later.

This project is one of outstanding importance to the industry. It is to be hoped, therefore, that broadcasters in the various areas through which Mrs. Lewis will pass and where she will hold meetings will actively cooperate with her. From time to time during the course of the tour, communication will be had in advance with station managers to advise them of the details of Mrs. Lewis' plans.

BAR COMMITTEE REPORT

The American Bar Association's standing committee on communications finds that public opinion strongly favors the American System of Broadcasting. The committee, in its annual report printed below, also suggested a fresh start in consideration of network regulations.

This committee's activities throughout the year have in general followed the objectives set out in its last year's report.

The committee has kept in touch with the Section of International and Comparative Law, and with the Federal Communications Bar Association, and has observed public opinion as it reacted to the various matters which have been under active discussion.

On May 23, the committee sponsored a luncheon in honor of the editorial staff of the *Communications Bar Journal*. Addresses were made by Chairman James Lawrence Fly of the Federal Communications Commission and General Counsel John E. Lockwood of the Office for Coordination of Commercial and Cultural Relations Between the American Republics. Eighty-eight persons attended, including Honorable Clarence F. Lea, Chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives, and several members of the Communications Commission.

Inquiries by this committee among members of the Association developed the following as topics which are at present regarded as most important for the committee to concern itself with: maintaining a "free radio" and seeing to it that radio programs give to the public the opportunity of hearing a full variety of points of view regarding controversial topics; the problem of keeping government out of *proprietorship* of radio stations; extent of governmental *regulation* of operations and programs; current legislative proposals; important court decisions; developments as to procedure before the Federal Communications Commission.

"Free Radio"

1. Public opinion appears to remain, as reported in last year's committee report, strongly in favor of non-government ownership and management of stations, but in favor of their operating under reasonable government regulation.

2. It is vitally important that radio programs shall present to the public opposing points of view on controversial subjects in a reasonably well-balanced way. The committee believes that the present situation with regard to this is reasonably satisfactory.

Plainly, such a result could not be accomplished by the haphazard method of seeing to it that anyone who desires to broadcast may do so, if that were possible; the balance between conflicting points of view can be attained only by intelligent and affirmative executive effort. Any agency which undertakes this task of maintaining a proper balance should be and will be subject to searching criticism. It is our view that whatever the difficulties of attaining this balance when programs are privately managed, the difficulties would be immensely more serious if programs were under government control, because in this country government control means party control and is closely tied in with politics.

3. What is the proper construction of that part of Section 326 of the Communications Act which provides that the Commission shall not "interfere with the right of free speech by means of radio communication"? The Commission has recently held that it is misconduct for a licensee to broadcast editorials urging the election of various candidates or supporting one side or another of questions affecting the public, saying: "The broadcaster cannot be an advocate." This is consistent with what has just been said about the necessity of preserving a balance of viewpoints in presenting views on controversial subjects, and yet the Federal Constitution, providing that Congress shall make no law "abridging freedom of speech or of the press," has been immemorially construed as protecting a newspaper publisher in the right to favor one candidate and attack opposing candidates; no one has ever suggested that a newspaper publisher has to make his paper judicial. It seems, then, that our conclusion as expressed in the preceding paragraph can be supported only if a new and special meaning is given to the words "right of free speech by means of radio communication."

Report and Regulations Concerning Chain Broadcasting

On May 2, 1941, the Commission issued regulations concerning radio networks and their affiliates, undertaking for the first time to deal with these relationships. At the same time, the Commission, two members dissenting, made a detailed report entitled "Report on Chain Broadcasting," covering this matter, based on the hearings held in 1938 and 1939. The regulations provide, in brief, that no license shall be granted to a standard broadcast station having any network organization contract (1) which prevents the station from broadcasting the programs of any other network; or (2) which prevents another station serving the same area from broadcasting the network's programs not taken by the former station; or (3) which provides for affiliation of a station with a network for longer than one year; or (4) which gives the network an option on time; or (5) which prevents the station from refusing network programs reasonably believed to be unsatisfactory or unsuitable or contrary to the public interest, or from substituting a program of outstanding local or national importance. No license is to be granted to a network, or to any person united in control with a network, for more than one standard broadcast station where one of the stations covers substantially all the service area of the other station, or for a station in any locality where the existing standard broadcast stations are so few or of such unequal desirability that competition would be substantially restrained by such licensing. No license is to be issued to a standard broadcast station affiliated with a network organization which simultaneously operates more than one network in such manner that the networks overlap. No license is to be granted to a station having a contract with a network preventing it from fixing or altering its rates for time to be used for other programs than those of the network.

Some maintain and others deny the Commission's power, under the terms of the Communications Act, to regulate the business relations between stations and networks. Aside from this question of authority, the wisdom and usefulness of the new regulations is being vigorously disputed in some quarters, while upheld in others. Of the three larger networks, National and Columbia attack them, and Mutual, having contended that regulation of this general type should be adopted to correct monopolistic practices in the industry, approves of the new regulations in principle though not in entire detail.

It seems reasonably plain that if for any cause our present advertising-supported, privately operated system should break down, then clearly our radio system would have to be supported by taxation, and this means ownership by the government, and government domination of programs. Therefore, officials of the government who consider it vital to avoid government proprietorship of broadcasting stations will want to be reasonably sure that any proposed regulations can be put into effect without upsetting our present privately operated system. On the other hand, officials who do not believe that serious consequences would occur if the government assumed proprietorship of the radio system, and, further, those who believe that continuing success of large corporations is contrary to the public interest, will feel rather free in trying experiments with new forms of regulation designed to stop monopolistic practices or to produce other desirable results.

That the convictions of the majority and of the minority of the Commission, both sincere, are very far apart, is emphasized by the minority's statement that ". . . some of the corrective processes suggested by the majority may easily result in faults which are far more basic than the known defects which exist today. . . ." The minority believe, further, that the decision of the majority, instead of resulting in "free competition," would "more likely create 'anarchy' or a kind of business chaos in which the service of the public would suffer." The great differences in fundamental approach not only account for the differences between the conclusions reached, but for the impatience which each side shows for the other's views, and the somewhat extreme attitudes noticeable in the majority and in the minority reports. A similar situation is observable in comparing the arguments submitted by the major networks with the views of the majority of the Commission.

Thus the discussions about these problems appear to be in a relatively primitive state—a state not very apt, at the moment, for arriving at a sound solution. Since no immediate action is being forced by circumstances, it is the feeling of this committee that further consideration, from many angles, is advisable before the government takes action. Our minds are open as to whether or not the measures favored by the majority of the Commission are wise. Hearings have been held before the Senate Committee on Interstate Commerce, but at the time of this report no action has been taken by the committee.

In the important task of trying to get a workable solution, we feel that the following should be taken into account. There are undoubtedly other considerations which have to be dealt with in seeking to arrive at the right answer in this complicated matter. These statements are not set out here in behalf of one side or the other of the existing controversy, but are stated as a starting point for a fresh consideration as to what solution is really in the public interest. We are conscious that perhaps neither the majority nor the minority of the Commission would subscribe to them all.

(a) As between the special disadvantages of government ownership and the special disadvantages of private ownership in the radio field, the latter are relatively slight, under proper governing regulations, as compared with the serious dangers of public ownership.

(b) Technical and economic problems of radio alike point to the conclusion that, if private proprietorship of the radio is retained, we must endure a considerable extent of monopoly and a considerable degree of "bigness" in the network units involved. The problem is a vast one, and there cannot be such a thing here as free and uncontrolled competition.

(c) Private interests need to be controlled by government regulation in the broadcasting field. Smaller competitive businesses should be encouraged, and monopoly discouraged, as far as possible without upsetting the private-proprietorship system. How far such regulation can safely go is a complicated question of fact.

(d) In deciding how far it is safe to go in regulating the business of broadcasting, it is necessary to bear in mind that if regulation proceeds to the point where the public becomes dissatisfied with the service it gets, the public, which now favors private ownership, might become inclined to favor public ownership—against its long-term interest, as we believe.

(e) While there is and should be no "vested interest" in licenses, it is necessary for the proper development and maintenance of a successful non-governmental radio system that private capital be offered reasonable chances of safety and of profit. The field being a technical and a rapidly developing one, it is necessary that large amounts be spent for equipment, for programs, for experiments looking to improvement, and for maintaining lucrative relationships with advertisers. Private capital cannot be expected to risk the money necessary for these unless governmental regulation is such as to afford reasonable incentives. The problem is not so much one of preserving built-up property rights and being *fair* to existing interests—they must yield to the public interest—as one of recognizing that if the public desires private enterprise to perform important and nationwide services without the aid of government money, it is essential to the public interest to give some substantial assurance of profit and of safety to money that private capital shall so invest.

(f) In judging whether any particular form of proposed regulation involves danger of upsetting the existing private-proprietorship status, the fact must be taken into account that practically the whole of the very large expense of maintaining our present radio service to the public is being borne by advertisers. The only reason they are willing to spend this immense sum is that, because of a large listening audience, they are able to make enough sales through radio advertising to justify the expense. Thus if regulation went to the point of altering program content so as to diminish the number of listeners, the business advantage which makes it possible for advertising sponsors to assume this financial burden would be immediately impaired. The same is true of any type of regulation which prevents advertisers from securing the coverage needed to maintain the selling effect of their radio programs.

912 STATIONS

The Federal Communications Commission granted nine permits for the construction of new stations during the month of August. A comparative table by months follows:

	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1
Operating	806	810	816	825	831	835	836	837	836	849	854	859	859
Construction	57	54	52	51	51	46	54	54	55	48	43	44	53
	836	864	868	876	882	881	890	891	891	897	897	903	912

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, September 15. They are subject to change.

Monday, September 15

KPAC—Port Arthur College, Port Arthur, Texas.—Modification of license, **1220 kc.**, 1 KW, unlimited, DA-night.

Consolidated Hearing

NEW—Herald Publishing Company, Klamath Falls, Ore.—C. P., **1400 kc.**, 250 watts, unlimited.

NEW—Dorman Schaeffer, Klamath Falls, Ore.—C. P., **1400 kc.,** 250 watts, unlimited.

Tuesday, September 16

KGLU—Gila Broadcasting Company, Safford, Ariz.—Renewal of license, **1450 kc.,** 250 watts, unlimited.

Consolidated Hearing

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., has C. P. for **1400 kc.,** 250 watts, unlimited.

NEW—Anthracite Broadcasting Company, Inc., Scranton, Pa.—C. P., **1400 kc.,** 250 watts, unlimited.

NEW—George Grant Brooks, Jr., Scranton, Pa.—C. P., **1400 kc.,** 250 watts, unlimited.

Wednesday, September 17

Broadcast

Further hearing before the Commission to be held in Hearing Room 6121, New Post Office Building, 12th Street and Pennsylvania Avenue, N. W.

Investigation to determine what policy or rules, if any, should be promulgated in connection with operation of new high frequency (FM) broadcast stations and for future acquisition of standard broadcast stations by newspapers, pursuant to Order No. 70.

Friday, September 19

KGO & Auxil.—National Broadcasting Company, Inc., San Francisco, Calif.—Renewal of license, Main: **810 kc.,** 7½ KW, unlimited. Auxil.: **810 kc.,** 2½ KW, unlimited.

KOA—National Broadcasting Company, Inc., Denver, Colo.—Renewal of license, **850 kc.,** 50 KW, unlimited.

WMAL—National Broadcasting Company, Inc., Washington, D. C.—Renewal of license, **630 kc.,** 5 KW, unlimited

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

September 29

Further Hearing

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—C. P., **1340 kc.,** 250 watts, unlimited.

Further Hearing

KWK—Thomas Patrick, Inc., St. Louis, Mo.—C. P., **680 kc.,** 50 KW, unlimited, DA-day and night.

Consolidated Hearing

WCAM—City of Camden, Camden, N. J.—Renewal of license, **1310 kc.,** 500 watts, S-WTNJ and WCAP.

WCAM—City of Camden, Camden, N. J.—Modification of license, **1310 kc.,** 500 watts, S-WCAP; require facilities WTNJ.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1310 kc.,** 500 watts, S-WTNJ and WCAM.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Modification of license, **1310 kc.,** 500 watts, S-WCAM, require facilities of WTNJ.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, **1310 kc.,** 500 watts, S-WCAM and WCAP.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Modification of license. **1310 kc.,** 500 watts, unlimited, require facilities of WCAM and WCAP.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—C. P., **1260 kc.,** 1 KW night, 5 KW day, DA-night, unlimited.

October 24

WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—C. P., **1190 kc.,** 50 KW, DA-day and night, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Independent Broadcasting Co., Springfield, Mo.—Granted construction permit (B4-P-3156) for new standard broadcast station to operate on **1400 kc.,** 250 watts, unlimited time.

Pacific Coast Broadcasting Co., Pasadena, Calif.—Granted construction permit (B5-P-3261) for new standard broadcast station to operate on **1110 kc.,** 10 KW power, unlimited time, using directional antenna day and night, subject to whatever action the Commission may finally adopt with respect to Order No. 84 (multiple ownership), and approval of antenna site.

WAKR—Summit Radio Corp., Akron, Ohio.—Granted special service authorization to operate with 5 KW power daytime, with a conventional antenna system during daytime, for the remainder of the regular license period. (B2-SSA-3.) Now operates on **1590 kc.,** 1 KW, unlimited time, DA-day and night (under C. P. 5 KW).

KENO—George Penn Foster, Maxwell Kelch, and Calvert Charles Applegate, d/b as Nevada Broadcasting Co. (Assignors), Nevada Broadcasting Co. (Assignee), Las Vegas, Nev.—Granted consent to assignment of construction permit of existing station—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co. from George Penn Foster, Maxwell Kelch, and Calvert Charles Applegate, d/b as Nevada Broadcasting Co. to Nevada Broadcasting Company (B5-AP-34).

KBIZ—J. D. Flavey, Ottumwa, Iowa.—Granted modification of license (B4-ML-1077) to increase power to 250 watts, unlimited time. (Now operates on **1240 kc.,** 100 watts, unlimited time.)

KQW—Pacific Agricultural Foundation, Inc., San Jose, Calif.—Granted construction permit (B5-P-3021) to increase power to 50 KW night and day; install new transmitter and make changes in directional antenna for day and night use, conditioned upon submission within 6 months for approval of plan of independent financing; and subject to whatever action the Commission may finally adopt with respect to Order No. 84 (Multiple Ownership). Now operates on **740 kc.,** 5 KW, unlimited time, DA-day and night.

WEAN—Yankee Network, Inc., East Providence, R. I.—Granted construction permit (B1-P-3244) authorizing changes in directional antenna for nighttime use and increase in night power to 5 KW. (Now operates on **790 kc.,** 1 KW night, 5 KW day, unlimited time).

National Broadcasting Co., Inc., New York, N. Y.—Granted extension of authority to transmit recorded programs to all broadcast stations in Canada licensed to operate by the Canadian Government, which may be heard consistently in the United States, thereby continuing the exchange of good-will programs (B1-FP-94).

National Broadcasting Co., Inc., New York, N. Y.—Granted extension of authority to transmit programs to stations CFCF, CBL and the Canadian Broadcasting Corp., thereby continuing the exchange of good-will programs (B1-FP-95).

DESIGNATED FOR HEARING

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Construction permit (B5-P-2776, Docket 6005) amended so as to request change in frequency to **740 kc.,** increase in power to 50 KW, install new transmitting equipment and directional antenna for day and night use. (Now operates on **560 kc.,** 1 KW night, 5 KW-LS, unlimited time.)

News Syndicate Co., Inc.; FM Radio Broadcasting Co., Inc.; WMCA, Knickerbocker Broadcasting Co.; WBNX Broadcasting Co., Inc.; WEVD, Debs Memorial Radio Fund, Inc.; WOV, Greater New York Broadcasting Corp.; WNEW, Wodaam Corp.; Mercer Broadcasting Co.—Designated for consolidated hearing to determine which, if any, FM application should be granted on applied-for frequency or on any of three remaining unassigned Class B frequency channels in that area. (The FM situation in the New York area was the subject of a press release June 17 last.)

MISCELLANEOUS

W49D—John Lord Booth, Detroit, Mich.—Granted extension of special temporary authority to operate an RCA 1 KW transmitter on **44900 kc.,** using a temporary antenna for the period September 5 to November 4 pending completion of construction in accordance with construction permit (B2-PH-20), conditionally.

W45D—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate FM station commercially on **44500 kc.,** using 3 KW power for the period September 3 to October 2, pending installation and preparations necessary to operate and complete transmitting plant in accordance with construction permit and modification thereof, without prejudice to the determination of the issues in hearing on Order No. 79.

WEOF—The National Life and Accident Ins. Co., Inc., Nashville, Tenn.—Granted special temporary authority to operate a Motorola Type, 30 watt, narrow band frequency modulation transmitter experimentally under current license for the period September 1 to September 25, for the purpose of relaying Army maneuvers in Louisiana to radio station WSM.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate on frequency **1070** with power of 5 KW day, 1 KW night, limited to KFBI using the transmitter and one of the antenna towers at the transmitter site authorized in construction permit (B4-P-3047) for a period from September 8 to October 7, pending completion of the second antenna tower and proof of performance measurements, provided transmitter and associated equipment are tested during experimental period and frequency adjusted to within 5 cycles and that frequency modulation monitors are operating satisfactorily (B4-S-924).

W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted extension of special temporary authority to operate FM station commercially on **47100 kc.,** 1000 watts, special emission for FM at 444 Madison Ave., New York City, for the period September 15 to November 13, conditionally.

W3XO—Jansky & Bailey, Washington, D. C.—Granted extension of special temporary authority to operate on FM broadcast station experimentally on **43200 kc.,** 1000 watts, with transmitter located at 1210 Wisconsin Ave., N. W., Washington, D. C., for the period August 28 to September 26, 1941, conditionally.

Nashville Radio Corp., Nashville, Tenn.—Motion for order to take depositions in re application for new station, withdrawn.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Granted motion to dismiss without prejudice application for construction permit to operate on **1540 kc.,** 500 watts night, 1 KW day, unlimited time.

KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Granted motion for leave to withdraw without prejudice application for modification of license to operate on **570 kc.,** 1 KW night, 5 KW day, DA-night, unlimited time.

KOVO—Clifton A. Tolboe, tr. as Citizens Voice and Air Show (Assignor); and KOVO Broadcasting Co. (Assignee), Provo, Utah.—Granted petition for leave to amend application for voluntary assignment of license and for reconsideration of application as amended. Application removed from hearing docket.

Granite District Radio Broadcasting Co., Murray, Utah.—Dismissed petition for leave to file applicant's proposed findings of fact and conclusion in re application for new station.

Southern Broadcasting Stations, Inc., Atlanta, Ga.—Granted petition for leave to intervene in the hearing on application of WGST for renewal of license.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Granted petition for continuance to November 12 of hearing now scheduled for September 12 in re application for construction permit to operate on **1500 kc.,** 250 watts, unlimited time.

KFRO—Voice of Longview, Longview, Texas.—Granted petition for continuance to November 17 of hearing now scheduled for September 17 in re application for modification of construction permit.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted motion for continuance to November 18 of hearing now scheduled for September 18 on application for construction permit to operate on **1060 kc.,** 10 KW, DA-day and night, unlimited time.

Utica Broadcasting Co., Inc., Utica, N. Y.—Granted motion for order to take depositions in re application for new station.

Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—Granted petition for postponement of the taking of depositions by intervener in re application for new station.

WAAQ—WGAR Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to operate a composite transmitter on **1622 kc.,** with a power output of approximately 5 watts, using the call letters of Relay Station WAAQ, for the period beginning September 10, 1941, and ending upon conclusion of the Louisiana War Games.

W75C—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted special temporary authority to operate frequency modulation station commercially on **47500 kc.,** special emission for frequency modulation with transmitter located at R. D. #1, Addison, Ill., and described as W. E., Type 503A-1, Serial No. 103, maximum rated carrier power 1 KW for a period not to exceed 90 days.

W39B—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to operate frequency modulation station commercially on **43900 kc.,** 1000 watts, power, special emission for frequency modulation, using the transmitter of high frequency experimental station W1XER at summit of Mount Washington, Sargents Purchase, N. H., for a period beginning September 15, 1941, to not later than November 13, 1941, pending completion of construction permit.

WCRC-WCBX—Columbia Broadcasting System, Inc., New York, N. Y.—Granted extension of special temporary authority to use already licensed Mackay Radio and Telegraph Company point-to-point transmitter, Type 34-C, Serial No. 3615, on **6080, 6120, 6170, 9650, 11830, 18270, 17830, 21520,** and **21570 kc.,** A1 emission, in order to conduct antenna tests for International Broadcast Stations WCRC and WCBX, for a period of 30 days beginning September 11, 1941, to not later than October 10, 1941.

WNAD—University of Oklahoma, Norman, Okla.—Granted extension of special temporary authority to remain silent for the period beginning September 15, 1941, and ending not later than September 22, 1941.

WCLE—United Broadcasting Co., Cleveland, Ohio.—Denied request for special temporary authority to operate from sign-off time (September 6:45 p. m. EST), to 7 p. m. EST, for a period beginning September 4, 1941 and ending not later than September 30, 1941, only, in order to carry baseball games and half-hour network programs (B2-S-282).

W8XFM—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.,** 1000 watts power, special emission for frequency modulation, with the transmitter located at corner Vine and Fifth Streets, Cincinnati, Ohio, and described as Crosley, Type EDS-213-M, maximum rated carrier power output 1000 watts, for the period beginning September 29, 1941, and ending not later than December 27, 1941.

The Sun Company of San Bernardino, Calif.—Placed in pending file pursuant to Order No. 79, application for construction permit (B5-PH-114) for new FM broadcast station.

Frequency Broadcasting Corp., Brooklyn, N. Y.—Adopted order setting aside Commission's actions taken October 31, 1940, February 13, 1941, and June 17, 1941, with respect to application of Frequency Broadcasting Corp. (B1-PH-47), and modification of construction permit (B1-MPH-6) for new FM broadcast station; designated said applications for hearing; and dismissed petition for rehearing filed by Frequency Broadcasting Corp.

KPAC—Port Arthur College, Port Arthur, Tex.—Denied petition to reconsider and grant the application for modification of license to increase power to 1 KW day and night and make changes in the directional antenna system employed during nighttime; hearing now scheduled for September 15, 1941, postponed pending consultation with licensee.

WBT, Columbia Broadcasting System, Inc., Charlotte, N. C.; KFAB, KFAB Broadcasting Co., Lincoln, Nebr.; WBBM, Columbia Broadcasting System, Inc., Chicago, Ill.; WJAG, The Norfolk Daily News, Norfolk, Nebr.—Postponed until such time as the Commission may consider applications to be filed looking toward improving service with a minimum of interference, the joint hearing tentatively scheduled for

October 7, 1941, on applications of WBT for construction permit, KFAB for construction permit, WBBM for modification of license, and WJAG for construction permit (Docket Nos. 5269, 5270, 5271, 5864.)

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10 a. m. EST, Monday through Friday, beginning September 8, 1941, and ending not later than September 16, 1941, provided WSVS remains silent.

WSVS—Board of Education, City of Buffalo, N. Y.—Granted special temporary authority to remain silent for the period beginning September 9, 1941, and ending not later than September 16, 1941, in order to reorganize school Defense Classes.

WTNJ—WOAX, Inc., Trenton, N. J.—Denied request for special temporary authority to operate simultaneously with WCAP during the hours from 2 to 4 p. m. EST, on October 4, 11, 18 and 25, and November 1 and 8, 1941, only, in order to broadcast play by play description of the football games of Princeton University.

APPLICATIONS FILED AT FCC

660 Kilocycles

KGIR—KGIR, Incorporated, Butte, Mont.—Construction permit to install new transmitter, antenna, increase in power from 5 to 50 KW, change in frequency from **1370** to **660 kc.**

KOIN—KOIN, Inc., Portland, Oregon.—Construction permit to make changes in equipment, changes in directional antenna system for use day and night, change frequency from **970** to **660 kc.**, and increase power from 5 to 25 KW.

850 Kilocycles

WEEU—Berks Broadcasting Co., Reading, Pa.—Construction permit to install directional antenna for night use, change hours from daytime to unlimited time, using power of 1 KW day and night. Amended: To request 5 KW power, install new transmitter and make changes in proposed directional antenna.

860 Kilocycles

WSON—Paducah Broadcasting Co., Inc., Henderson, Ky.—Modification of construction permit (B2-P-3149) as modified, requesting increase in power from 250 watts daytime to 500 watts daytime and changes in transmitting equipment and extension of commencement and completion dates to 60 days after date of grant and 180 days, respectively.

880 Kilocycles

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Construction permit to make changes in transmitter, changes in directional antenna for day and night use, change in frequency from **1320** to **880 kc.**, increase in power from 5 to 10 KW.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Authority to determine operating power by direct method.

950 Kilocycles

KPRC—Houston Printing Corp., Houston, Texas.—Modification of construction permit (B3-P-2791) as modified, for installation of directional antenna, increase in power, requesting new transmitter, increase in power from 5 KW to 5 KW night, 10 KW day, using directional antenna night.

WWJ—The Evening News Assn., Detroit, Mich.—Authority to determine operating power by direct method.

WWJ—The Evening News Assn., Detroit, Mich.—License to cover construction permit (B2-P-2880) as modified, for increase in power, directional antenna for night use, and changes in transmitting equipment.

980 Kilocycles

WGBG—Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Modification of construction permit (B3-P-2472) for a new broadcast station, requesting move of transmitter and extension of commencement and completion dates from 10-5-41 and 4-5-42 to 30 days after grant and 180 days thereafter respectively.

1150 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wisc.—Construction permit to move old RCA 1-D-A transmitter to site of new transmitter and use as auxiliary transmitter, for emergency purposes.

1170 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Modification of special service authorization for unlimited time, power of 25 KW night, 50 KW day, using directional antenna at night, period ending 2-1-42.

1240 Kilocycles

WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—Modification of license to move studio from Upper Deerfield Twp., N.N.E. of Bridgeton to Bridgeton, N. J.

1260 Kilocycles

WFBM—WFBM, Inc., Indianapolis, Ind.—Authority to determine operating power by direct method.

1310 Kilocycles

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Modification of construction permit (B3-P-2641) as modified, for move of transmitter, increase in night power and installation of directional antenna for night use, and change in frequency, requesting extension of completion date from 9-23-41 to 1-23-42.

1320 Kilocycles

WATR—The WATR Co., Inc., Waterbury, Conn.—License to cover construction permit (B1-P-3032) as modified for increase in power, install new transmitter and changes in directional antenna for day and night use.

WATR—The WATR Co., Inc., Waterbury, Conn.—Authority to determine operating power by direct method.

1340 Kilocycles

WGAA—Northwest Georgia Broadcasting Co., Cedartown, Ga.—Authority to determine operating power by direct method.

WGAA—Northwest Georgia Broadcasting Co., Cedartown, Ga.—License to cover construction permit (B3-P-3029) as modified for a new broadcast station.

KHMO—The Courier-Post Publishing Co., Hannibal, Mo.—License to cover construction permit (B4-P-1011) as modified, for a new broadcast station.

1360 Kilocycles

KMO—Carl E. Haymond, Tacoma, Wash.—License to cover construction permit (B5-P-2707) as modified, for new equipment, changes in antenna system, and increase in power.

1400 Kilocycles

KRKO—Everett Broadcasting Co., Inc., Everett, Wash.—Special service organization to operate unlimited time, period ending 12-1-41.

1420 Kilocycles

KUJ—KUJ, Inc., Walla Walla, Wash.—Authority to determine operating power by direct method.

1440 Kilocycles

KPRO—Broadcasting Corporation of America, Riverside, Calif.—Modification of construction permit (B5-P-2296) for a new broadcast station, requesting change in type transmitter, approval of antenna and approval of transmitter and studio sites.

1450 Kilocycles

WMSD—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Transfer of control from Estelle P. Chapman, Transferor to Joseph Wiggs Hart, Joseph Carl Russell and Frank Mitchell Farris, Jr., transferees, through sale of 999 shares of stock.

WCRS—Grenco, Inc., Greenwood, S. C.—License to cover construction permit (B3-P-2930) as modified, for a new broadcast station.
WCRS—Grenco, Inc., Greenwood, S. C.—Authority to determine operating power by direct method.

1490 Kilocycles

KIBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—License to cover construction permit (B5-P-2028) as modified, for a new station.
KIBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Authority to determine operating power by direct method.
WDBC—Delta Broadcasting Co., Escanaba, Mich.—License to cover construction permit (B2-P-2854) as modified for a new broadcast station.
WDBC—Delta Broadcasting Co., Escanaba, Mich.—Authority to determine operating power by direct method.
NEW—The Torrington Broadcasting Co., Inc., Torrington, Conn.—Construction permit for a new broadcast station to be operated on **1490 kc.,** 250 watts and unlimited hours.

1530 Kilocycles

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Construction permit to make changes in directional antenna system, change frequency from **1530** to **640 kc.,** move transmitter from near Crescent Springs, Ky., to near New Burlington, Ohio, contingent on WCLE's change to **600 kc.** and WHKC's change to **610 kc.** Amended: to make changes in proposed directional antenna.

FM APPLICATION

W49D—John Lord Booth, Detroit, Mich.—Modification of construction permit (B2-PH-20) as modified for a new high frequency broadcast station, requesting extension of commencement and completion dates from 4-11-41 and 10-11-41 to 10-11-41 and 4-11-42, respectively.

MISCELLANEOUS APPLICATIONS

KEHC—Topeka Broadcasting Assn., Inc., Mobile.—Construction permit to make changes in equipment, change frequencies from **31620, 35260, 37340, 39620 kc.** to **1622, 2058, 2150, 2790 kc.** and increase power from 10 to 50 watts.
KEHB—Topeka Broadcasting Assn., Inc., Mobile.—Construction permit to change type of equipment and increase power from 10 to 15 watts.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Champion Battery Company—William B. Bartlett, trading as Champion Battery Co., 549 West Washington St., Chicago, engaged in the sale and distribution to retail dealers of a so-called sales stimulator plan including certificates and merchandise to be used in connection with the plan, is charged, in a complaint with unfair and deceptive acts and practices in commerce. (4578)

Eastern Herb Company—Robert T. K. Hee, trading as The Eastern Herb Company, 1156 Seventh St., San Diego, Calif., is charged in a complaint with misrepresentation. (4582)

Gulf Oil Corporation, Pittsburgh, engaged in manufacturing and distributing two insecticide products designated "Gulf Livestock Spray" and "Gulfspray," is charged in a complaint with misrepresentation. (4581)

Nomis Corporation—Charging the use of a deceptive sales plan in the sale of prefabricated and ready-cut houses advertised as "Nomis Ready-Cut Homes," a complaint has been issued against Nomis Corporation, formerly of Lafayette, Ind., and now being operated from a so-called branch office in Jacksonville, Fla.; Simon Levy, its principal stockholder, Jacksonville, Fla.; Stoker Corporation of America, Indianapolis; and Charles B. Levy, its principal stockholder. (4580)

Woodfinishing Products Company—James Ledwith and Morton E. Rosenthall, copartners trading as Woodfinishing Products Company, and J. M. Thomas, individually and acting as agent for James Ledwith and Morton E. Rosenthall, trading as Woodfinishing Products Company, are charged in a complaint with commercial bribery and unfair methods of competition in commerce. (4579)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

G & F Sales Company—Orders prohibiting the use of lottery methods in the sale of commodities in commerce have been issued against a Chicago and an Indianapolis firm each selling miscellaneous merchandise, and a Brooklyn manufacturer of smoking pipes and other articles. The respondents are Clara Feitler, Lillian M. Granger and L. H. Murray, trading as G. & F. Sales Co., Chicago; Hamilton, Harris & Co., Indianapolis; and Continental Briar Pipe Co., Inc., Brooklyn.

In the case against the three Chicago dealers, trading as G. & F. Sales Co., the proceeding was dismissed as to the former respondent, Adolf Feitler, now deceased. (4155-4253-4293)

Haskelite Manufacturing Corporation, 208 West Washington St., Chicago, which operates a factory in Grand Rapids, Mich., and which manufactures and distributes serving trays, including certain trays designated as "Hasko DeLuxe Buffet Trays" and "Hasko Trays," has been ordered to cease and desist from misrepresentation in the sale of its products. (4442)

Ozon Chemical Company, Inc., trading as Duncan Chemical Co., 607 Delmonte Way, St. Louis, has been ordered to cease and desist from misrepresentation in the sale and distribution of a medicinal preparation designated "Duncan's Ozon." (4421)

W. Hillyer Ragsdale, Inc., W. Hillyer Ragsdale, Annie M. Ragsdale, Marshall D. Ragsdale and Ida J. Ragsdale, doing business under the names and styles of W. Hillyer Ragsdale, W. Hillyer Ragsdale, Inc., and Ragsdale Candies, 307 North Walnut Street, East Orange, N. J., have been ordered to cease and desist from misleading representations in the sale of instruction courses, outfits and supplies represented as offering opportunities for persons to establish candy businesses in their homes. (4472)

Sanford Mills, of Sanford, Maine, and its subsidiary and exclusive sales agency, L. C. Chase & Co., Inc., 295 Fifth Ave., New York City, have been ordered to cease and desist from representing as "moth-proof" upholstery fabrics which are not permanently moth-proof. (4084)

Schuler Chocolates, Inc.—Orders prohibiting the use of lottery methods in the sale of commodities in commerce have been issued against a Winona, Minn., corporation selling candy, and a Milwaukee firm selling miscellaneous merchandise. The respondents are Schuler Chocolates, Inc., also doing business as Schuler Candy Co., Winona, Minn., and Continental Premium Mart, Milwaukee. (4385-4462)

Stomar Manufacturing Company—Joseph H. Kevorkian, Joseph D. Kevorkian and Louis Stone, trading as Stomar Manufacturing Company, 1027 Ridge Ave., Philadelphia, engaged in the manufacture and sale of steel kitchen utensils known as graters and shredders, have been ordered to cease and desist from misrepresentation in the sale of their products. (4272)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Elizabeth Arden Sales Corporation—681 Fifth Ave., New York, has stipulated to discontinue certain representations in the sale of cosmetics designated "Ardena Sensation Cream," "Joie de Vivre" and "Ardena Skin Lotion." (02873)

Biofoods Corporation, 16 West 22nd St., New York City, engaged in selling certain health food products, has stipulated to cease and desist from representing that "Fortified Palm-Co." is "the modern calcium phosphorus Vitamin 'D' aid," or has a beneficial effect on symptoms of nervousness, low resistance, soft teeth, brittle nails and poor endurance, unless these conditions are due to a lack of calcium and phosphorus in the diet, associated with a deficiency of Vitamin D; that "Vimm's Wheat Germ Oil Vitamin E Capsules" are a concentrated source of Vitamin E; that "Vimm's Powdered Wheat Germ" or "Vimm's Whole Wheat Germ" are excellent sources of Vitamins B_3, B_1, B_5 and B_6 or are excellent sources of iron, copper, phosphorus, potassium, manganese, magnesium and other valuable minerals; or that "Vimm's Powdered Wheat Germ" is "ideal" for infant feeding and those on a bland diet. (02868)

Cole and Company, an advertising agency, Sterick Building, Memphis, Tenn., which disseminated advertisements for cosmetics on behalf of Newbro Manufacturing Company, Atlanta, Ga., has stipulated that it will cease and desist from disseminating advertisements which represent that the Atlanta Company's product "Tuxedo Club Pomade" invigorates the scalp or helps the hair as nothing else will. (02872)

Ever-Dry Laboratories, Inc., also trading as Trans-Pacific Importers, with principal office and place of business in Los Angeles, Calif., and Robert W. Miller, trading as Hula-Lei Products, with place of business at Honolulu, Hawaii, engaged in the sale and distribution of perfumes, have stipulated in connection with the sale of their products to cease and desist from representing that the following named perfumes: "Ginger," "Sandalwood," "Pikaki," "Pomi Moi," or "Plumeria" are made in Hawaii from the tropical flowers of Hawaii, and from use of any representation or statement which may convey the belief that the products are made in or are products of Hawaii; or from representing that the perfumes represent the exotic fragrance of tropical flowers from Hawaii. (3209)

Laboratory Products Company—Harry J. Knorr, trading as Laboratory Products Company, Glendale, Calif., formerly engaged in selling and distributing a preparation called "Van-Tox," consisting of two kinds of tablets containing the same active ingredients but in different quantities, and which were described as "Special Formula Single Stg. No. 1" and "Special Formula Double Stg. No. 2," the tablets comprising a treatment for alcoholism and the liquor habit, has stipulated that in connection with the sale or distribution of the preparation designated "Van-Tox" or any other preparation composed of substantially similar ingredients, he will cease and desist from representing that the preparation is a cure or remedy or a competent or effective treatment for chronic alcoholism or the liquor habit; that use of the preparation will overcome the craving or desire for or indulgence in alcohol; that the preparation is in all cases safe or harmless; or that it contains no harmful drugs. (3207)

Lindstrom Hatchery & Poultry Farm, Clinton, Mo., engaged in the sale and distribution of chicks in commerce, has stipulated to cease and desist from certain representations. (3208)

Parks-Phillipps Health Foods Company—Stanley N. Phillipps and Walter M. Grome, doing business as Parks-Phillipps Health Foods Company, formerly Parks Health Food Company, 1542 Knowlton St., Cincinnati, engaged in selling medicinal preparations, have stipulated to discontinue representing that "Phillipps Alfalfa and Mint Tea" is of any benefit in the treatment of prostate gland trouble, overacidity, arthritis and rheumatism; that "Phillipps Wheat Germ Meal" is rich in four vitamins, revitalizes, and restores needed elements to the diet; that "Phillipps Wheat Germ Meal" produces any beneficial results in cases of nervous conditions and faulty digestion except those caused by a deficiency of Vitamin B; that "Phillipps Vegetable Muceen" is of any appreciable benefit in the treatment of stomach ulcers or irritations, hyperacidity or colon irritation; that "Vigro Garlic Tablets" are rich in Vitamins A, B and C or are rich in potassium, calcium, phosphorus, iodine or food chemicals or that they possess any nutritional value or produce any appreciable therapeutic effect in excess of a slight temporary decrease in blood pressure; that "Vigro Vitamin Tablets" help to combat germs or eradicate colds or furnish an abundance of protection against every possible winter sickness; or that "Vigro Laxative No. 2" is effective for increasing intestinal or liver activity. (02870)

Thomas Patrick, Inc., St. Louis, engaged in the radio broadcasting business and in preparing and disseminating advertisements for various commodities, disseminated advertisements over its Radio Station KWK for a food designated "Colonial Bread" on behalf of Colonial Baking Company, St. Louis. The respondent stipulated that in disseminating such advertising it will cease representing that Colonial Broad is not fattening or is necessary in a reducing diet; that it helps burn up body fat or helps to reduce safely, and that six slices of Colonial Broad in a reducing diet will give one pep and energy and prevent one from becoming tired, fatigued, irritable or experiencing nervous strain. (02871)

Perfect Manufacturing Company, also trading as Safe Electric Company, 3321 Madison Road, Cincinnati, engaged in the sale and distribution of an electrical heating unit or device designated "Otto-Matik Darning Machine," has stipulated in connection with the sale and distribution of its product, that it will cease and desist from the use of the words "Otto-Matik Darning Machine" or "Automatic Darning Machine" as a designation for or as descriptive of its product; or the use of a coined word "Otto-Matik" or the words "automatic," "darning" or "machine" or other words of similar implication to cause the belief that the device is automatic in operation, that darning can be accomplished by its use, or that it is a machine. (3206)

Robina Studios—Samuel Schaap, trading as Robina Studios, 150 Nassau St., New York City, engaged in the sale and distribution of mimeographed material purporting to be horoscopic or astrological readings and of so-called "Talismans" and "Lucky Stones," has stipulated that he will cease and desist from statements which imply that he is an astrologer or that his business is conducted by or under the supervision of an astrologer. (3205)

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 37, September 19, 1941

Movie-Radio Hearings

Movie-Radio hearings were held only one day this week (Monday) with Jimmie Fidler, radio columnist, and George Fisher, commentator, the only two witnesses to appear before the Senate sub-committee investigating alleged pro-war propaganda.

Fidler repeated before the Committee his often-made public charges that his copy had been subject to censorship by radio networks due to pressure from the movie industry to which Senator McFarland (D. Ariz.), remarked that "it is a great thing to know that despite this pressure from the movie people you are still on the air."

Hearings will be resumed on Tuesday of next week, and it is expected that only movie witnesses will be called.

Radio Tax Defeated

Thanks to the wholehearted cooperation which we received from all concerned, the NAB's efforts to remove the radio time sales tax from the new Federal revenue bill have met with success, and the bill has finally gone to the President without this discriminatory tax provision.

The NAB wants to express its appreciation to both the entire industry and to representatives of advertising, labor and others who helped to present the industry's position and to convince Congress that the proposed tax should not be imposed upon radio.

The result achieved is an excellent demonstration of what can be accomplished with a united industry front.

While Congress has eliminated the radio time sales tax from the current revenue bill, our fight against a discriminatory tax of this kind is not yet won. It will be proposed again, unless its sponsors, certain printing trades unions, are convinced that it would hurt them as well as radio broadcasters.

To that end, the NAB has sent a questionnaire to every broadcaster in the industry, inquiring as to each station's expenditure in union printing establishments during the first half of 1941. The need for this information is urgent; send it in promptly to NAB headquarters.

Early District Meetings Planned

Preparations are under way for a series of district meetings, to be held in all 17 NAB districts beginning at an early date. President Miller will attend all of these regional conventions, each of which will be a two-day session, held in conjunction with the Sales Managers' meetings. These gatherings take on a particular significance in view of the many problems confronting the industry, and in the light of important developments in radio during the past six months. Agenda are being prepared, and further announcements will be made as soon as possible regarding dates and other information.

ASCAP Contracts

Copies of the proposed ASCAP contracts in final form are not yet available as we go to press. It is expected that they will be received within a few days, at which time copies, together with an analysis of their provisions, will be sent to all members.

Press-Radio Hearings

FCC hearings on the question of newspaper ownership of radio broadcasting stations were resumed Wednesday of this week, when representatives of Hearst Radio, Inc., were called to testify before the Commission. Among the witnesses who appeared during the two-day session were Emile J. Gough, former general manager, E. M. Stoer, present general manager, and Charles B. McCabe, president, of Hearst Radio, Inc., and Harold C. Burke, manager of radio station WBAL, Baltimore.

James G. Stahlman, publisher of the *Nashville Banner*, 'subpoenaed by the Commission, has not yet appeared, having been granted a stay pending decision of the court on his appeal from a show cause order.

Roy A. Roberts, managing editor of the *Kansas City Star*, and H. Dean Fitzer, manager of radio station WDAF, the *Star's* station, appeared as witnesses today (Thursday) as did D. D. Davis, president of WHB, Kansas City, Mo.

The questioning of Commission Counsel has been devoted for the most part to the practice of newspaper owned radio stations during the early stages of development of radio.

Hearings were adjourned today until Wednesday of next week.

New Priority Procedure

Under this same heading station managers needing Emergency Repair and Emergency Inventory material were advised in last week's bulletin (page 735) to communicate with Colonel J. F. Coneybear until further notice.

Colonel Coneybear has advised NAB that he is no longer handling these emergency matters.

Instead, telephone to Mr. Jim Peters, Miscellaneous Supplies Section, Office of Production Management, 462 Indiana Avenue, N. W. Telephone number: REpublic 7500; Ext. 2331.

So far as we know there are no other changes.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

National Defense

ASK HIGHER PRIORITY

A letter-brief pointing out the need, in the interest of national defense, for priority ratings higher than A-10 for material being used in commercial broadcasting, was delivered, September 16, by the National Association of Broadcasters, to Donald M. Nelson, director of priorities, Office of Production Management.

Supporting this brief was a factual study of total commercial broadcasting requirements on a 1940 basis. The six pages contained basic information covering all components.

The figures showed that 561 tons of material were required to manufacture broadcast transmitter apparatus, exclusive of vacuum tubes and installation, used by broadcasters during 1940. Twenty-five principal materials entered into this production.

Vacuum tubes required 25 tons of material covering 28 principal items, ranging all the way from .4 of a pound of gold to 13 tons of copper.

These amounts added to the requirements for towers, transmission lines, ground systems and installation material amounted to a total of 4,787.572 tons. Approximately 300 tons were required for repairs and 4,500 tons for new construction.

RADIO TECHNICIAN COURSES

A. J. Fletcher, member NAB National Defense Committee and president of WRAL, Raleigh, has made a sound suggestion for the teaching job of the radio technician courses.

He suggests that it would be helpful if stations located in cities offering these courses would contribute the services of their chief engineer. In a letter to Dean Van Leer, North Carolina State College, he said: "I think we can furnish a practical, graduate, licensed engineer to assist you locally."

It is recognized that the men who do the teaching in these courses exert a powerful influence on the graduates and that a practical graduate engineer would be especially helpful, along with the other instructors.

George D. Coleman, general manager, WGBI, Scranton, District 3 liaison for NAB National Defense Committee, wrote for twelve more copies of the original radio training course mailing. These copies on top of the fifteen already sent would seem to indicate that Mr. Coleman is really doing a job of promotion throughout Pennsylvania.

Major Edney Ridge, manager, WBIG, apparently anticipates an off-campus radio course in Greensboro. This is in accordance with a front page story in a recent copy of "The Democrat."

George M. Burbach, general manager, KSD, St. Louis, National Defense Committee liaison for Iowa, Missouri and Nebraska, has almost completed a survey of colleges and universities regarding radio courses.

Note from Elmer S. Pierce, principal, Seneca Vocational High School, Buffalo, reads as follows:

"Station WSVS is undergoing a reorganization of personnel and programs and it is preparing to give all the time possible to you in connection with our National Defense work. This is one way in which we feel we can help our government.

"This school, where Station WSVS is located, is training some 1500 men in National Defense classes, and has been engaged in this work since July, 1940. We run National Defense classes 20 hours a day."

DEFENSE PROMOTION

Down in Cincinnati Robert Bentley, patriotic director, WCPO, has evolved a sound promotional idea to stimulate recruiting for the defense forces. Each day, Navy and Marine recruiting officers send him a list of new recruits. After the regular spot announcements which NAB sends, congratulations are given the men themselves. At another time Mr. Bentley congratulates the parents of the men who have signed up that day.

Congratulating the fathers and mothers whose sons have passed the examination for enlistment in the United States Navy and the United States Marine Corps is well received both by the new recruits, the parents and on recruiting material. This treatment is accorded in three regular programs, "Songs of America," "Patriotic Parade" and "Land of Liberty." They are scheduled at peak listening periods.

WROK, Rockford, close to Camp Grant, is producing two shows well received by military and non-military listeners. "Camp Grant Comments" is at 7:00 p. m., Mondays, Wednesdays and Fridays. "Camp Grant in Review" goes Mutual network, 4:30 p. m. each Tuesday.

ATTENTION STATION MANAGERS

Attention station managers in Des Moines, Iowa; Willmar, Minn.; Providence, R. I.; Cheyenne, Wyo., and Salt Lake City, Utah.

Mrs. John L. Whitehurst, president, General Federation of Women's‘ Clubs, leaves Washington Sunday, September 21, to attend meetings of club women.

In expanded fashion she will discuss "The 6th Column in America." This is an outstanding talk and we heard it over WRC and WMAL locally.

When, as and if she reaches your city we suggest that you make an effort to book Mrs. Whitehurst for 13-minutes on this subject. You won't go wrong.

Following is her itinerary:

Willmar, Minn., September 23.
Des Moines, Iowa, September 25-26.
Providence, R. I., September 30.
State meeting Mitchell, S. D., October 5-7.
State meeting Cheyenne, Wyo., October 8-10.
Salt Lake City, Utah, October 11.
State meeting McCook, Nebr., October 13-14.
Club Institute, Colorado Federation, at University of Colorado, Boulder, October 16-17.

In McCook, Neb., October 13 and 14, and at the Club Institute, Boulder, Colo., October 16 and 17, Mrs. Whitehurst's itinerary crosses that of Mrs. Dorothy Lewis, vice president of the Radio Council on Children's Programs. Mrs. Lewis begins her trip on September 22 with first stop in Albany, N. Y. The purpose of her trip is to follow up the survey on children's programs made last year under RCCP and NAB auspices. (See NAB Reports pp. 137-738)

Network Rules

At a one-day hearing before the FCC, Mutual renewed its plea that the Commission put into effect immediately the network rules, modified in accordance with its petition. NBC and CBS filed briefs urging that the rules be suspended for the period of the national emergency and that the Commission and the industry should cooperate with Congress in framing legislation to modernize radio law. The only other appearance was made on behalf of the Yankee and Colonial networks, which urged relaxation of the time option regulation.

The Commission subsequently announced that decision on the briefs and argument would be handed down in the near future and that a reasonable time would be given before the rules finally became effective.

Radio Council News

Emphasis on the necessity for maintaining a sense of security and a wholesome atmosphere for the American child during these chaotic times was the keynote of the fall meeting of the Radio Council on Children's Programs, held at the Council's offices on September 15th. At this meeting, the following officers were elected for a three-year term: Mrs. Nathaniel Singer, president; Mrs. Dorothy Lewis, vice-president; Miss Rita Hochheimer, secretary, and Mr. Wilson Parkhill, treasurer.

The work of the Council, which has collaborated actively with the NAB in the study of children's radio programs, continues to attract increasing attention. Among the items of interest which have appeared recently is an article by Mrs. Lewis in the September issue of "The Family Dollar," a pediodical of nationwide circulation published by the Consumer Credit Institute of America, describing the survey undertaken by the Council in cooperation with NAB and set forth in the report, "Broadcasting to the Youth of America," published by NAB.

As announced in last week's Reports, Mrs. Lewis will leave shortly on a nationwide tour in which she plans to visit many of the country's leading broadcasters. Details of her plans will be communicated to station managers from time to time during her tour, in order that they may take advantage of the opportunity for further cooperation in this useful industry effort.

FEDERAL COMMUNICATIONS COMMISSION

PRESS CONFERENCE NEWS

Chairman James Lawrence Fly of the FCC said at a press conference early this week that the FCC staff report on a proposed radio franchise tax is now before the Commission but that the Commission has not had time to make a study of the report. Mr. Fly said that he assumed that the Commission will take some action shortly, but said he had no specific plans for taking it up.

* * *

Questioned as to when the Commission would take action as the result of the oral argument of last Friday on the Mutual Broadcasting petition in the chain situation, he said that he thought the Commission would do something on that "pretty soon." He was asked if any action could be expected by next week. Mr. Fly explained that the case is not one to be handled at a regular meeting, hence he was reluctant to make any guess on a date for action.

* * *

Mr. Fly told the newspapermen that the press radio inquiry of the Commission might go along for weeks. He said that the Commission would probably hold hearings two or three days each week and that they might run along for a long period of time.

In an off-the-record talk, Chairman Fly said that the FCC experts knew all about and were in on the recent FBI radio station case in and near New York.

TERRELL EXEMPTED

President Roosevelt this week issued an Executive Order exempting from retirement William D. Terrell, chief of the Field Division of FCC. Mr. Terrell has been with the Commission since it came into existence; prior to which he was chief of the Radio Division of the Department of Commerce which preceded the Commission. Terrell used to be referred to as the "Czar of Radio." The order is as follows:

> Whereas, in my judgment, the public interest requires that William D. Terrell, Chief, Field Division, Engineering Department, Federal Communications Commission, who, during the month of August, 1941, will reach the retirement age prescribed for automatic separation from the service, applicable to him, be exempted from compulsory retirement for age for a period of one year:
>
> Now, therefore, by virtue of and pursuant to the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 382, 404 (U. S. C., title 5, sec. 715a), I hereby exempt the said William D. Terrell from compulsory retirement for age for a period of one year ending August 31, 1942.

FM AUTHORIZED FOR OTHER SERVICES

FM (Frequency Modulation) has received a new impetus when the FCC authorized its use on a regular service basis in certain services other than broadcast effective October 1. Last spring FM was made available for commercial broadcasting.

In amending its rules and regulations today so as to permit use of FM by ship, coastal and emergency services on the ultra-high frequencies, the Commission declared that the successful operation of approximately 1600 frequency modulated transmitters in various radio services since January 25, 1940, has demonstrated the practicability of this new type of modulation for these services.

On the basis of the data obtained through this experimental use, it is anticipated that no material difficulties will arise from the concurrent operation of frequency and amplitude modulated stations on the frequencies now allocated to these services. Operation reports indicate that FM offers a number of advantages over the conventional amplitude modulation among these being a reduction in interference resulting from static and a material reduction in the required geographical separation between stations operating on the same frequency.

It was also pointed out by the Commission that frequency modulated equipment can now be obtained from a number of manufacturers at prices comparable to those of the conventional amplitude modulated equipment.

FM RULE REGULATION

FCC took the following action on rules and regulations to provide for the use of frequency modulation on a regular service basis in services other than broadcast and amateur to be effective October 1, 1941:

Designated existing Section 7.30 as subsection (a) of Section 7.30 and added subsections (b) and (c), modified the "Tolerance Table" of Section 7.60 with respect to frequencies above 30,000 kilocycles (Rules Governing Coastal Radio Service); designated existing Section 8.68 as subsection (a) of Section 8.68 and added subsections (b) and (c), and modified the "Tolerance Table" of Section 8.96 with respect to frequencies above 30,000 kilocycles (Rules Governing Ship Service); deleted Sections 10.61 and 10.62 and substituted new sections in lieu thereof (Emergency Radio Services); deleted Section 11.51 and substituted new section in lieu thereof and added Section 11.52 (Miscellaneous Radio Services—Part 11).

Sales

Newspaper Special Editions

Occasionally NAB member stations have complained of the newspaper practice, prevalent in some markets, of issuing frequent "special editions" or special sections for the sole purpose of selling additional advertising, regardless of its value to the advertiser. Such sections or editions are issued to commemorate anniversaries, special events, the opening of a new business establishment, etc.

The Association of National Advertisers has issued three statements deploring this practice, pointing out that such advertising is generally valueless and wasteful to the advertiser. It has also reprinted an editorial on the same subject by William Allen White, editor of the Emporia, Kans., *Gazette*.

Copies of these statements and editorial are available, by writing to the NAB Department of Broadcast Advertising.

Radio Films Available

Ten-minute sound films, either 16 or 35 mm, on "Television" and "Airwaves" are available through William J. Ganz Co., 19 E. 47th St., New York. There is no charge except for the shipping costs. Both films are suitable for club meetings, etc.

Sponsors Civic Campaign

Increased revenue through a radio campaign boosting Coffeyville, Kans., was secured by KGGF, as reported by Melvin Drake, general manager. Working through committees appointed under Chamber of Commerce sponsorship, a $2,000 fund was raised for a six-month campaign, 70% to radio and 30% to newspaper, "to build good will and public relations among our trade territory and neighboring cities, to encourage those people, coming to this section as a result of the several large defense industries, to establish their homes and families here as well as to trade and shop in Coffeyville." Spot announcements and programs are used.

"This idea is particularly adapted to communities which do not have defense projects in their own limits but which are located in areas with several projects in the radius of their radio stations," Mr. Drake said.

Free Time Request

Radio Camera Clubs, 343 State St., Rochester, N. Y., is furnishing radio scripts for gratis broadcasts, promoting the use of cameras and film. The address of this organization is the same as that of the Eastman Kodak Co.

Labor

Wage-Hour Act

New regulations regarding record keeping under the Wage and Hour law, effective September 15, were issued this week by the Wage and Hour Administration.

Records are to be preserved four years. The principal change is in the records required for *exempt* employees. No special form is required.

Again, the NAB suggests it would be well for station managers to require employees to certify the accuracy of records, by special pay-check endorsements or otherwise.

Here are the new regulations:

II. EMPLOYEE INFORMATION AND DATA TO BE CONTAINED IN EMPLOYERS' RECORDS

Section 516.2

Employees Subject to Minimum Wage and 40-Hour Week Overtime Provisions—Sections 6 and 7(a)

(a) *Items Required.* Every employer shall mantain and preserve[1] payroll or other records containing the following information and data on each and every employee to whom both Sections 6 and 7 (a) of the Fair Labor Standards Act apply.[2]

(1) Name in full,[3]
    (And on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records)
(2) Home address,
(3) Date of birth if under 19,
(4) Occupation in which employed,
(5) Time of day and name of the day on which the employee's workweek begins,[4]
(6) (i) Regular hourly rate of pay,[5] and (ii) Basis on which wages are paid,[6]
(7) Hours worked each workday[7] and total hours worked each workweek,
(8) Total daily or weekly straight-time earnings or wages,[8]
(9) Total weekly overtime excess compensation,[9]
(10) Total additions to or deductions from wages paid each pay period,[10]
(11) Total wages paid each pay period,
(12) Date of payment and the pay period covered by payment.

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[1] For the period records must be preserved, see sections 516.14 and 516.15, p. 28.

[2] For additional requirements on *certain types of employees covered by more than one minimum hourly wage set by one or more wage orders,* see section 516.8, p. 20.

For additional requirements on *Learners, Apprentices, Messengers, and Handicapped Workers under Special Certificates,* see section 516.9, p. 22.

For additional requirements on *Employees dependent upon tips or gratuities as a part of wages,* see section 516.10, p. 23.

For requirements on Industrial Homeworkers, see section 516.11, p. 24.

[3] This shall be the same name as that used for Social Security record purposes.

[4] If the employee is a part of a workforce or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees.

[5] This item is only required to be entered in the records for any week when overtime is worked and overtime excess compensation is due under Section 7 (a). When required, it shall be shown as the *hourly rate* of any employee whose total straight-time earnings or wages are derived from one fixed hourly rate throughout the workweek, *or* the *average hourly earnings,* as determined in accordance with paragraph 7 of Interpretative Bulletin No. 4, for any employee employed on any other basis.

[6] This may be shown as "50¢ hr."; "$3.00 a day"; "$3.20, 8 hr. day"; "$15.00 wk."; "$15.00, 40 hr. wk."; "$150 mo."; "piece rates"; "piece rates and bonus."

[7] A "workday" with respect to any employee shall be any consecutive 24 hours.

[8] That is: The total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation.

[9] That is: The *excess* compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked. For the basis to be used in determining overtime payments under the Fair Labor Standards Act, see Interpretative Bulletin No. 4.

[10] As to the effect of additions or deductions upon the regular hourly rate of pay, see Interpretative Bulletin No. 3. For the basis on which deductions or additions for board, lodging, or other facilities may be made and their cost to the employer determined, attention is called to Regulation Part 531, *"Regulations Determining the Reasonable Cost of Board, Lodging, and Other Facilities."*

If the additions to or deductions from wages paid (1) so affect the total cash wages due in any workweek (even though the employee actually is paid semimonthly) as to result in the employee receiving less *in cash* than the minimum hourly wage provided in Section 6 or in an applicable wage order, or (2) if the employee works in excess of 40 hours a week and (a) any additions to the wages paid are a part of that employee's wages, or (b) any deductions made are claimed as allowable deductions under section 3 (m) of the Act, the employer shall then maintain records showing those additions to or deductions from wages paid on a workweek basis. (For legal deductions not claimed under Section 3 (m) and which need not be maintained on a workweek basis, see Paragraphs 15 through 17 of Interpretative Bulletin No. 3 Rev. October 1940.)

Every employer making additions or deductions shall also maintain in individual employee accounts a record of those types of items, and their separate credited or debited amounts, which compose the additions to or deductions from wages paid as well as specifying dates involved. For example:

6/5—coal, ½ ton	$4.00
6/9—groceries	4.48
6/12—meat	1.20
6/16-6/22—house rent (wk.)	3.50
6/16-6/22—board and lodging (wk.)	6.00

For the period these and other records pertaining to debits and credits shall be preserved, see section 516.15 (c), p. 29.

Section 516.7

Bona Fide Executive, Administrative, Professional, Local Retail, Outside Sales Employees as Referred to in Section 13(a) (1)[1]

(a) *Items Required.* Every employer shall maintain and preserve[2] payroll or other records containing the following information and data on each and every employee employed in a bona fide executive, administrative, professional, or local retailing capacity, or in the capacity of outside salesman as defined in Part 541, *Regulations defining and delimiting the terms "Any Employee Employed in a Bona Fide Executive, Administrative, professional, or Local Retailing Capacity or in the Capacity of Outside Salesman;"*

(1) Name in full,[3]
(And on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records)
(2) Home address,
(3) Date of birth if under 19,
(4) Occupation in which employed,
(5) Time of day and name of the day on which the employee's workweek begins,[4]
(6) Basis on which wages are paid,[5]
(7) Total wages paid each pay period,
(8) Date of payment and pay period covered by payment.

FREEDOM OF SPEECH

The NAB frequently is asked how far an employer can go in discussing with employees the advisability of joining a labor union.

Best advice: Don't do it at all.

One Nathaniel Federbush told an employee, one Napoli, that the union was "just a bunch of racketeers * * * trying to collect dues and it won't get you anywhere in the end."

Learned Hand, Circuit Judge, held that this constituted violation of the Wagner Act. (*NLRB* v. *The Federbush Co., Inc.*)

Finally, the respondent argues that the Board's order invaded its privileges of "free speech" guaranteed by the First Amendment, by making it wrong under § 8 (1) to present to Napoli the Company's views about unions and unionism. National Labor Relations Board v. Ford Motor Co., 114 Fed. (2) 905 (C. C. A. 6). No doubt an employer is as free as anyone else in general to broadcast any arguments he chooses against trades-unions; but it does not follow that he may do so to all audiences. The privilege of "free speech," like other privileges, is not absolute; it has its seasons; a democratic society has an acute interest in its protection and cannot indeed live without it; but it is an interest measured by its purpose. That purpose is to enable others to make an informed judgment as to what concerns them, and ends so far as the utterances do not contribute to the result. Language may serve to enlighten a hearer, though it also betrays the speaker's feelings and desires; but the light it sheds will be in some degree clouded, if the hearer is in his power. Arguments by an employer directed to his employees have such an ambivalent character; they are legitimate enough as such, and pro tanto the privilege of "free speech" protects them; but, so far as they also disclose his wishes, as they generally do, they have a force independent of persuasion. The Board is vested with power to measure these two factors against each other, a power whose exercise does not trench upon the First Amendment. Words are not pebbles in alien juxtaposition; they have only a communal existence; and not only does the meaning of each interpenetrate the other, but all in their aggregate take their purport from the setting in which they are used, of which the relation between the speaker and the hearer is perhaps the most important part. What to an outsider will be no more than the vigorous presentation of a conviction, to an employee may be the manifestation of a determination which it is not safe to thwart. The Board must decide how far the second aspect obliterates the first.

REMOTE BANDS OFF

Remote dance bands were off NBC Red and Mutual the first part of this week because of local difficulties with the A. F. of M. at WMBS, New Orleans, and WGRC, Louisville. In both cases, the musicians sought additional employment.

BMI

BMI Membership Now Includes 700 Commercial Stations

Commercial radio stations subscribing to Broadcast Music, Inc., reached 701 today with the addition of:

WKNY—Kingston, N. Y.
WBBB—Burlington, N. C.
WSRR—Stamford, Conn.
KROS—Clinton, Iowa

F — M

W-45-CM — Columbus, Ohio

In addition, there are 31 non-commercial stations.

Starting with 246 stations as of March 1, 1940, BMI now holds 86 per cent of all independently owned radio stations and represents 94 per cent of the dollar volume of the broadcasting industry. In addition to the four stations mentioned above, the following stations have recently joined:

WALB—Albany, Ga.
WCRS—Greenwood, S. C.
KRJF—Miles City, Mont.
WTAX—Springfield, Ill.
KFMB—San Diego, Calif.
WAIT—Chicago, Ill.
WHLD—Niagara Falls, N. Y.
WCAR—Pontiac, Mich.
KOVO—Provo, Utah
WMBH—Joplin, Mo.
WCRW—Chicago, Ill.

Test Case in Performing Rights

Counsel for BMI and ASCAP met before Justice Aaron Steuer of the Supreme Court of the State of New York on Tuesday, September 16, in response to a motion by ASCAP that BMI be stricken out as a plaintiff in the suit brought by BMI and Edward B. Marks against ASCAP to clarify the ownership of the performing rights in musical compositions.

Counsel for BMI contended that the assignment to BMI by Marks of performing rights in the Marks compositions made BMI a proper plaintiff. John Schulman, counsel for the Songwriters Protective Association, appeared in court on behalf of the individual songwriter defendants involved in the suit. This suit viewed as a test case is one of the most important in the history of copyright music. Its final disposition by the court will largely determine the future of ASCAP. Such disposition will also determine whether BMI can license a substantial percentage of the Marks compositions which it has not licensed up to now. This percentage consists of compositions published by Marks and written by ASCAP members subsequent to their joining ASCAP.

Publishers and Composers Share BMI Payments

Broadcast Music, Inc., is sending out checks to composers and publishers in payment for performances on BMI stations during the three months ended June 30th, the second quarter of 1941. Both composers and publishers are receiving twice the amount originally agreed upon. The BMI affiliated publishers, who compensate their own composers, receive 4¢ a performance. The composers of BMI published songs receive 2¢. Accounting is made in direct ratio to performance and the checks range from as low as $1 to as high as $4,000. More than 1,000 composers and nearly 300 publishers are receiving payments.

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[1] This section relates to the record data and information required to be kept by employers on employees to whom Section 13 (a) (1) of the Act applies.

[2] For the period records must be preserved, see section 516.14, p. 28.

[3] This shall be the same name as that used for Social Security record purposes.

[4] If the employee is a part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole work force or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees.

[5] This may be shown as "$200 mo."; "$50 wk."; or "on fee."

"My Sister and I" and "Do I Worry"—the first, a product of BMI as a publisher, and the second from Melody Lane, BMI affiliate, led the list in number of performances. One of the surprises of this quarter was the popularity of "Because of You" by Arthur Hammerstein and Dudley Wilkinson. Several songs, notably the "Hut Sut Song", were just gathering momentum in the second quarter and their performances continued at a high rate subsequent to June 30th.

Among the publishers with a high volume of performances were Embassy Music with "Everything Happens To Me", "Let's Get Away From It All" and "Oh, Look At Me Now"; Regent Music with a catalogue of recorded swing tunes which registered heavily on local stations; Melody Lane with "Do I Worry" and " 'Till Reveille"; New Era with "Whatcha Know, Joe"; Beacon Music with "Nighty Night" and others; Mutual Music Society which did well on individual station performances; Campbell with "Things I Love"; London Music with "Nice Dreamin', Baby" and "Time And Time Again"; Porgie, Debin & Friedman with "Just A Little Bit South Of North Carolina"; Warren Publications with "No. Ten, Lullaby Lane"; Republic Music Corporation with "Daddy", (which was just beginning its phenomenal run) and "Until Tomorrow"; Schumann with the "Hut Sut Song"; Nationwide with "A Romantic Guy, I"; Reis & Taylor with "Afraid To Say Hello" and "Slow Down"; and Stevens with "I Do, Do You".

Those leading the list of BMI composer payments are Joe Ricardel; Hy Zaret, Joan Whitney and Alex Kramer; Una Mae Carlisle and Bob Sour; Arthur Hammerstein and Dudley Wilkinson; Ben Raleigh and Bernie Wayne; George Fragos and Jack Baker; Irvin Graham; Jay Levison and Ray Evans; Norman Weiser and Louis Urban; Lanning and Reed; Manners and Leeds; Marco and Erickson and many others.

MOST POPULAR BMI SONGS FOR THREE MONTHS ENDING JUNE 30TH, 1941

		Publisher	*Composer*
MY SISTER AND I	49,603	BMI	Kramer, Whitney, Zaret
DO I WORRY	47,405	Melody Lane	Cowan, Worth
WALKIN' BY THE RIVER	46,843	BMI	Sour, Carlisle
WISE OLD OWL	44,782	BMI	Ricardel
THINGS I LOVE	39,704	Campbell	Harris, Barlow
BECAUSE OF YOU	35,869	BMI	Wilkinson, Hammerstein
IT ALL COMES BACK TO ME NOW	33,269	BMI	Kramer, Whitney, Zaret
OH, LOOK AT ME NOW	30,493	Embassy	Bushkin, DeVries
JUST A LITTLE BIT SOUTH OF NORTH CAROLINA	29,547	Porgie, Debin & Friedman	Skyler, Shaftel, Cannon
YOU WALK BY	29,501	BMI	Wayne, Raleigh
NO. TEN, LULLABY LANE	29,457	Warren	Carlton, Warren
HUT SUT SONG	29,259	Schumann	Killion, McMichaels, Owens

100,000,000 Record Year

Sydney M. Kaye,, executive vice president of Broadcast Music, Inc., issued the following statement in connection with the flourishing business done by record manufacturers:

"Maybe some broadcasters have been worrying because they had a fear that in giving their patrons BMI music they were giving them a substitute product. Broadcasters can discard that fear if any of them ever had it. Nobody has to buy phonograph records. They do not come free of charge. They take both effort and money to buy. The phonograph record business this year, based almost entirely on BMI hits, is not only double the business in 1940, when it was based entirely on ASCAP hits, but is the highest business in the record of that industry. If the public likes the music enough to go out and buy it in greater quantity than ever before, it is not annoyed at having to listen to it."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, September 22. It is subject to change.

Wednesday, September 24

NEW—Park Cities Broadcasting Corp., Dallas, Texas.—C. P., **710 kc.**, 5 KW, unlimited, DA-night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WJR, The Goodwill Station, Detroit, Mich.—Granted construction permit for a new high frequency (FM) broadcast station to operate on **45300 kc.** with a service area of 6,800 square miles; applicant to assume responsibility for adjustment of any reasonable complaints arising from signals (B2-PH-28).

Hughes Tool Company, San Francisco, Calif.—Granted construction permit (B5-PH-106) for new high frequency (FM) broadcast station to operate on **44500 kc.** with a service area of 10,800 square miles.

Earle C. Anthony, Inc., Los Angeles, Calif.—Granted construction permit (B5-PH-45) for new high frequency (FM) broadcast station provided applicant file within 60 days for modification of construction permit to specify **43700 kc.** with not less than 38,000 square miles, embracing San Diego and Bakersfield, Calif., within not less than 350 uv/m contour.

Philco Radio & Television Corp., Philadelphia, Pa.—Granted construction permit (B2-PCT-4) for new commercial television broadcast station to operate on Channel No. 3, **66000-72000 kc.**, subject to certain engineering requirements.

Earle C. Anthony, Inc., Los Angeles, Calif.—Granted construction permit (B5-PCT-10) for new commercial television broadcast station to operate on Channel No. 6, **96000-102000 kc.**, providing applicant file for modification of construction permit to meet certain engineering requirements, with completion date January 15, 1942.

The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted construction permit (B4-PCT-8) for new commercial television broadcast station to operate on Channel No. 3, **66000-72000 kc.**, subject to certain engineering requirements, with completion date October 27, 1941.

World Wide Broadcasting Corp., Scituate (Boston), Mass.—Granted construction permit (B1-PIB-33) for new international broadcast station to operate on **6040, 11730, 11790, 15130, 15350, 17750 kc.**, A3 emission, 50 to 100 KW, share time with WRUL and WRUW, subject to certain engineering conditions, and WRUL and WRUW licenses to be modified accordingly.

The Moody Bible Institute of Chicago, Ill.—Granted construction permit (B4-PST-4) for new studio transmitter (ST) broadcast station to operate on **333400 kc.** with a power not in excess of 25 watts.

KTRN—Michael J. Mingo, Tacoma, Wash.—Granted modification (B5-MP-1356) of construction permit (B5-P-1979 granted May 6, 1941, for new station conditionally) to specify frequency **1430 kc.**, 1 KW night and day, using directional antenna day and night.

KTSM—Tri State Broadcasting Co., Inc., El Paso, Tex.—Granted modification of license (B3-ML-1038) to increase power from 500 watts unlimited time to 500 watts night, 1 KW day, station operates on **1380 kc.**

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending August 1, 1942:

KCRC, Enid, Okla.; KELA, between Centralia and Chehalis, Wash.; KFRO, Longview, Texas; KLPM, Minot, N. Dak.; KSRO, Santa Rosa, Cal.; WROK, Rockford, Ill., and WSMB, New Orleans, La.

The following stations were granted renewal of licenses for the period ending October 1, 1942:

KALB, Alexandria, La. KBIZ, Ottumwa, Ia.; KGFJ, Los Angeles, Cal.; KHUB, near Watsonville, Cal.; KMYR, Denver, Colo.; KODL, The Dalles, Oregon; KPHO, Phoenix, Ariz.; KPPC, Pasadena, Cal.; KWAT, Watertown, S. Dak.; WFHR, Wisconsin Rapids, Wis.; WGTM, Wilson, N. C.; WJBC, Bloomington, Ill.; WLBC, Muncie, Ind.; WMPC, Lapeer, Mich.; WSKB, McComb, Miss.; WSOY, Decatur, Ill.; WAJR, Morgantown, W. Va.; WFAS and auxiliary, White Plains, N. Y.; WHBU, Anderson, Ind.; WJPR, Greenville, Miss.; WLAG, La Grange, Ga.; and WTAX, Springfield, Ill.; KBND, Bend, Ore.

DESIGNATED FOR HEARING

Mid-American Broadcasting Corp., Louisville, Ky.—Application for construction permit for new station amended so as to request **1080 kc.**, 5 KW day, 1 KW night, unlimited time, DA-day and night (B2-P-2760).

MISCELLANEOUS

WPAY—Chester A. Thompson (Transferor) and The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio; WPAY, Vee Bee Corp., Portsmouth, Ohio.—Granted petition for extension of time, a period of 30 days, for the filing of Proposed Findings of Fact and Conclusions in re application for transfer of control of Vee Bee Corp., and for application for renewal of license of WPAY.

WICA—WICA, Inc., Ashtabula, Ohio; WWSW, Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted motion for continuance of hearing now set for September 25 to October 28, on application of WICA for construction permit to operate on **970 kc.**, 1 KW night, 5 KW day, unlimited time, DA-night, and for WWSW for the same facilities.

WNEW—Wodaam Corp., New York City.—Granted petition for leave to intervene, denied as to enlargement of issues, in re applications of WTNJ, WCAM and WCAP for renewal of licenses; WTNJ for modification of license, and WDAS for construction permit.

KPAC—Port Arthur College, Port Arthur, Tex.—Motion to postpone hearing date on application for modification of license, withdrawn. Hearing continued indefinitely by Commission on September 9.

KGLU—Gila Broadcasting Co., Safford, Ariz.—Granted petition for continuance of hearing new set for September 16 to October 16, on application for renewal of license of KGLU.

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Granted petition to intervene in the hearing on applications of KVOA, Tucson, KGGM, Albuquerque and KVSF, Sante Fe, for construction permits to change facilities.

KGO & Aux.—National Broadcasting Co., Inc., San Francisco, Cal.—Granted petition for postponement of hearing now set for September 19 to November 18, on applications for renewal of licenses.

KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted petition for postponement of hearing now set for September 19 to November 18, on applications for renewal of licenses.

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Granted petition for postponement of hearing now set for September 19 to November 18, on applications for renewal of licenses.

Dorman Schaeffer, Klamath Falls, Ore.—Granted motion for continuance from September 15 to September 17 of hearing on application for construction permits for new station in Klamath Falls, by applicant Schaeffer and the Herald Publishing Co.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority (B5-S-73) to broadcast on sustaining basis local High School and Gonzaga Univ. football games from 7:15 PST to close of games on September 11, 19 and 26, only.

KYOS—Merced Broadcasting Co., Merced, Cal.—Granted special authority (B5-S-396) to operate from local sunset (September, 6:15 p. m., PST), until completion of boxing matches to be broadcast over MBS on September 12 only, provided such broadcast is on a sustaining basis only.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1118).

WKAR—Mich. State College, East Lansing, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1096).

WNEL—Juan Piza, San Juan, P. R.—Granted authority to determine operating power by direct measurement of antenna input (B-Z-1187).

WSLI—Standard Life Broadcasting Co., Jackson, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1205).

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1203).

WHBB—Selma Broadcasting Co., Inc., Selma, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1190).

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1156).

WFDF (aux.)—Flint Broadcasting Co., Flint, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1201).

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1198).

WJIM—WJIM, Inc., Lansing, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1125).

KYW—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1199).

WOAI—Southland Industries, Inc., San Antonio, Tex.—Granted authority to install automatic frequency control equipment for auxiliary transmitter (B3-F-234).

KUOA—KUOA, Inc., Siloam Springs, Ark.—Granted authority to install automatic frequency control equipment (B3-F-235).

WCAL—St. Olaf College, Northfield, Minn.—Granted authority to install automatic frequency control equipment (B4-F-231).

KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted construction permit for changes in equipment (B5-P-3250).

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted construction permit to make changes in equipment (change tubes in last radio stage) (B3-P-3283).

KTEM—Bell Broadcasting Co., Temple, Tex.—Granted construction permit (B3-P-3248) to make changes in equipment (changes in tubes only).

WJZ—National Broadcasting Co., Inc., New York City.—Granted construction permit for changes in equipment (B1-P-3253).

WTAM—National Broadcasting Co., Inc., Cleveland, Ohio.—Granted construction permit for changes in equipment (B2-P-3252).

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted construction permit for changes in equipment (B4-P-3256).

KPO—National Broadcasting Co., Inc., San Francisco, Calif.—Granted construction permit for changes in equipment (B5-P-3251).

KROD—Dorrance D. Roderick, El Paso, Tex.—Granted construction permit (B3-P-3275) to install new transmitter.

The following relay broadcast stations were granted renewal of licenses for the period Oct. 1, 1941, to Oct. 1, 1942:

WOEB, Agricultural Broadcasting Co.; KFDB, Amarillo Broadcasting Corp.; KAIH, KAXA, Earle C. Anthony, Inc.; WATA, Ashland Broadcasting Co.; KEHV, The Associated Broadcasters, Inc.; KSFQ, The Associated Broadcasters, Inc.; WBAM, WBAN, Bamberger Broadcasting Service, Inc.; WBAO, WBAQ, Bamberger Broadcasting Service, Inc.; KNED, Carter Publications, Inc.; WABE, WFYA, Central New York Broadcasting Corp.; KABJ, KAQV, KAQX, KAQW, Central States Broadcasting Co.; WAHJ, WBGN, the Champaign News-Gazette, Inc.; WNYK, WNYL, WNYN, WNYO. City of New York, Municipal Broadcasting System; KAAC, KAAZ, KBKC, WAAU, WAEW, WCBE,WCBF, WCBG, WCBN, WFYB, WIEK, Columbia Broadcasting System, Inc.; WAIC, WAUV, Courier-Journal & Louisville Times Co.; WLWA, WLWB, WLWJ, The Crosley Corp.; KABB, KABD, KAOG, KAPT, KAPU, Don Lee Broadcasting System; WAUT, Evansville On the Air, Inc.; KIEL, Fisher's Blend Station, Inc.; WJEK, Hagerstown Broadcasting Co.; KIIS, Harris County Broadcast Co.; WAXE, Havens & Martin, Inc.; KAGM, Hirsch Battery & Radio Co.; WATB, Indianapolis Broadcasting Inc.; KILB, International Broadcasting Corp.; KDAC, KARM, The George Harm Station; WAHB, WJER, The Journal Co.; KBIB, The KANS Broadcasting Co.; KIIH, KFAB Broadcasting Co.; KAXY, KGKO Broadcasting Co.; KAAO, KAAR, KLZ Broadcasting Co.; KBQB, Edwin A. Kraft; KAOV, KRIC, Inc.; KABE, KAIE, KSTP, Inc.; WCLA, Larus Bros. & Co., Inc.; KABF, KSCR, McClatchy Broadcasting Co.; KABG, Ben S. McGlashan; WAUC, Matheson Radio Co., Inc.; WABG, Memphis Publishing Co.; WIEF, Miami Broadcasting Co.; WMVB, Miami Valley Broadcasting Corp.; WAFY, WAFZ, Minnesota Broadcasting Corp.; KIEF, Missouri Broadcasting Corp.; KDRA, KHCM, KSFM, WIEO, WIEW, WIEX, WMEF, WMFL, WMFS, WNBE, WNBJ, WNBM, WNBR. WNBU, WNBV, National Broadcasting Co.; WRDI, Northwestern Publishing Co.; KBLE, KIFO, Nichols & Warinner, Inc.; WAID, WAUQ, WGBE, WGBH, Onondaga Radio Broadcasting Corp.; WAHL, Paducah Broadcasting Co., Inc.; WAEA, W. A. Patterson; WAIN, WEKH, Peoria Broadcasting Co.; KBIC, KBID, KNEF, Radio Service Corp. of Utah; WAAR, Rockford Broadcasters, Inc.; WAXH, Savannah Broadcasting Co.· WAIE, Joe L. Smith, Jr.; WAEB, Southeastern Broadcasting Co., Inc.; WDAJ, Tampa Times Co.; KGBK, Helen Townsley; WAUI, Univ. of Ill.; WAIQ. WATC, WAVE, Inc.; WBNT, WGBD, WJLF, WBNS, Inc.; WMFZ, WCBS, Inc.; KBRG, WDAY, Inc.; WAAC, WAAE, WAIO, WELR, WDZ Broadcasting Co.; WAXL, Jonas Weiland; WDGM, Westinghouse Radio Stations, Inc.; WAAH, W. Va. Broadcasting Corp.; WIPL, WIPM, WNEI, WFBM, Inc.; WAAI, WAAQ, The WGAR Broadcasting Co.; KWHB, WHB Broadcasting Co.; WHPA, WHP, Inc.; WBAE, WBAF, L. B. Wilson, Inc.; WAIJ, WAIY, WIBX, Inc.; WJRA, WENH, WJR, The Goodwill Station; KAZA, KAXB, WKY Radiophone Co.; KAID, KAIZ, Woodmen of the World Life Ins. Society; WAHE, WAHF, WTAR Radio Corp.

W8XWI—Guy S. Cornish, Portable-Mobile.—Granted renewal of Class II Experimental (Public Address Relay) station license for the period Oct. 1, 1941, to Oct. 1, 1942.

WHCU—Cornell University, Ithaca, N. Y.—Granted special temporary authority (B1-S-223) to operate from sign-off time (7 p. m. EST, Sept.) to conclusion of President's speech on Sept. 11, only.

KNET—Donner Frizzell, Palestine, Tex.—Granted special temporary authority (B5-S-878) to operate from regular sign-off time (Sept., 6:30 p. m., Oct., 6:45 p. m., CST) until approximately 10:30 p. m., CST, in order to broadcast High School Football games on Sept. 19, 26, and Oct. 3, 10 and 17, only, provided such broadcasts are on sustaining basis only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority (B2-S-269) to remain on the air from regular sign-off time (9 p. m., EST, Sept.) to the conclusion of President's speech on Sept. 11 only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority (B2-S-289) to remain on the air from regular sign-off time (9 p. m., EST, during Sept.) to conclusion of George Abrams, Tony Zale, middle-weight championship boxing bout on Sept. 12, only, provided such broadcast is on sustaining basis only.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted license (B1-L-1476) to cover construction permit (B1-P-2233) for changes in equipment, new antenna and move of transmitter.

KOIL—Central States Broadcasting Co., Omaha, Neb.—Granted modification of construction permit (B4-MP-1388), requesting extension of completion date to October 28, 1941, under construction permit (B4-P-2609 as modified) for installation of DA for night use and increase in power.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted license (B1-L-1478) to cover construction permit (B1-P-3131) which authorized increase in power and changes in directional antenna. Also granted license (B1-L-1479) to use directional antenna as authorized under construction permit, with auxiliary transmitter; and granted authority to determine operating power by direct measurement of antenna power (B1-Z-1197), for auxiliary transmitter.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1196).

KSNO—Ernest L. Finlay, Santa Rosa, Calif.—Granted license (B5-L-1473) to cover construction permit (B5-P-2916) for change in frequency, increase in power, installation of DA for day and night use, and installation of new transmitter. Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-1191).

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Granted license (B5-L-1490) to cover construction permit (B5-P-2458) for new station to operate on **1450 kc.**, 250 watts, unlimited time. Also granted authority to determine operating power by direct measurement (B5-Z-1214).

KFH—Radio Station KFH Co., Wichita, Kans.—Granted license (B4-L-1475) to cover construction permit (B4-P-2462) which authorized installation of new transmitter, directional antenna for night use, increase in power to 5 KW, and move of transmitter. Also granted authority to determine operating power by direct measurement (B4-Z-1194).

WNBC—State Broadcasting Corp., New Britain, Conn.—Granted license (B1-L-1486) to cover construction permit (B1-P-2723) which authorized changes in equipment, increase in power and changes in directional antenna for day and night use. Also granted authority to determine operating power by direct measurement (B1-Z-1211).

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted license (B2-L-1471) to cover construction permit (B2-P-3001) for new transmitter, changes in antenna and move of transmitter. Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-1188).

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted license (B2-L-1470) to use old RCA 1-B transmitter as auxiliary transmitter with power of 1 KW, for emergency use only.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted license (B4-L-1481) to cover construction permit (B4-P-2576) for increase in power to 5 KW day and night, installation of DA for night use. Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-1206).

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—Granted license (B4-L-1466) to cover construction permit (B4-P-3155) which authorized increase in power to 250 watts, unlimited time, and changes in transmitting equipment.

KRMC—Jamestown Broadcasting Co., Inc., Jamestown, N. Dak.—Granted modification of license (B4-ML-1086) to move studio from U. S. Highway No. 10, 1 mile from center of Jamestown to Midland Bldg., Third Ave. SE and 1st St., E. Jamestown, N. Dak.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Granted license (B3-L-1487) to cover construction permit (B3-P-3123) which authorized change in tubes in last radio stage.

Wichita Broadcasting Co., Portable-Mobile, area of Wichita Falls, Tex.—Granted construction permit (B3-PRE-407) for new relay broadcast station to be used with standard b/c station KWFT; **30820, 33740, 35820, 37980 kc.**, 2 watts.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted license (B1-L-1480) to cover construction permit (B1-ML-868) for increase in power and changes in DA. Also granted authority to determine operating power by direct measurement of antenna power (B1-Z-1202).

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted modification of construction permit (B3-MP-1387) authorizing extension of completion date from 9/21/41 to 1/21/42.

KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Granted modification of construction permit (B3-MP-1383) for extension of completion date under (B3-P-2571) from 9/14/41 to 3/14/42.

WDSU—WDSU, Inc., New Orleans, La.—Granted modification of construction permit (B3-MP-1379) for extension of completion date under (B3-P-2923) which authorized move of transmitter, increase in power and installation of DA for day and night use, from 9/1/41 to 12/1/41.

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Granted license (B4-L-1472) to cover construction permit (B4-P-2908) which authorized a new station, giving studio site as 215 Board of Trade Bldg., Indianapolis. Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-1189).

KBUR—Burlington Broadcasting Co., Burlington, Iowa.—Granted license (B4-L-1468) to cover construction permit (B4-P-1799) which authorized a new station to operate on **1490 kc.,** 250 watts, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-1185).

KBND—Brown County Broadcasting Co., Brownwood, Texas.—Granted license (B3-L-1485) to cover construction permit (B3-P-2672) for new station to operate on **1380 kc.,** 500 watts, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-1210).

KEIY—Oregonian Publishing Co., Portable-Mobile, Area of Portland, Ore.—Granted license (B5-LRE-358) to cover construction permit (B5-PRE-398) which authorized change in equipment and decrease in power of relay station to 3.5 watts.

KEIZ—Oregonian Publishing Co., Portable-Mobile, Area of Portland, Ore.—Granted license (B5-LRE-359) to cover construction permit (B5-PRE-399) which authorized change in equipment and decrease in power of relay station to 3.5 watts.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate on **930 kc.** with power of 1000 watts day and 100 watts night, unlimited time, using the transmitting equipment authorized in application File No. B2-MP-1290, for a period not to exceed thirty days.

KGY—KGY, Inc., Olympia, Wash.—Granted license (B5-L-1477) to cover construction permit (B5-P-3071) for new antenna and change in operating hours to unlimited and move of transmitter. Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-1193).

WKAQ—Radio Corp. of Puerto Rico, San Juan, P. R.—Granted license (B-L-1469) to cover construction permit (B-P-2385) for new transmitter, changes in antenna system, increase in power to 5 KW, and change in frequency. Also granted authority to determine operating power by direct measurement (B-Z-1186).

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Granted special temporary authority to operate on a sustaining basis from regular sign-off time (September, 6:15 p. m., EST) until 11 p. m., EST, on September 16, 1941, only, in order to broadcast election returns and incidental transcribed and live talent music.

WTNJ—WOAX, Inc., Trenton, N. J.—Denied request for special temporary authority to operate simultaneously with WCAP during the hours from two to four o'clock p. m., EST, on October 4, 11, 18 and 25, and November 1 and 8, 1941, only, in order to broadcast play by play descriptions of the football games of Princeton University.

WWPG—Lake Worth Broadcasting Corp., Lake Worth, Fla.—Granted modification of construction permit (B3-P-3161) which authorized a new broadcast station, for approval of antenna and approval of transmitter and studio location (B3-MP-1369).

KQBO—Cascade Broadcasting Co., Everett, Wash. (KEVE).—Granted special temporary authority to operate relay station KQCB on **1646 kc.,** 40 watts power, in order to relay description of Fish Derby on September 13 (test) and 14, 1941, only, to Radio Station KEVE.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted modification of construction permit for new transmitter, installation of directional antenna for day and night use, increase in power, and move, for changes in frequency from **1480** to **1520 kc.** and changes in directional antenna accordingly; make changes in equipment (tubes in last radio stage only) (B1-MP-1351).

Head of Lakes Broadcasting Co., Superior, Wisc.—Denied petition to remove from pending files, consider and grant application for construction permit (B4-PH-74) for a new high frequency (FM) broadcast station.

WHEC, Inc., Rochester, N. Y.—Placed in pending files pursuant to Order No. 79, application for construction permit (B1-PH-96) for a new high frequency (FM) broadcast station.

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Extended date for filing proposed findings of fact and conclusions to September 25, 1941, and for filing briefs to October 10, in re revocation of license (Docket 6001).

WTMC—Ocala Broadcasting Co., Ocala, Fla.—Extended date for filing proposed findings of fact and conclusions to September 25, 1941, and for filing briefs to October 10, in re revocation of license (Docket 6000).

W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted modification of special temporary authorization to operate a high frequency experimental broadcast station on **45300 kc.,** 1000 watts, for the period September 15 to October 31, 1941, with transmitter located at Avon, Conn.

W51C—Zenith Radio Corp., Chicago, Ill.—Granted extension of special temporary authority to operate FM station commercially on **45.1 mc.,** with 5000 watts power, for the period September 15 to November 13, 1941, with transmitter located at 135 So. LaSalle St., Chicago.

APPLICATIONS FILED AT FCC

610 Kilocycles

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Modification of construction permit (B1-P-2897) as modified for a new station, requesting changes in directional antenna system.

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—License to cover construction permit (B1-P-2897) as modified for a new station.

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Authority to determine operating power by direct method.

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Modification of construction permit (B1-P-2897) as modified for a new station, requesting extension of completion date from 9-15-41 to 10-15-41.

620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Modification of construction permit (B1-P-2868) for increase in power, installation of new equipment and directional antenna for day and night use, requesting extension of completion date from 11-11-41 to 1-11-42.

710 Kilocycles

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Modification of license to make changes in directional antenna system for night use.

790 Kilocycles

WKPT—Kingsport Broadcasting Co., Inc., Kingsport, Tenn.—Construction permit to change frequency from **1400 kc.** to **790 kc.,** increase power from 250 watts to 1 KW, install new equipment, and directional antenna for night use.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—License to cover construction permit (B5-P-2701) as modified for increase in night power and install directional antenna for night use.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Authority to determine operating power by direct method.

880 Kilocycles

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Construction permit to make changes in directional antenna system for day and night use, changes in transmitting equipment, change frequency from **1320 kc.** to **880 kc.,** and increase power from 5 to 10 KW.

1030 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. M.—Modification of construction permit (B5-P-2783) as modified, for changes in equipment and increase in power, requesting extension of completion date from 10-3-41 to 12-2-41.

1050 Kilocycles

NEW—Washtenaw Broadcasting Co., Inc., Ann Arbor, Mich.—Construction permit for a new broadcast station to be operated on **1050 kc.,** 1 KW, and unlimited hours.

1070 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Construction permit to move old RCA 1 KW transmitter to site of new main transmitter and use for auxiliary purposes.

1090 Kilocycles

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Construction permit to move old WE Type 104-A, 10 KW transmitter and use as auxiliary transmitter, employing directional antenna night with power 10 KW.

1200 Kilocycles

WOAI—Southland Industries, Inc., San Antonio, Texas.—Construction permit to move transmitter, increase power from 50 KW to 500 KW, install new transmitter and antenna changes. Amended: To omit request to move, requesting 750 KW, and changes in transmitting equipment.

1230 Kilocycles

NEW—W. W. McAllister and Howard W. Davis, d/b as The Walmac Co., Alice, Texas.—Construction permit for a new broadcast station to be operated on **1230 kc.**, 250 watts and unlimited hours.

1240 Kilocycles

WRAL—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Construction permit to install new transmitter, directional antenna for night use, change frequency from **1240** to **620 kc.**, power from 250 watts to 1 KW night, 5 KW day and move transmitter. Amended: To make changes in directional antenna and to use day and night.

KWOS—Tribune Printing Co., Jefferson City, Mo.—Authority to determine operating power by direct method.

KOVO—Clifton A. Tolboe, tr. as Citizens Voice of Air Show, Provo, Utah.—Voluntary assignment of license to KOVO Broadcasting Company. Amended: re corporate structure.

1260 Kilocycles

WFBM, Inc., Indianapolis, Ind.—License to cover construction permit (B4-ML-354) as modified, for increase in power, using directional antenna night.

1310 Kilocycles

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—License to cover construction permit (B5-P-2920) as modified for increase in power, installation of directional antenna for night use.

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Authority to determine operating power by direct method.

1340 Kilocycles

KRJF—Star Printing Co., Miles City, Mont.—License to cover construction permit (B5-P-2533) as modified for a new station.

KRJF—Star Printing Co., Miles City, Mont.—Authority to determine operating power by direct method.

NEW—Chambersburg Broadcasting Co., Chambersburg, Pa.—Construction permit for a new broadcast station to be operated on **1340 kc.**, 250 watts power and unlimited hours.

1350 Kilocycles

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Modification of construction permit (B4-P-2726) as modified for move of transmitter, install directional antenna for night use, install new transmitter and increase in power, requesting extension of completion date from 10-3-41 to 12-9-41.

NEW—Rock Hill Broadcasting Corp., Rock Hill, S. C.—Construction permit for a new broadcast station to be operated on **1350 kc.**, 250 watts and daytime hours. Amended: To specify studio and transmitter sites.

1360 Kilocycles

NEW—McKeesport Radio Co., McKeesport, Pa.—Construction permit for a new broadcast station to be operated on **1360 kc.**, 250 watts power and daytime hours. Amended: Antenna, studio and transmitter sites to be determined.

WSAI—The Crosley Corp., Cincinnati, Ohio.—Modification of construction permit (B2-P-2221) as modified, for increase in power, installation of directional antenna for night use, move of transmitter, requesting **1360 kc.** under NARBA, changes in directional antenna for day and night use and extension of completion date from 7-15-41 to 180 days after grant. Amended: To request 250 watt booster station.

1390 Kilocycles

KGER—Consolidated Broadcasting Corp., Long Beach, Calif.—Construction permit to make changes in equipment, increase power from 1 to 5 KW, install directional antenna for night use. Amended: To move transmitter from Long Beach to Compton, Calif., and make changes in proposed directional antenna.

1400 Kilocycles

WRRN—Frank T. Nied and Perry H. Stevens, d/b as Nied and Stevens, Warren, Ohio.—Modification of construction permit (B2-P-3181) for a new station, requesting new transmitter and changes in antenna system, extension of commencement and completion dates from 10-5-41 and 4-5-42 to 30 days after grant and 180 days thereafter, respectively.

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Authority to transfer control of corporation from R. R. West to Marjorie Lannen McCracken, 9996 shares common stock.

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Authority to determine operating power by direct method for special service authorization on **1090 kc.**, 250 watts and unlimited hours.

1440 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of license to move studio from Main and Riverside Ave., Medford, to Ross Lane, Medford, Ore.

1450 Kilocycles

KWBW—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Construction permit to increase power from 100 to 250 watts and changes in transmitting equipment.

KVAK—Carl Latenser, Atchison, Kans.—Voluntary assignment of license to Radio Enterprises, Inc.

KVAK—Radio Enterprises, Inc., Atchison, Kans.—Construction permit to make changes in equipment and increase power from 100 to 250 watts. (Subject to grant of B4-AL-320.)

WNAB—Harold Thomas, Bridgeport, Conn.—License to cover construction permit (B1-P-2410) as modified for a new station.

WNAB—Harold Thomas, Bridgeport, Conn.—Authority to determine operating power by direct method.

WOC—The Tri-City Broadcasting Co., Davenport, Iowa.—Modification of construction permit (B4-P-2288) for increase in power, change in frequency, move transmitter and install new transmitter and directional antenna for night use, requesting increase in power from 1 to 5 KW, changes in directional antenna for day and night use, change type of transmitter and move transmitter.

1460 Kilocycles

KEVE—Cascade Broadcasting Co., Inc., Everett, Wash.—License to cover construction permit (B5-P-2008) for a new station.

KEVE—Cascade Broadcasting Co., Inc., Everett, Wash.—Authority to determine operating power by direct method.

1490 Kilocycles

NEW—William L. Klein, Oak Park, Ill.—Construction permit for a new broadcast station to be operated on **1490 kc.**, 250 watts and unlimited hours.

1600 Kilocycles

NEW—Peter Q. Nyce, Washington, D. C.—Construction permit for a new broadcast station to be operated on **1600 kc.**, 1 KW power, unlimited hours at Alexandria, Va., and 250 watt booster amplifier. Amended: To request new equipment, 5 KW power, install directional antenna for day and night use, specify transmitter and studio sites at Washington, D. C., and omit request for booster station.

FM APPLICATIONS

W63NY—Marcus Loew Booking Agency, New York, N. Y.—Modification of construction permit (B1-PH-3) as modified for a new high frequency broadcast station, requesting changes in antenna system and extension of commencement and completion dates from 4-13-41 and 10-13-41 to 3 days after grant and 180 days thereafter respectively.

W65H—WDRC, Incorporated, Hartford, Conn.—Modification of construction permit (B1-PH-35) for a new high frequency broadcast station, requesting approval of transmitter, antenna system and transmitter site.

NEW—Oak Park Realty and Amusement Co., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on **47900 kc.** Coverage: 10,800 square miles. Population: 5,030,510. Amended: To change type of antenna system.

W45V—Evansville On The Air, Inc., Evansville, Ind.—License to cover construction permit (B4-PH-11) as modified for a new high frequency broadcast station.

W31NY—Edwin Armstrong, Alpine, N. J.—Modification of construction permit (B1-PH-82) for a new high frequency broadcast station, requesting extension of completion date from 11-4-41 to six months after present completion date.

NEW—Standard Broadcasting Co., Los Angeles, Calif.—Construction permit for a new ST broadcast station (to be used with high frequency broadcast station K53LA) to be operated on **333400 kc.,** 25 watts and special emission for frequency modulation.

NEW—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on **45500 kc.;** coverage: 11,301 square miles; population: 1,797,700. Amended: to change coverage to 13,391 square miles and population to 1,897,700 and make changes in antenna system.

W45CM—WBNS, Incorporated, Columbus, Ohio.—Modification of construction permit (B2-PH-8) as modified for a new high frequency broadcast station, requesting change in type of transmitter and extension of commencement and completion dates from 4-13-41 and 10-13-41 to 60 days after grant and 180 days thereafter, respectively.

MISCELLANEOUS APPLICATIONS

KTSR—Tri-State Broadcasting, Inc., Portable-Mobile.—License to cover construction permit (B3-PRY-248) for a new relay broadcast station.

NEW—Gordon Gray, Winston-Salem, N. C.—Construction permit for a new special relay broadcast station to be operated on **156750 kc.,** 50 watts, special emission for frequency modulation. (To be used to transmit programs from studio to transmitter of W41MM in event of failure or unsatisfactory operation of applicant's ST broadcast station.)

WMWA—WOKO, Inc., Portable-Mobile.—License to cover construction permit (B1-PRE-404) for a new relay broadcast station.

WODJ—Adirondack Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit (B1-PRE-405) for a new relay broadcast station.

WNBT—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to increase power of aural transmitter from 2200 watts to 2800 watts. Amended: to change operating constants of aural transmitter from 3.7 to 5 KW and to omit request for increase in power of aural transmitter.

WAUR—Universtiy of Illinois, S. of Champaign, Ill.—License to cover construction permit (B4-PRY-249) for a new relay broadcast station.

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license requesting frequencies **9670** and **17780 kc.** and addition of transmitting equipment now licensed to WRCA.

WRUW—World Wide Broadcasting Corp., Boston, Mass.—Modification of license requesting additional frequency **9700 kc.** in addition to licensed frequencies **11730, 11790, 15130, 15350, 17750** and **25600 kc.**

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license requesting additional frequencies **6100, 11890, 15150** and **21630 kc.** and addition of transmitting equipment now licensed to WNBI.

W8XAL—The Crosley Corp., Cincinnati, Ohio.—Extension of special temporary experimental authorization to operate a 1 KW transmitter on the frequency of **6080 kc.** with 1 KW power and A0 and A1 emission for identification purposes only.

NEW—Ralph A. Horton, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **31620, 35260, 37340, 39260 kc.,** power 25 watts and A3 emission.

NEW—Gordon Gray, Winston-Salem, N. C.—Construction permit for a new ST broadcast station (to be used with W41MM) on **337000 kc.,** power 25 watts, special emission for frequency modulation.

NEW—Ralph A. Horton, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1646, 2090, 2190** and **2830 kc.,** power 100 watts and A3 emission.

WHMK—Hagerstown Broadcasting Co., Hagerstown, Md.—License to cover construction permit (B1-PRY-242) for a new relay broadcast station.

WRGG—Rome Broadcasting Corp., Portable-Mobile.—License to cover construction permit (B3-PRE-390) for a new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an apportunity to show cause why cease and desist orders should not be issued against them.

Cooperative Purchasing Association, Inc., and Melvin Sherman, 419 Fourth Ave., New York City, engaged in the business of purchasing for resale, offering for sale, and selling and distributing merchandise, are charged in a complaint with misrepresentation. (4584)

D. J. Easterlin & Company—D. J. Easterlin, trading as D. J. Easterline & Company, Charleston, S. C., is charged, in a complaint with violation of the brokerage section of the Robinson-Patman Act. (4587)

Linen Supply Board of Trade of New Jersey, Newark, N. J., its officers, directors, and member companies, all operating in the area embracing Newark, N. J., and New York City and engaged in supplying, leasing and renting linen supplies such as coats, trousers, aprons, frocks, towels, table cloths and other articles in commerce, are charged in a complaint with combinations and conspiracies to fix uniform minimum prices and discounts, and other practices in restraint of trade. (4588)

National School of Electronics—Thomas J. Casey, formerly doing business under the name of National Institute of Technology, and since June, 1939, doing business under the name of National School of Electronics at 529 South Seventh St., Minneapolis, Minn., is charged, in a complaint with misrepresentation. (4586)

Pergande Institute—G. F. Pergande, trading as Pergande Institute, 314 Randolph Place, N. E., Washington, D. C., engaged in the sale and distribution of courses of study and instruction intended for preparing students for examinations for certain Civil Service positions through a correspondence course, is charged, in a complaint with misrepresentation. (4583)

G. B. Shelton Brokerage Company—Gus B. Shelton, trading as G. B. Shelton Brokerage Company, 220 Lynn St., Danville, Va., and The American Agricultural Chemical Company, 50 Church St., New York City, are charged, in a complaint with violation of the brokerage provision of the Robinson-Patman Act. (4585)

STIPULATIONS

No stipulations were made public by the Commission during the past week.

CEASE AND DESIST ORDERS

During the past week the Commission has issued the following cease and desist orders:

Jergens-Woodbury Sales Corporation, Cincinnati, engaged in the sale and distribution of cosmetics and a facial soap manufactured by John H. Woodbury, Inc., and the Andrew Jergens Co., has been ordered to cease and desist from misrepresentations in the sale of its products. (3438)

Pond's Extract Company, 60 Hudson St., New York, cosmetics manufacturer, has been ordered to cease and desist from misrepresentations in the sale of creams and lotions. (3427)

Reports

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 38, September 26, 1941

DISTRICT MEETINGS PLANNED

Industry Problems to be Aired

Arrangements for the series of district meetings, to be held in all seventeen NAB districts commencing early in October, are shaping up rapidly as we go to press. President Miller has sent to all District Directors, for their final comment and recommendations, a detailed outline of suggested plans for the meetings and the subjects to be covered.

"The purpose of the meetings should be two-fold," President Miller states:

1) To discuss with the stations the many problems facing the industry, to hold meetings of groups, such as Sales Managers, to discuss their particular problems, and for informal discussions of various subjects;
2) To do a more thorough public relations job by contacting the various groups in the community, such as, the women's clubs, the educators, the newspaper editors, the local legislators, etc., explaining to them the great public service which radio is rendering and securing a better understanding of some of our problems.

Among the industry problems slated for discussion are national defense, ASCAP, labor, the Code, the monopoly report, and legislative matters affecting radio.

Committees on the Code, national defense, labor, engineering, and membership, as well as the Sales Managers Committee, will meet and take an active part in each convention program.

Plans are being perfected to ensure the fullest publicity for speeches and convention news generally, and to develop public relations contacts with editors, radio editors, advertisers and important community groups.

Talks and discussion panels on such subjects as *Radio's Place in National Defense, Radio and Education* and like topics will be broadcast over local broadcasting stations.

Charts will be prepared in advance for use at the meetings, covering such subjects as:

1) Radio's growth as an industry, its significant milestones and achievements;
2) Value of radio as an advertising medium, its growth, application to various types of business, success for sponsors, etc.;
3) Functions and services of the various NAB Departments, samples of the products of the various departments, such as, Broadcast Advertising Record, Accounting Manual, Trade Studies, etc.;
4) Summary of our legislative problems.

In a letter to District Directors, C. E. Arney, Jr., Assistant to the President, has expressed the wish of the Sales Managers Executive Committee that as many sales managers in each District as possible be present in order that the plans and programs of the Department of Broadcast Advertising may be furthered and made of even greater use and value to the entire membership. Every member of the district sales managers committees should be present at his district meeting, in order to get the greatest benefit to himself and his station.

Addressing the District Directors, President Miller expressed the view that this year's meetings would be especially important in the light of radio's many current problems, to

(Continued on page 758)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

INDUSTRY PROBLEMS TO BE AIRED

(Continued from page 757)

the solution of which much assistance will undoubtedly be gained by an exchange of views among broadcasters themselves as well as by contact with influential leaders in local communities throughout the country.

The time and place of each district meeting has been worked out in a tentative schedule now before the district directors, and the dates and location of the first meetings to be scheduled will be announced in forthcoming Reports.

NIB CONVENTION

At its two-day convention in Chicago this week, NIB adopted a number of resolutions aimed at reorganization of that body under a plan of State representation. Present officers will serve until State delegates are selected, it was announced, when such delegates will in turn select new officers and directors.

A large part of the session was devoted to the music situation, representatives of ASCAP, BMI, SESAC and AMP presenting the position of their respective organizations. Chairman Fly of the FCC, General Cummins of the U. S. Army, Sixth Corps Area, Chicago, and Mr. Victor O. Waters, special assistant attorney-general, were among the speakers who addressed the delegates from some hundred twenty-five odd stations.

Referring to the current Senatorial hearings on alleged charges of pro-war propaganda activity on the part of motion picture and radio interests, Chairman Fly echoed the views expressed by President Neville Miller of NAB in his recent letter to Senator D. Worth Clark of Idaho, Chairman of the investigating sub-committee.

Neither the FCC nor the Defense Communications Board nor, so far as he knew, "any other agency of the government," has any plans for taking broadcasting out of private hands, even in time of war, Mr. Fly said. Quoting directly from the letter which Mr. Miller had written to Senator Clark on behalf of the industry, in which he asserted that radio broadcasting is conducted "by more than 800 broadcasting stations . . . operated by men and women of all creeds and political beliefs—Republicans and Democrats, farmers, lawyers, newspaper people—plain business people of all kinds," the FCC Chairman said:

> "The real justification of private ownership of radio is that control can thereby be left, as Mr. Miller says, in the hands of hundreds of men and women of all creeds and political beliefs, hundreds of everyday Americans."

In his opening address, President Harold A. Lafount called for a united industry and pledged the support of his organization to the Federal Communications Commission in meeting the problems of the present national emergency.

TAX FIGHT

Messages continue to pour in from broadcasters in all parts of the country congratulating the NAB for its successful effort toward eliminating a super tax on radio broadcasting from the current federal revenue bill, Neville Miller, president of the industry's trade association, announced today.

"The industry is in your debt for the fine work you did in the elimination of the unjust and discriminatory tax on broadcasting," P. W. Morency, general manager of WTIC wired. "Our congratulations on a difficult job well done."

"You and your associates at NAB are to be heartily congratulated on this yeoman service you performed for the industry," telegraphed Martin Campbell, manager of Station WFAA, Dallas, Texas.

E. E. Hill, of Station WTAG, Worcester, Mass., added his congratulations "on the successful fight waged by NAB on behalf of all the broadcasters."

Hugh A. L. Halff, also expressed, on behalf of Station WOAI, his appreciation of the efforts of President Miller and the NAB staff.

"We are gratified to receive these welcome messages of appreciation from the industry," Mr. Miller said. "The result we have achieved thus far is an excellent demonstration of what can be accomplished with a united industry front. It could not have been achieved without the wholehearted cooperation we received not only from members of the industry but from representatives of advertising, labor unions and other groups. I wish to take this opportunity to express, on behalf of the NAB staff and for myself, our sincere thanks for the splendid cooperation which the trade association received from all concerned."

Mr. Miller warned broadcasters not to consider this sort of proposal permanently disposed of. "While we have been successful in eliminating this particular tax from the current revenue bill, our fight against a discriminatory tax of this kind is not yet won," he said. "It will be proposed again, unless its sponsors—certain printing trades unions—are convinced that it would hurt them as well as radio broadcasters. The NAB has not relaxed its vigilance, and will continue its efforts in this and other directions on behalf of the industry."

PRIORITIES

OPM's Bureau of Research and Statistics is examining the data filed by NAB with Donald M. Nelson, director of priorities. Certain additional information concerning the needs of the industry, desired by Research, is being gathered together. It is too early yet, however, for any action to be taken on the matter.

We hear that emergency orders are being given higher ratings whenever the emergency demands in accordance with the plan of procedure published in NAB Reports of September 12 and 19. A case in point was that of a station off the air. It required an A-1-A rating to get the necessary equipment to restore operation; and this was immediately forthcoming. Another station received an A-5 project rating on its CP for betterments.

You are urged to continue to safeguard continuous operation by making sure that your minimum emergency inventory is maintained. Should your supplier report that the A-10 rating is insufficient to secure this material within your allowable time limit, we suggest that you seek the cooperation, by telephone, of Mr. Jim Peters, Miscellaneous Supplies Section, Office of Production Management, 462 Indiana Avenue, N. W. Telephone number: REpublic 7500; Ext. 2331.

National Defense

RADIO TECHNICIAN COURSES

Dates of the first four courses for radio technicians in North Carolina have been set by Blake R. Van Leer, dean of engineering, North Carolina State College. Cities, number of applicants and dates appear in the table below:

Charlotte, N. C.	200	Oct. 1, 1941
Raleigh, N. C.	50	Oct. 6, 1941
Greensboro, N. C.	50	Oct. 8, 1941
Winston-Salem, N. C.	75	Oct. 15, 1941

A course will also be started in Durham, though it is undecided whether it will be given by Duke University or North Carolina

State. Additional courses are contemplated for Wilmington and probably Rocky Mount.

Navy Wants Licensed Operators

Listeners to the Woodbury program on NBC-Blue, Sunday night, September 21, heard Walter Winchell give a Navy plug which sought licensed commercial radio operators. The Army and the Navy have already taken operators from stations and doubtless many more will go to the armed services. This is one reason NAB is promoting intensive radio courses in colleges and universities.

Industry to Help Marines

Beginning early in October the United States Marine Corps will distribute recruiting announcements through NAB. The cooperation of the broadcasting industry was sought by Brigadier General Robert L. Denig and Major George T. Van der Hoef.

Return Forms Early

Forms for reporting September national defense data will be mailed all stations this week. The information, by virtue of being assembled in one spot for ready reference, is being of such substantial help that it is hoped additional stations will return the form promptly. The count of reporting stations to end of this months is approximately 371. Doubling this number will be appreciated.

Broadcast Search for Instructors

When Gene Tunney came to Cincinnati in search of physical education instructors for the U. S. Navy, last week, he appeared on a half hour broadcast over WCKY, from the Florentine room of Hotel Gibson. It was attended by a crowd of approximately one thousand.

Sales

TO ADDRESS AFA

Neville Miller will speak on "Freedom of the Press and Radio" and Frank E. Pellegrin will discuss "Retailing by Radio" October 17, at the district convention of the Advertising Federation of America to be held in Tulsa, Okla.

Wholesale Grocers' Atlas

To increase revenue by selling more time to food manufacturers, KMA, Shenandoah, Ia., has prepared an "Atlas of Wholesale Grocers" to give advertisers a definite index of the distribution centers whose business is stimulated by KMA advertising. The 8-page brochure also contains a station coverage map, testimonials, market data, etc. Copies may be obtained by writing J. C. Rapp, station manager.

For "Sold Out" Prospects

The problem of selling advertising to a manufacturer who says "Why should I advertise when I'm sold out?" is occurring more frequently in radio circles. Good answers are contained in a reprint of "Blood, Tears and Advertising," a talk delivered by Ellen Hess, editor of *Tide,* before the Advertising Club of Boston. Copies are available by writing *Tide* magazine.

Retail Advertising Budgets

A table showing advertising expense ratios in 50 retail trades is given in *Dun's Review* for January, 1941, and has proved helpful to radio sales managers by providing a groundwork for the planning of better advertising help to retailers. The ratios given are advertising expenses as percentages of net sales, and show the upper and lower limits and median averages for all trades.

The study shows that the large retailer commonly spends a bigger portion of the sales dollar on advertising than the small retailer, and that the store in a medium size town is likely to be a more liberal spender percentagewise than a similar store in a large city or small town.

The study is titled "How Retail Advertising Expenditures Vary with Sales Volume and Size of City," and was edited by Walter L. Mitchell, Jr., Director of Surveys, Dun & Bradstreet, Inc. Radio stations that do not subscribe to *Dun's Review* might be able to obtain a copy from a public library, chamber of commerce, bank, etc.

Regarding Hal Ayers

Because of inquiries from NAB members, the following information is given on Hal Ayers, who is reported to be selling transcribed programs to United States Tire dealers in various localities. The programs, "Transcontinental Tours," are supposed to terminate with a number of all-expense tours of the U. S., Latin and South America, awarded to winners of essay contests.

The United States Rubber Co. reports that Hal Ayers is not an authorized representative nor was he ever connected with the company, that the company does not know his whereabouts, and that on July 1st it instructed all its Branches to warn their dealers against any solicitation made by Mr. Ayers.

Sales Managers Meet

Harvey Wixson, manager of KHQ-KGA, Spokane, was elected president of the NAB Sales Manager's Division of the 17th District at its bi-annual meeting in Portland, September 12.

Wixson succeeds Charles Couche of KOIN-KALE, Portland, who presided. The district comprises Oregon, Washington and Alaska. Hugh Feltis, KOMO-KJR, Seattle, is secretary-treasurer.

Highlighting the meeting was a luncheon attended by 63 guests representing in addition to radio stations, all Portland advertising agencies and several in Seattle.

Morning speakers included Palmer Hoyt, KGW-KEX, "Selling Advertising in the Face of a Shortage of Merchandise Due to National Defense"; Frank Loggan, KBND, secretary-treasurer of the Oregon Broadcasters' Association, "Advertising Under Fire"; Archie Morton, KIRO, "The Values of Station Promotion"; Charles Bailey, KOMO-KSR, "Analysis of Audience Mail," and Fred Goddard, KXRO, "Sales Ideas and Success Stories."

Afternoon sessions were split, with smaller station representatives meeting under the chairmanship of Lee Bishop, KMED.

Executives of all advertising agencies in the district were invited to the luncheon at which Ralph Calkins, Pacific Northwest manager of the McCann-Erickson agency, spoke on "An Agency's View of Radio as a Medium."

On the social side, a cocktail party at which radio members entertained agency representatives, and golf at Oswego Country Club, completed the calendar. It was decided to hold the spring meeting in Spokane.

Radio representatives attending included the following:

KXA, Miss Wallace; KFPY, R. C. Ostrander; KGA, Harvey Wixson; KOIN, Harry Buckendahl; KALE, Charlie Couche; KOMO, H. M. Feltis; KIRO, Archie Morton; KOIN, Al Vaughan; KOIN, Bruce Fichtl; KODL, Glenn Howell; KODL, Bob Maille; KWRC, Henry Hogue; KWRC, Del Fitzpatrick; KODL, Barney Kenworthy; KRNR, Marshall Pengra; KUIN, Don Telford; KOIN, Arthur Briggs; KOIN, Newton G. Hedin; KOIN, Del Chance; KOOS, Ben Stone; KOOS, Mark DeCaurnay; KMED, Lee Bishop; KWIL, Hal Byer; KORE, Glen McCormick; KWLK, Frank Coffin; KWLK, Loren Nicholson; KGY, Tom Olsen; KXRO, Fred Goddard; KXRO, Rod McArdle; KBND, Frank Loggan; KELA, Elroy McCaw; KJR, Chuck Bailie; KGW, Arden Pangborn; KEX, Paul Connet; KEX, Jack Eichenberger; KGW, Jim Mount; KOIN, Clark Mears; KFPY, Dick Green; KFPY, Cliff Nelson; KXL, H. G. Jacobsen; KOIN, Tom Case; KOIN, N. A. Davis; KVAN, Bill McCready; KALE, Ted Kooreman; KSLM, Earl Headrick.

NAB Sales Helps

Last week copies were sent all member stations of "They Don't Seem to Believe Us" and "New Check List of FTC Taboos", to assist copy departments in maintaining high standards in radio advertising.

Now in preparation and planned for distribution this week are new summary tables on radio advertising for grocery stores and insurance companies. These, prepared jointly by the NAB Department of Research and the NAB Department of Broadcast Advertising, are being issued because of the success reported by many members in selling more radio time through the summary table on department store advertising, recently issued. Requests have been filed for hundreds of extra copies, and a limited quantity is still available at no charge.

These two tables are being prepared because the food products field is the largest single source of radio advertising revenue, and the insurance field is considered a profitable one to develop in the light of present conditions.

Also distributed was a "Results from Radio" trade study on Mortuaries, already a good source of revenue for some stations. Extra copies may be had at cost in any quantity, and may be imprinted locally if desired.

A survey is being conducted on dealer-cooperative advertising, with all NAB member stations asked to supply the names of those manufacturers which permit the use of dealer funds for radio advertising, and those which do not. When all questionnaires are in, the lists will be compiled and furnished to the participating stations. Promptness in returning the questionnaire is urged so that the lists may be made available for fall selling.

Per-Inquiry and Free Time

An NAB member station reports that it has been unable to collect for radio advertising rendered the **United Advertising Companies, Inc.**, Chicago agency, and their client, **The Pen Man.** Although the order originally placed was a firm order, the agency has replied that it was issued "with the reservation in mind" that the station would "make it pay out" on a per-inquiry basis.

The **National Needlecraft Bureau, Inc.**, New York, is seeking free time on women's programs to promote needlework. Lesson give-aways are offered, which definitely recommend commercial brands of materials required.

Constance Hope Associates, Inc., New York, is seeking free time for radio interviews to feature Martha Alden, who is engaged in conducting bedmaking demonstrations and talking about sleep exercises at department stores.

Batten, Barton, Durstine & Osborn, New York agency, is seeking free radio time on behalf of **The Saturday Evening Post-RKO Pictures** promotion stunt to elect an "all-American dance band." Member stations have pointed out that they are trying to *sell* radio time to publications and motion picture producers, and would be discriminating against paid advertisers if they donated free time to this promotion.

Labor

SUPREME COURT REVIEW

General Philip B. Fleming, Administrator of the Wage and Hour Division, United States Department of Labor, announced that the Solicitor General had filed in the United States Supreme Court for a writ of certiorari to review a decision on June 27, 1941, of the Circuit Court of Appeals for the Fifth Circuit in the case of *Fleming v. A. H. Belo Corporation,* publisher of the Dallas (Texas) News. In its decision the Circuit Court held that an employer who guaranteed his employees a certain weekly salary might fix by agreement with them the rate to be used in computing overtime compensation. This affirmed a decision of the United States District Court at Dallas, Texas. The Wage and Hour Division contended that the Fair Labor Standards Act required that overtime compensation be computed on the basis of a rate obtained for each week by dividing the amount of the guaranteed weekly salary by the number of hours worked that week.

Cost of Living

The cost of living advanced 0.8 per cent from mid-July to mid-August, the Labor Department reports. On August 15, the cost of living was 106 per cent of its 1935-39 average.

WGRC Musicians

Remote bands returned to MBS Friday, September 19, after a week's absence, with the settlement of a dispute between Station WGRC, Louisville, and the A. F. of M. The settlement was worked out in the New York offices of the union at a conference attended by S. A. Cisler, WGRC manager; Fred Weber, MBS; Joseph L. Miller, NAB; James C. Petrillo, A. F. of M. president, and other union officials.

Safety Drive

Zero hour for the greatest mass attack against accidents in the history of the country will be October 6.

The attack was ordered by President Roosevelt, who asked the National Safety Council to lead an intensified emergency campaign against accidents that are crippling national defense.

The Council announced today that mobilization of a vast safety army is complete, and that the official opening gun for the campaign will be timed with the start of the National Safety Congress and Exposition on October 6.

An impressive ceremony at the opening session of the Congress will be the signal that will start the campaign rolling throughout the nation, with every state and thousands of communities swinging into the drive against accidents.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, September 29. They are subject to change.

Wednesday, October 1

Consolidated Hearing

NEW—R. B. Terry, D. A. Rawley, C. M. Waynick & H. A. Cecil d/b as High Point Broadcasting Co., High Point, N. C.—C. P., **1370 kc.**, 100 watts, unlimited time.

NEW—Ralph L. Lewis, Greensboro, N. C.—C. P., **1370 kc.**, 100 watts, unlimited time.

Thursday, October 2

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, **920 kc.**, 500 watts night, 1 KW day, S-KUSD.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Granted construction permit (B4-PH-14) for new high frequency (FM) broadcast station to operate on **44900 kc.**, with a service area of 4,400 square miles.

KRKO—Everett Broadcasting Co., Inc., Everett, Wash.—Granted special service authorization (B5-SSA-8) to operate unlimited time, to use hours vacated by Station KEVR, for the balance of the regular license period ending December 1, 1941. Station now operates day until LS sharing with KEVR.

WAWZ—Pillar of Fire, Zarephath, N. J.—Granted construction permit (B1-P-3200) subject to proof of performance and taking care of complaints in blanket area, to install new transmitter, increase power to 5 KW day, using directional antenna day and night. Station now has 1 KW day and night, S-WBNX on **1380 kc.**

KRNR—News-Review Co., Roseburg, Ore.—Granted construction permit (B3-P-3134) to make changes in antenna and increase night power to 250 watts. Station now has 100 watts night, 250 watts day, **1490 kc.**, unlimited time.

WNAD—University of Oklahoma, Norman, Okla.—Granted renewal of license for the period ending February 1, 1942.

WKAR—Mich. State College, E. Lansing, Mich.—Granted authority (B2-FP-96) to transmit broadcasts of Mich. State College football games on certain specified dates beginning September 27, 1941, to Station CKLW, Windsor, Ontario, Canada, for rebroadcasting.

APPLICATION DENIED

WGEA—General Electric Co., So. Schenectady, N. Y.—Denied request to transmit commercial programs on **9550 kc.** (Pan American frequency), over International b/c Station WGEA on September 29, 1941.

DESIGNATED FOR HEARING

Yankee Broadcasting Co., Inc., New York, N. Y.—Application for construction permit for new standard broadcast station to operate on **620 kc.**, 1 KW, using directional antenna day and night, unlimited time (B1-P-3094).

Newark Broadcasting Corp., Newark, N. J.—Application for construction permit for new standard broadcast station to operate on **620 kc.**, 5 KW, unlimited time, employing directional antenna day and night (B1-P-3249) (Consolidated hearing with above application).

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Application for construction permit amended so as to request change in frequency to **1560 kc.**, increase power to 10 KW, make changes in equipment, install directional antenna for night use and move transmitter to approximately 7 miles southeast of Decatur, Ill. (B4-P-3028, Docket No. 6004).

Consolidated hearing on following applications for new broadcast stations:

R. O. Hardin, tr/as Nashville Broadcasting Co., Nashville, Tenn.—Application for construction permit (B3-P-3190) for new standard broadcast station to operate on **1240 kc.**, 250 watts, unlimited time (requests facilities of WSIX, when vacated); exact location in Nashville, Tenn., and antenna system to be determined subject to Commission's approval.

John R. Crowder, tr/as Dimple Broadcasting Co., Columbia, Tenn. —Application (B3-P-3241) for **1240 kc.**, 250 watts, unlimited time.

Tennessee Radio Corp., Nashville, Tenn.—Application (B3-P-3219) for **1240 kc.**, 250 watts, unlimited time. (Requests facilities of WSIX when vacated.)

Birney Imes & Robin Weaver, d/b as Imes-Weaver Broadcasting Co., Murphreesboro, Tenn.—Application (B3-P-3215) for **1240 kc.**, 250 watts, unlimited time. Exact location and antenna system to be determined subject to Commission's approval. (Requests facilities of WSIX when vacated.)

Birney Imes and Robin Weaver, a co-partnership, d/b as Imes-Weaver Broadcasting Co., Columbia, Tenn.—Application (B3-P-3203) for **1340 kc.**, 250 watts, unlimited time. Exact site and antenna system to be determined subject to Commission's approval.

RENEWAL OF LICENSES

Granted extension of licenses upon a temporary basis only, pending receipt of and determination upon applications for renewal of licenses, in no event later than November 1, 1941, of following:

KFBC, Cheyenne, Wyo.; KGEK, Sterling, Colo.; KGEZ, Kalispell, Mont.; KGY, Olympia, Wash.; KMAC, San Antonio, Tex.; KRLH, Midland, Tex.; KROC, Rochester, Minn.; KSUB, Cedar City, Utah; KVNU, North of Logan, Utah; KVOX, Moorhead, Minn.; KWFC, Hot Springs, Ark.; KXOX, Sweetwater, Tex.; WABI, Bangor, Me.; WAIM, Anderson, S. C.; WBIR, Knoxville, Tenn.; WTOL, Toledo, Ohio; WBOC, Outside City Limits, Salisbury, Md.; WCAT, Rapid City, S. D.; WDAK, West Point, Ga.; WJBY, Gadsden, Ala.; WJMC, Rice Lake, Wisc.; WLBJ, near Bowling Green, Ky.; WLOF, Orlando, Fla.

Granted extension of licenses upon a temporary basis only, pending receipt of and determination upon applications for renewal of licenses, in no event later than December 1, 1941, of following:

WJMA, Covington, Va.; WRBL, Columbus, Ga.

Granted renewal of following broadcast station licenses for the period October 1, 1941, and ending not later than October 1, 1942:

KANS, Wichita, Kans.; KARM, Fresno, Calif.; KAST, Astoria, Ore.; KCRJ, Jerome, Ariz.; KDLR, Devils Lake, N. D.; KELO, Sioux Falls, S. D.; KFJI, Klamath Falls, Ore.; KFOR, Lincoln, Nebr.; KHBC, Hilo, Hawaii; KHBG, Okmulgee, Okla.; KOCY, Oklahoma City, Okla.; KVCV, Redding, Calif.; KPDN, Pampa, Tex.; KRBA, Lufkin, Tex.; KROY, Sacramento, Calif.; KSUN, Lowell, Ariz.; KUIN, Grants Pass, Ore.; KVIC, Victoria, Tex.; KVOL, Lafayette, La.; KVSF, Santa Fe, New Mexico; KASA, Elk City, Okla.; KBTM, Jonesboro, Ark.; KFXD, Nampa, Idaho; KFXM, San Bernardino, Calif.; KGHI, Little Rock, Ark.; KMLB, Monroe, La.; KPOW, Powell, Wyo.; KRMD, Shreveport, La.; KWIL, Albany, Ore.; KWJB, Globe, Ariz.; KWOC, Poplar Bluff, Mo.; KWG, Stockton, Calif.; KYSM, Mankato, Minn.; WATN, Watertown, N. Y.; WBLJ, Dalton, Ga.; WPML, Macon, Ga.; WBRE, Wilkes-Barre, Pa.; WBRK, Pittsfield, Mass.; WBRW, Welch, W. Va.; WCAX, Burlington, Vt.; WCLO, Janesville, Wisc.; WCLS, Joliet, Ill.; WCMI, Ashland, Ky.; WCPO, Cincinnati, Ohio; WCOL, Columbus, Ohio; WCRW, Chicago, Ill.; WDMJ, Marquette, Mich.; WEBQ, Harrisburg, Ill.; WEBR and auxiliary, Buffalo, N. Y.; WENY, Elmira, N. Y.; WEXL, Royal Oak, Mich.; WFOY, St. Augustine, Fla.; WFTM, Fort Myers, Fla.; WGBB, Freeport, N. Y.; WGH, Newport News, Va.; WHAI, Greenfield, Mass.; WHIZ, Zanesville, Ohio; WIBU, Poynette, Wisc.; WIBX, Utica, N. Y.; WIL, St. Louis, Mo.; WINN, Louisville, Ky.; WJLS, Beckley, W. Va.; WJOB, Hammond, Ind.; WJTN, Jamestown, N. Y.; WJW, Akron, Ohio; WKBO, Harrisburg, Pa.; WKOK, Sunbury, Pa.; WLAK, Lakeland, Fla.; WLOK, Lima, Ohio; WMBO, Auburn, N. Y.; WMFG, Hibbing, Minn.; WMFR, High Point, N. C.; WOCB, near Hyannis, Mass.; WPID, Petersburg, Va.; WRAW, Reading, Pa.; WRAL, Raleigh, N. C.; WSAM, Saginaw, Mich.; WSAY, Rochester, N. Y.; WSBC, Chicago, Ill.; WSOC, Charlotte, N. C.; WSTV, Steubenville, Ohio.

The following stations were granted renewals for the period ending August 1, 1942:

WCNW, Brooklyn, N. Y., and WHK, Cleveland, Ohio.

Licenses for the following stations were extended on a temporary basis only, for the period ending November 1, 1941, pending determination upon applications for renewal:

WELL, Battle Creek, Mich.; W2XVP, New York City; W9XLA, Denver, Colo., and W5XAU, Oklahoma City, Okla.

PLACED IN PENDING FILE

WOKO, Inc., Albany, N. Y.—Application for construction permit (B1-PST-3) for new ST broadcast station placed in pending file pursuant to Order No. 79.

The Concord Tribune, Inc., Concord, N. C.—Application for construction permit (B3-P-3168) for new standard broadcast station placed in pending file pursuant to Order No. 79.

Birney Imes, Tupelo, Miss.—Application for construction permit (B3-P-3148) for new standard broadcast station placed in pending file pursuant to Order No. 79.

MISCELLANEOUS

KICA—Western Broadcasters, Inc., Clovis, N. M.—Granted special temporary authority to operate on the frequency of **1240 kc.**, with power of 100 watts, using equipment authorized by existing license, for a period not to exceed 30 days, beginning September 22, 1941, and ending not later than October 21, 1941, pending filing of application for approval of new equipment.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Denied request for special temporary authority to operate on the frequency of **790 kc.**, with power of 5 KW, daytime, using the transmitter and one of the antenna towers at the transmitter site authorized in construction permit (File No. B4-P-3047), for a period not to exceed 30 days, pending completion of the second antenna tower and proof of performance measurements, provided that no objectionable interference results to any other station.

KSAM—Sam Houston Broadcasting Assn., Huntsville, Texas.—Granted special temporary authority to operate additional time from 7:45 p. m., CST, to the conclusion of the Huntsville High School and Sam Houston State Teachers College football games on September 20 and 26, and October 3, 17, and 18, 1941, in order to broadcast said games, only.

KSWO—Willard Carver & Byrne Ross, Lawton, Okla.—Granted special temporary authority to operate additional time from 8 p. m. to 11 p. m., CST, on September 18, 19, and 24, and October 9 and 10, 1941, in order to broadcast the Lawton High School and Cameron Junior College football games, only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate additional time from 7 p. m. to 9:30 p. m., CST, on September 19 and 26, 1941, in order to broadcast the High School football games at Aurora, Ill., only.

KRBA—Ben T. Wilson, E. A. Corbett, Thos. W. Baker, d/b as Red Lands Broadcasting Assn., Lufkin, Tex.—Granted special temporary authority to operate from sign-off time (September, 6:30 p. m.; October, 5:45 p. m., CST) to 10:30 p. m., CST, on September 19, 26, and October 3, 10, and 17, 1941, in order to broadcast the Lufkin High School football games, only, and to operate from sign-off time to 10:30 p. m., CST, on October 6, 1941, in order to broadcast the Texas Forest Festival Pageant, only, on a sustaining basis only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to remain on the air from regular sign-off time (September, 9 p. m., EST), to the conclusion of the Ray Robinson-Maxie Shapiro boxing bout on September 19, 1941, only, on a sustaining basis only.

WRUF—University of Florida, Gainesville, Fla.—Granted special temporary authority to operate simultaneously with station KOA from regular sign-off time (October, 7:15 p. m., EST), to conclusion of the University of Florida football games on October 4, 11, and 25, 1941, in order to broadcast said games only, on a sustaining basis only. Also granted special temporary authority to operate simultaneously with station KOA from regular sign-off time (September, 8:15 p. m., EST), to conclusion of the football game between Randolph Macon and the University of Florida at Gainesville, Fla., on September 20, 1941, in order to broadcast said game only, on a sustaining basis only.

WRCA—National Broadcasting Co., Inc., New York City, N. Y.—Granted extension of special temporary authority to operate on **9670 kc.**, with effective power of 100 KW, using separate power amplifiers feeding separate directional antennas for the period beginning September 18 to not later than October 17, 1941.

WNBT—National Broadcasting Co., Inc., New York City, N. Y.—Granted extension of special temporary authority to operate a specially constructed 1 KW peak power, special emission laboratory model FM visual transmitter in conjunction with the main picture transmitter power amplifier of WNBT on Channel 1 in order to make comparison of FM and A5 emissions and to obtain engineering data for the period September 17 to not later than October 16, 1941.

W9XBK—Balaban and Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitter units to be installed and operated from the State-Lake Bldg., Chicago, Ill.; Link transmitter Type No. 50-UTX with 100 watts power for visual and Link transmitter Type 25-UBX, 25 watts power to be used for aural; temporary steel tower to be used on roof of said building, in order to conduct tests for the period September 17 to not later than October 16, 1941, in accordance with construction permit (B4-PVB-50).

W71NY—Bamberger Broadcasting Service, Inc., New York City, N. Y.—Granted extension of special temporary authority to operate frequency modulation station commercially on **47100 kc.**, 10,000 watts, special emission for frequency modulation, at 444 Madison Ave., New York, using Western Electric Type 506 A-1, Serial No. 101, ten-KW transmitter, using a single, vertical coaxial antenna having a power gain factor of one, for a period of 30 days, from September 22 to not later than October 21, 1941, pending completion of antenna construction in accordance with construction permit.

W8XVH—WBNS, Inc., Columbus, Ohio.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43000 kc.**, 250 watts power, special emission for frequency modulation, with transmitter located at 50 West Broad Street, Columbus, Ohio, described as General Electric Type 4GF1A1 maximum rated carrier power 250 watts, for period beginning September 28 to not later than November 27, 1941.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to erect two 256-foot towers at the transmitter site of radio station KMBC, in lieu of one 256-foot and one 538-foot tower authorized by its existing license, in order to allow said station to continue its operation with power of 5 KW, employing a directional antenna for night use, for a period not to exceed six months.

WSVS—Board of Education, City of Buffalo, N. Y.—Granted special temporary authority to remain silent for the period beginning September 17, 1941, and ending not later than December 1, 1941.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10 a. m., EST, Monday through Friday, for a period beginning September 17, 1941, and ending not later than December 1, 1941, provided WSVS remains silent.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate additional time from 8 p. m., CST, to conclusion of the championship baseball games between Vicksburg and Hot Springs on September 18 and 19, 1941, in order to broadcast said games only.

KRKO—The Everett Broadcasting Co., Inc., Everett, Wash.—Denied request for special temporary authority to operate unlimited time for a period not to exceed thirty days.

The Commission (by its Administrative Board) on September 17 took the following action:

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted special temporary authority to operate with RCA, Type 1-G, 1 KW transmitter, at site of new main transmitter, using power of 1 KW day and night, for a period not to exceed 30 days, pending replacement of tubes in main transmitter.

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Granted license (B3-L-1493) to cover construction permit (B3-P-3233), which authorized move of transmitter and studio sites and installation of new transmitter.

WGBG—Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Granted modification of construction permit (B3-MP-1397; B3-P-2472) for move of transmitter 0.1 mile from east side of Ashe St., south side of Buffalo Creek, south edge of Greensboro, N. C., to west side of Ashe St., south side of Buffalo Creek, south edge of Greensboro, N. C., extend commencement and completion dates to 30 and 180 days after grant, respectively.

KGW—Oregonian Publishing Co., Portland, Ore.—Granted modification (B5-MP-1392) of construction permit (B5-P-2954) for extension of completion date to November 21, 1941.

WNAX—WNAX Broadcasting Co., Yankton, So. Dak.—Granted authority to install automatic frequency control equipment (B4-P-239).

WESX—North Shore Broadcasting Co., Salem, Mass.—Granted authority to install automatic frequency control equipment (B1-F-238).

WORD—Spartanburg Advertising Co., Spartanburg, S. Car.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1204).

WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-961).

KMAC—Walmac Co., San Antonio, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1217).

Hampden-Hampshire Corp., Portable-Mobile, area of Holyoke, Mass.—Granted construction permit for new relay broadcast station; **30820, 33740, 35820, 37980 kc.,** 25 watts (B1-PRE-408).

Pinellas Broadcasting Co., Portable-Mobile, area of St. Petersburg, Fla.—Granted license to cover construction permit for new relay broadcast station; **30820, 33740, 35820, 37980 kc.,** 25 watts.

KALN—Board of Education of the San Francisco Unified School District, San Francisco, Cal.—Granted license to cover construction permit for new non-commercial educational broadcast station; **42100 kc.,** 1000 watts.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from sign-off time (October, 5:45 p. m., EST), to conclusion of football games on October 4, 11, 12 and 25 only, using 250 watts only (B2-S-855).

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate from 8 to 10:30 p. m., PST, on September 19 and 26, and October 3, 1941, in order to broadcast local high school football games of the Southwestern Washington League, only (B5-S-1027).

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Denied request for special temporary authority to operate from sign-off time (September, 6:30 p. m.; October, 5:45 p. m., CST), to 10:30 p. m., CST, on September 19, 26, and October 3, 10, and 17, 1941, in order to broadcast the Lufkin High School football games, only, and to operate from sign-off time to 10:30 p. m., CST, on October 6, 1941, in order to broadcast the Texas Forest Festival Pageant.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Denied request for special temporary authority to operate from 6:30 a. m. to 9:00 p. m., instead of 6:30 a. m. to 10 p. m., on week days due to scarcity of licensed radio operators, for a period not to exceed thirty days.

KXA—American Radio Telephone Co., Seattle, Wash.—Granted special temporary authority to operate with transmitter at Second and Union Streets, Seattle, Wash., in lieu of site specified in existing license, for a period not to exceed 30 days.

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to remain on the air from sign-off time (September, 6:15 p. m., October, 5:30 p. m., PST), to conclusion of Joe Louis-Lou Nova World Heavyweight Championship Bout on September 29, 1941, and the Lew Jenkins-Freddie Cochrane bout on October 6, 1941, for boxing matches only and on sustaining basis.

WCBX—Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to continue operation of International Broadcast Station WCBX with auxiliary transmitter licensed for operation at transmitter site near Wayne, N. J., from September 22 to 29, 1941, only, and move 10 KW main transmitter from above site to Brentwood. L. I., and operate same with one or more of the antennas at Brentwood, for period not to exceed 30 days, from September 29 to not later than October 28, 1941.

George Grant Brooks, Jr., Scranton, Pa.—Granted petition for dismissal without prejudice of application for construction permit for new station in Scranton to use **1400 kc.,** 250 watts, unlimited time, which was scheduled for consolidated hearing on September 16, with application of Anthracite Broadcasting Co., Inc., and WARM, Scranton.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted motion for continuance to November 10 of hearing on application of KWK, St. Louis, Mo., for construction permit to use **680 kc.,** 50 KW, unlimited time, DA-day and night.

United States of America, by the Judge Advocate General of the Navy.—Granted motion for leave to withdraw as intervenor in the matter of the application of New Jersey Bell Telephone Co., for authority to acquire the capital stock of Imperial Securities Co.

Midstate Radio Corp., Utica, New York.—Granted petition for leave to amend application to specify a regional instead of a local frequency and change power; dismissed without prejudice as to request to cancel hearing and remove from hearing docket.

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Passed without action petition to intervene in the hearing on application of WBRY, Waterbury, Conn., for modification of construction permit.

Frequency Broadcasting Corp., Borough of Brooklyn, N. Y.—Granted motion for continuance of hearing to November 6, 1941, on application for construction permit for new station to operate on **620 kc.,** 500 watts, daytime only.

Greater Houston Broadcasting Co., Inc., Houston, Texas.—Granted petition for modification of order to take depositions in re applications of Scripps-Howard Radio, Inc., Texas Star Broadcasting Co., and Greater Houston Broadcasting Co., Inc., for a new station in Houston.

KMPC—The Station of the Stars, Inc., Beverly Hills, Cal.—Granted petition to intervene and to enlarge issues in re application of Park Cities Broadcasting Corp., for a new station in Dallas, Texas.

Barclay Craighead, Butte, Mont.—Granted motion to take depositions and continue hearing date in re application for new station; also consolidated hearing with that of Hennessy Broadcasting Co. Butte, Docket No. 6131, and continued consolidated hearing to November 4, 1941.

WEEU—Berks Broadcasting Co., Reading, Penna.—Granted motion insofar as it requested continuance of hearing on application to operate on **850 kc.,** 1 KW, unlimited time; DA-night, and continued hearing to December 3, 1941.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted motion for leave to amend application so as to specify proposed power of 5 KW during evening hours, using directional antenna, and retention of hearing date now scheduled for October 28.

Radiomarine Corp. of America, New York City.—Dismissed petition for authority to intervene in the hearing on application of Waterways Radio Co., St. Louis, Mo., for a new coastal harbor station.

WCAM—City of Camden, Camden, N. J., and WCAP, Radio Industries Broadcast Co., Asbury Park, N. J.—Granted petition to continue hearing now scheduled for September 29 to October 20, in re applications of WCAM, WCAP, WTNJ, for renewal of licenses; WCAM, WCAP and WTNJ for modification of licenses, and WDAS for construction permit.

APPLICATIONS FILED AT FCC

550 Kilocycles

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Modification of construction permit (B5-P-2422) as modified, to install new transmitter and directional antenna for day and night use, increase in power and move of transmitter, requesting extension of completion date from 10-14-41 to 1-1-42.

610 Kilocycles

WIOD—Oregon State Agricultural College, Corvallis, Ore.—Authority to determine operating power by direct method. (Auxiliary transmitter.)

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—License to cover construction permit (B3-P-3184), for move of formerly licensed main transmitter to new location to use as auxiliary transmitter.

660 Kilocycles

KOWH—World Publishing Co., Omaha, Nebr.—Construction permit to install new transmitter, install directional antenna for day and night use, increase power from 500 watts to 10 KW, change hours from daytime to unlimited time and move transmitter.

710 Kilocycles

NEW—Park Cities Broadcasting Corp., Dallas, Texas.—Construction permit for a new broadcast station to be operated on **710 kc.,** 5 KW, unlimited hours, directional antenna for night use. Amended: re stockholders.

790 Kilocycles

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—License to cover construction permit (B5-P-2701), as modified, for increase in night power and directional antenna for night use.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Authority to determine operating power by direct method.

WMC—Memphis Publishing Co., Memphis, Tenn.—Modification of construction permit (B3-P-2743), for increase in power and changes in directional antenna for night use, requesting changes in directional antenna.

800 Kilocycles

NEW—Albert S. and Robert A. Drohlich, d/b as Drohlich Bros., Jefferson City, Mo.—Construction permit for a new broadcast station to be operated on **800 kc.**, 1 KW, and daytime hours.

850 Kilocycles

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and Other States, Clayton, Mo.—License to cover construction permit (B4-P-2882), as modified, for increase in power, new transmitter and antenna.

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and Other States, Clayton, Mo.—Authority to determine operating power by direct method.

900 Kilocycles

NEW—Susquehanna Broadcasting Co., York, Pa.—Construction permit for a new broadcast station to be operated on **900 kc.**, 1 KW and daytime hours.

920 Kilocycles

WBBB—Alamance Broadcasting Co., Inc., Burlington, N. C.—License to cover construction permit (B3-P-3093), as modified, for a new broadcast station.

WBBB—Alamance Broadcasting Co., Inc., Burlington, N. C.—Authority to determine operating power by direct method.

930 Kilocycles

WBEN—WBEN, Inc., Buffalo, N. Y.—License to cover construction permit (B1-P-3076), for move of auxiliary transmitter.

WBEN—WBEN, Inc., Buffalo, N. Y.—Authority to determine operating power by direct method. (Auxiliary transmitter.)

NEW—Tar Heel Broadcasting System, Inc., Washington, N. C.—Construction permit for a new broadcast station to be operated on **930 kc.**, 1 KW and daytime hours.

950 Kilocycles

KPRC—Houston Printing Corp., Houston, Texas.—License to cover construction permit (B3-P-2791), as modified, for installation of directional antenna for night use and increase in power.

KPRC—Houston Printing Corp., Houston, Texas—Authority to determine operating power by direct method.

1000 Kilocycles

WCFL—Chicago Federation of Labor, Chicago, Ill.—Modification of construction permit (B4-P-2961), for increase in power, change in hours, new transmitter, directional antenna for day and night use, requesting extension of completion date from 10-25-41 to 12-24-41.

1080 Kilocycles

NEW—WKAL, Incorporated, Kalamazoo, Mich. — Construction permit for a new broadcast station to be operated on **1080 kc.**, 1 KW and daytime hours. Amended: to change frequency to **1230 kc.**, power to 250 watts, hours to unlimited, change type of transmitter and request facilities of Station WGRB.

1130 Kilocycles

WOV—Greater New York Broadcasting Corp., New York, N. Y.—Modification of license to use old 5 KW transmitter as auxiliary transmitter for emergency use.

1230 Kilocycles

WCAY—Burlington Daily News, Inc., Burlington, Vt.—Modification of construction permit (B1-P-3082), to install new transmitter, change frequency from **1230** to **620 kc.**, increase power from 250 watts to 1 KW and move transmitter, requesting installation of new transmitter.

1320 Kilocycles

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Modification of construction permit (B2-P-2947), as modified, for installation of directional antenna for night use and increase in power, requesting extension of completion date from 11-27-41 to 5-27-42.

1330 Kilocycles

WFIN—Findlay Radio Co., Findlay, Ohio.—Modification of construction permit (B2-P-2846), for a new station, requesting approval of antenna and transmitter site.

1340 Kilocycles

WGTM—WGTM, Inc., Wilson, N. C.—License to cover construction permit (B3-P-3166), for move of studio and transmitter.

WGTM—WGTM, Inc., Wilson, N. C.—Authority to determine operating power by direct method.

1360 Kilocycles

KMO—Carl E. Haymond, Tacoma, Wash.—License to use old WE transmitter as auxiliary transmitter, emergency use only.

KMO—Carl E. Haymond, Tacoma, Wash.—Authority to determine operating power by direct method.

1400 Kilocycles

WDAY—Vee Bee Corp., Portsmouth, Ohio.—Modification of construction permit (B2-P-2685), as modified, for equipment changes, increase in power, antenna changes and move of transmitter, requesting extension of completion date from 10-15-41 to 4-15-42.

1480 Kilocycles

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Construction permit to install directional antenna for day and night use, new transmitter, increase power from 500 watts night, 1 KW day to 5 KW day and night and move studio from N. J. to N. Y., N. Y.

FM APPLICATIONS

NEW—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **47300 kc.**; coverage, 9,352 square miles; population, 3,906,453.

W47NY—Muzak Corp., New York, N. Y.—Modification of construction permit (B1-PH-48) for a new high frequency broadcast station, requesting approval of antenna system and transmitter site.

W47P—Walker and Downing Radio Corp., Pittsburgh, Pa.—License to cover construction permit (B2-PH-24) as modified, for a new high frequency broadcast station.

W41MM—Gordon Gray, Winston-Salem, N. C.—Modification of construction permit (B3-PH-76) for a new high frequency broadcast station, requesting change in transmitter, change studio location and extension of completion date from 11-12-41 to 180 days after date of grant.

W63NY—Marcus Loew Booking Agency, New York, N. Y.—Modification of construction permit (B1-PH-3) as modified, for a new high frequency broadcast station, requesting extension of commencement and completion dates from 4-13-41 and 10-13-41 to 9-1-41 and 3-1-42, respectively.

TELEVISION APPLICATIONS

WRGB—General Electric Co., Schenectady, N. Y.—Reinstatement of construction permit (B1-PCT-5) for a new commercial television station on Channel No. 3, **66000-72000 kc.**, ESR 3100, emission A5 and special for frequency modulation, unlimited hours.

W3XP—Philco Radio and Television Corp., Portable.—Modification of construction permit (B2-PVB-80) for increase in power and equipment changes, requesting extension of commencement and completion dates from 4-4-41 and 10-4-41 to 10-4-41 and 4-4-42, respectively.

MISCELLANEOUS APPLICATIONS

KFUN—Southwest Broadcasters, Inc., Las Vegas, N. M.—Modification of construction permit (B5-P-3147) for a new station, requesting authority to install new transmitter and extend commencement and completion dates from 9-16-41 and 3-16-42 to 60 days after grant and 180 days thereafter, respectively.

NEW—Commercial Radio-Sound Corp., Portable-Mobile.—Construction permit for a new Class II Experimental Public Address Relay station to be operated on **162080 kc.**, 1/10 watt, special emission for frequency modulation. Amended: to request **310000 kc.**

WGEO—General Electric Co., S. Schenectady, N. Y.—License to cover construction permit (B1-PIB-32) for installation of new equipment.

NEW—Birney Imes, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150** and **2790 kc.**, power 50 watts, emission A3.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Eversharp, Inc., Chicago, engaged in the manufacture and sale of fountain pens and pencils, is charged in a complaint with misrepresentation. (4590)

National Wholesale Hardware Association, Philadelphia, its officers, executive committee, advisory board, member companies, and several cooperating companies are charged with violation of the Federal Trade Commission Act in the sale of hardware and kindred merchandise. The complaint alleges that the respondents engaged in an understanding, combination and conspiracy to hinder and suppress competition among dealers and manufacturers and to create a monopoly in the interstate sale of their products. (4592)

C. H. Robinson Company and Nash-Finch Company, Minneapolis, Minn., are charged in a complaint with violation of the brokerage section of the Robinson-Patman Act. (4589)

Utah Beverage & Distributing Company—Ben Arnovitz and Wilford Arnovitz, trading as Utah Beverage and Distributing Co., Salt Lake City, Utah, engaged in the sale and distribution of candies, clocks, cigarettes and other novelty merchandise, is charged in a complaint with the use of lottery methods in the sale of their products. (4591)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

Bard-Parker Co., Inc., and its subsidiary and selling agent, Parker. White and Heyl, Inc., both of Danbury, Conn., have been ordered to cease and desist from misleading representations in the sale of "Bard-Parker Formaldehyde Germicide." (4478)

Brabant Needle Co., Inc., 47 Great Jones St., New York, engaged in the importing and distribution of needles and needle threaders, has been ordered to cease and desist from misrepresentations as to the country of origin of its products. (4212)

Copinol Company—Robert E. Overell, trading as Copinol Company, 7th and Main Sts., Los Angeles, has been ordered to cease and desist from false advertising and misrepresentations made in the distribution of a preparation designated "Copinol" and sometimes as "Copinol Nasal Medicine." (4431)

Oxol Laboratories—W. S. McClymonds and G. L. McClymonds, formerly doing business as Oxol Laboratories, Denver, Colo., have been ordered to cease and desist from the dissemination of misleading representations in the sale of a drug preparation designated "Trox Tablets." (4208)

Positive Products Company—Earl Aronberg, trading as Positive Products Co. and as Rex Products Co., 6603 Cottage Grove Ave., Chicago, has been ordered to cease and desist from misleading representations and false advertising in the sale of certain medicinal preparations designated "Triple X Relief Compound" and "Perio Pills," the latter being known also as "Reliable Perio Compound" and as "Perio Relief Compound." (3856)

Renaud Sales Company, Inc., Murray W. Morin, Irving Unterman and Irving Lipschitz, individually and as officers of Renaud Sales Company, Inc., 245 Fifth Ave., New York City, distributors of perfumes, have been ordered to cease and desist from misrepresentation in the sale of their products. (3500)

Spencer System, a Massachusetts trust, and John L. Shea, William J. Hagerty, individually and as trustees of the trust, and Jean G. Mitchie and Glenda S. Hills, individually, 55 Belvidere St., Boston, Mass., engaged in selling courses of instruction and instructing students in the design and fabrication of arch supports and "foot exercisers," have been ordered to cease and desist from certain misrepresentation. (4350)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Consolidated Royal Chemical Corporation, trading as Consolidated Drug Trade Products, 544 South Wells St., Chicago, engaged in selling a medicinal preparation designated "Hexin," has stipulated that it will cease and desist from representing that Hexin will relieve a cold or that it is of any benefit in the treatment of a cold in excess of temporary relief from the physical discomfort symptoms incident to or associated with a cold. The respondent further agrees to desist from disseminating any advertisement for Hexin which fails to reveal that frequent or continued use may be dangerous, causing serious blood disturbances and that the product should not be taken in excess of the dosage recommended; provided, however, that such advertisement need contain only a statement that the preparation should be used only as directed on the label thereof if and when such label either contains a proper caution or warning or specifically directs attention to such a caution or warning statement in the accompanying labeling. (02876)

Crosman Arms Co., Inc., Rochester, N. Y., distributor of the "Crosman Silent Pneumatic" air rifle, has stipulated to cease and desist from representing that no air rifle, other than that sold by the respondent, is noiseless, requires no cleaning, uses low cost ammunition, has adjustable power, has no recoil or produces no bullet splatter. (02134)

Electric Heat Control Co., 9123 Inman Ave., Cleveland, O., engaged in selling electric fence controllers designated "King Cattle Guard," has stipulated to discontinue representing that the use of its electric fence controllers will effect any stated amount or percentage of saving in farm fencing costs as compared with the costs of other types of fences, without stating the type or types of fence used as a basis for such comparison, and without taking into consideration in such comparison all costs, including both initial cost and cost of maintenance. (02881)

Ferd. T. Hopkins & Son—Ferd. T. Hopkins, trading as Ferd. T. Hopkins & Son, 430 Lafayette St., New York City, engaged in selling a cosmetic designated "Gouraud's Oriental Cream," has entered into a stipulation in which he agrees to discontinue representing that the product is used by famous stage and screen stars; that it prevents sun or wind burn and restores the skin of youth, or that it will retain the original attractiveness of the skin during swimming, sun bathing, or other outdoor sports. (02875)

Luvos Clay Company of America—Paul R. Kemper, trading as Luvos Clay Company of America, and as Luvos Minerals Co., Los Angeles, has stipulated to discontinue representing that "Luvos Pack" is a remedy or cure for nose, mouth or throat ailments, and rheumatic, neuralgic and various other ailments or has value in excess of that afforded by its poultice-like action in temporarily relieving pain; that "Luvos Minerals" will prevent or is a remedy for colitis, gastritis, hyperacidity and numerous other ailments or in this connection will do more than aid in reducing hyperacidity; and that it has any therapeutic value in the treatment of throat irritations or infections. The respondent further agrees to discontinue representing that either of the products is free from drugs or medication, that either is prescribed by physicians, or that Luvos Minerals has an influence on the metabolism; that it will bind poisonous material, or that it reacts upon the whole body organism. (02879)

Mills Novelty Co., 4100 W. Fullerton Ave., Chicago, a corporation engaged in the business of manufacturing, among other things, refrigeration compressors and beverage coolers, has stipulated that it will cease and desist representing that its 1/3 horsepower compressor unit will equal the performance of the 1/2 horse-power compressor units of other manufacturers. (3212)

Ozone Air Company—Clyde Scherpness, trading as Ozone Air Co., 928 Cherry St., S. E., Grand Rapids, Mich., has stipulated with the Commission to desist from dissemination of advertising to the effect that his machines or devices designated "Ozone-Air," or any similar devices, have any therapeutic value; that such devices or ozone developed by their use will eliminate foul air, purify or reactivate the air, eliminate offensive odors, oxidize all foreign matter in the air, destroy everything which is not naturally a component part of the air or render carbon monoxide innocuous or harmless; that the device or ozone generated by it is a competent sterilizing agent or germicide, will destroy germs or bacteria or is conducive to health; that use of the device will effectuate or result in a saving of 50% or other appreciable percentage in the cost of heating; or that its use by poultry raisers will eliminate or prevent poultry disease or infection, increase egg production, improve health of stock, constitute a competent disinfectant or eliminate or destroy offensive odors in poultry houses. (3211)

Sears, Roebuck & Company, Chicago, in connection with the sale and distribution of garden hose in commerce, has stipulated that it will discontinue the use of the term "3-ply" as descriptive of garden hose which is not constructed of three layers of cotton duck; and from use of the word "ply" either alone or in connection with a designated number or numeral so as to import or imply that the garden hose contains the indicated number of plies, each ply consisting of a separate layer of cotton duck. (2839)

Spalding Plaster Co., Inc., 179 Broad St., Providence, R. I., engaged in selling a device designated "Spalding's Wonder Plasters," has stipulated to discontinue representing that the product will remedy or cure rheumatism, arthritis, neuritis or other ailments, or that it is of any benefit in the treatment of such conditions beyond the temporary relief of painful symptoms associated therewith; that the product will restore normal circulation throughout the system or will have any effect upon the circulation beyond tending to stimulate circulation at the site of application, and that the product is entirely different from competing products, or that the principle involved in the "Spalding Method" is unique or new. (02877)

Taylor-Rea Corporation, trading as House of Taylor-Rea, 1011 W. 2nd St., Los Angeles, engaged in selling a shampoo designated "Studio Girl Shampoo," has stipulated to discontinue representing that its product has any effect upon the hair or scalp apart from the cleansing action upon the surface, or that it removes embedded dirt, reaches below the surface through the pores or reconditions and revitalizes hair; that use of "Studio Girl Shampoo" enables hair to withstand the glare of studio kleig lights or restores normal characteristics to hair, the condition of which has been impaired by exposure to such lights, or that the product is the official shampoo of any motion picture studio. (02878)

Thieleman Drug Company—Fred E. Thieleman, trading as Thieleman Drug Co., Dearborn, Mich., engaged in selling a medicinal preparation designated "Thelorysus," has entered into a stipulation in which he agrees to cease representing that Thelorysus has any therapeutic value in the treatment of eczema, pimples, itch or any skin ailments, or that it is an elixir which will stimulate general systemic resistance to psoriasis and resolve and abate persistent lesions. (02880)

Vita-Lite, Incorporated, 344 N. E. 28th Ave., Portland, Ore., has stipulated that its devices or machines designated "Vita-Lite," or any other ozone generating device of substantially the same character, have any therapeutic value; that they destroy or are capable of destroying bacteria or germs, are of benefit or value in the alleviation or curing of disease or that their use is indicated as a remedy or effective treatment for any ailment, disease or malady of the human body; and from publishing or otherwise disseminating any testimonials containing statements or assertions contrary to the terms of the stipulation. (3210)

FTC COMPLAINT DISMISSED

Federal Trade Commission dismissed a complaint charging U. S. Hoffman Machinery Corporation, 105 Fourth Ave., New York, manufacturer and distributor of clothes pressing machines, with violation of the Robinson-Patman Act in the sale of its products.

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 9, No. 39, October 3, 1941

District Meetings Start Next Week in Louisville

Arrangements have now been completed for the first series of regional conventions to be held in all seventeen NAB districts this fall. The first convention will be held in District 7, at the Brown Hotel, Louisville, Kentucky, Thursday and Friday of next week, October 9 and 10. J. H. Ryan, WSPD, is district director.

The next three in the first series will be held as follows:

District 8, at the Pantland Hotel, Grand Rapids, Michigan, on Monday and Tuesday, October 13 and 14, John E. Fetzer, WKZO, director.

District 10, at the Fontenelle Hotel, Omaha, Nebraska, on Wednesday and Thursday, October 15 and 16, John J. Gillin, Jr., WOW, director.

District 12, at Tulsa, Oklahoma, from Wednesday through Friday, November 5 to 7, Herb Hollister, KANS, director. The Southwestern District of the American Federation of Advertisers will hold a convention in Tulsa at the same time as the District 12 conference.

The next series of NAB conventions, covering Districts 1, 2, 3, 4 and 5, will be held from October 27 to November 8, and a final series, covering Districts 6, 13, 15, 16, 17, 14, 11 and 9, in that tentative order, are scheduled during the period from November 17 to December 16.

Reports from broadcasters in all parts of the country indicate that there is keen interest in the forthcoming regional conventions, at which industry problems, the developments of the past year, and the industry outlook will be discussed thoroughly. Record attendance is anticipated at all of these gatherings.

ASCAP CONTRACT ANALYSIS

Enclosed with this issue is NAB analysis of the ASCAP contracts, along with copies of the contracts and other relevant material. The NAB will be glad to furnish any additional information desired upon request.

ASCAP FREES FOOTBALL TUNES FOR ANOTHER WEEK-END

The NAB has been advised by John G. Paine, of the American Society of Composers, Authors and Publishers, that the Society has granted to all broadcasting stations the right to broadcast its music from football games, both college and professional, played on Friday, Saturday and Sunday, October 3rd, 4th and 5th. ASCAP granted the same rights last week, but no announcement has been forthcoming that this privilege will be extended to the future.

National Defense

More Radio Courses

More colleges and universities are booking radio training courses in accordance with suggestions made by liaison members of the NAB National Defense Committee.

In Montana the matter is being handled by Arthur Mosby, manager, KGVO, Missoula; while in Utah, Ivor Sharp, KSL director of station operations, Chief Engineer Groves, and the station's director of educational broadcasts are negotiating with the University of Utah.

Ed Yocum, manager, KGHL, Billings, is contact man for Montana and Utah.

George M. Burbach, general manager, KSD, St. Louis, has forwarded the Engineering, Science and Management Defense Training Courses listed in a special catalogue of Washington University, St. Louis. It provides for a suitable instruction course in radio training. Mr. Burbach is contacting other educational institutions in his District. He also reports that the Rankin Trade School, St. Louis, has shown a fine spirit of cooperation and cheerfully offers its facilities for radio training.

E. E. Hill, director, WTAG, Worcester, is working in close cooperation with Professor Edward L. Moreland, Massachusetts Institute of Technology, Regional Advisor, Region 1, Engineering, Science, and Management Defense Training. Mr. Hill said that Professor Moreland recently held a meeting of all engineering schools in the metropolitan area and that all of the engineering schools in Massachusetts, Maine, New Hampshire and Vermont have been written to. Professor Moreland urged the desirability of putting on additional courses in radio training.

U. S. Office of Education

The first paragraph of report, week of September 20. for Engineering, Science and Management Defense Training, U. S. Office of Education says:

"*More Radio Training Provided*—The need for training large numbers of persons in the fields of radio communications and electronics, pointed out early in the summer by Adjutant General E. S. Adams in a letter to Federal Security Administrator Paul V. McNutt, is confirmed by a recent study of the National Association of Broadcasters. As the result of conversations with responsible officials, not only of the Army and Navy, but also of the Federal Communications Commission and the National Research Council, the NAB has reported in a recent memorandum that it believes it is not possible at this time to train more persons in this field than can be used in the defense program, and that courses should be provided for everyone willing to take instruction. It is therefore urging, through the local members of its National Defense Committee, that many more radio courses be set up. Three suggested course outlines of college grade, prepared by Dean B. R. Van Leer of North Carolina State College, have been sent by the NAB to all members of its National Defense Committee for distribution to nearby schools."

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Frank E. Pellegrin, *Director of Broadcast Advertising;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*

OWN POWER SUPPLY NEEDED

During the war maneuvers just completed, Program Director Carl George, WGAR, Cleveland, reports that his crew made a total of 15 transcribed programs. The station operated two transcription machines and a short-wave mobile unit.

One of the difficulties encountered was a power supply while on the move.

"As we see it," he said, "the stations covering the actual operations of an Army will have to be able to provide its own power supply. The Army moves very fast when it moves. A station must have all of its equipment just as mobile as possible. You never know where you are going to stop, and, therefore, you cannot plan to insert lines at a given location at a given time. You may be 50 miles away when your program is scheduled to go on the air. Moreover, line facilities are extremely limited and it is unlikely that a station can rely on line communication and get any actual broadcast from the front lines. For this reason we believe the station would have to provide short-wave communication facilities for itself which would permit both receiving and sending while on the move.

"In our case we made transcriptions which we believe proved to be the most satisfactory way of getting real action on the program. We were able to set up our equipment, in one case, while a dive-bombing attack was taking place and our recording is one of the most realistic things I have ever heard."

BMI

New BMI Subscribers

There has been a rush of new BMI subscribers since the total number passed 700, and the past week saw the addition of ten new stations. They were:

KTNM, Tucumcari, N. Mex.
KIUN, Pecos, Texas
WRRN, Warren, Ohio
KWOS, Jefferson City, Mo.
WSOO, Sault Ste. Marie, Mich.
WNAB, Bridgeport, Conn.
WJIM, Lansing, Mich.
KENO, Las Vegas, Nev.
WSON, Henderson, Ky.
WMOG, Brunswick, Ga.
WWNY, Watertown, N. Y.

Campbell Arnoux, WTAR, Norfolk, Virginia, writes:

"May I extend our sincerest congratulations on the work of the past year which we consider one of the most brilliantly executed achievements during the entire course of the broadcasting industry."

New Song Sought for the Americas

BMI will cooperate with the Pan-American Coffee Bureau, now sponsoring Mrs. Roosevelt in a series of broadcasts, in a contest designed to select a song emphasizing the part played by coffee in hemispheric friendship. The contest, which will begin about November 1st and end about January 1st, 1942, will seek a tune in the popular idiom from a songwriter in one of the Americas. The prizes will be as follows: $100 for first prize; a large silver coffee cup for second prize; a smaller silver coffee cup, third prize; and twelve runner-up prizes of jumbo china cups each inscribed with the name of the winner. The judges will be chosen from among the best known band leaders and vocalists on the air. The contest will be initiated with an announcement on the Coffee Bureau program and the song winning first prize will be broadcast on this program.

Pleased

General enthusiasm from both composer and publisher accompanied the receipt of checks from BMI in payment for performances during the three months ended June 30, 1941. We quote the following in a letter from Radiotone Recording Studio, west coast publisher:

"I just received a royalty check for $613 for the second quarter and believe me I was pleasantly surprised. Your company paid off at 4¢ when they could have paid at 2¢. I like the way you do business."

Sales

Midnight Commercials

To reach defense workers on the night shift, alert Frederick & Nelson Department Store of Seattle, Wash., sponsors "We Are Americans," half-hour programs of recorded music, 12:30-1:00 a. m., six nights a week on KRSC.

Writes J. P. Heverly, the store's radio director:

"Fifty thousand defense workers in the Seattle area, divided into three shifts, are a tempting audience for any retailer. Seventeen thousand men get off at midnight and 12:30, and a survey showed that the majority of these men have radios in their cars, and that their wives were waiting up for them with radios on. Our specially designed patriotic program was built to appeal to these men and their families. It is used to sell men's furnishings, publicize major store promotions and obtain new account customers. Favorable results after a month's trial have merited a renewal at least through the first of the year."

District Sales Meetings Planned

Sales executives of the NAB are advised to stand by for notice of district sales meetings, to be held in all NAB districts during the next three months, and starting the middle of October. A tentative schedule has been drawn up and is awaiting confirmation by district directors. According to the plan, ample time will be allowed during two-day meetings for special sessions of sales managers, as well as for meetings with local advertising clubs and other civic groups. District Sales Managers Chairmen will be consulted by their district directors regarding the sales meeting as soon as final dates for each district are approved.

LANG PROTESTS LEGION STAND ON FOREIGN BROADCASTS

The American Legion's resolution condemning foreign language broadcasts was strongly protested this week by Joseph Lang, WHOM, chairman of the NAB's foreign language committee.

In a letter to Legion officials, Mr. Lang called the organization's attitude "un-American, utterly ridiculous and detrimental to the cause of national unity."

He called on the American Legion to drop or rescind the resolution in the best interests of the country and to take steps to disavow further action along such lines.

Lang acted in behalf of 93 U. S. radio stations which feature foreign language broadcasts and cited statements by James Lawrence Fly, chairman of the FCC, on the value of such programs in Americanization work.

Mothers' Magazine Commends Children's Program Progress

Says the October *Ladies Home Journal:*

When, early in 1939, the *Journal's* What the Women of America Think survey revealed that a large majority of American mothers felt that children's radio programs were dangerous to their children, we expressed the hope—and the confidence—that women would take the initiative in doing something constructive about it. It is always pleasant to report progress. And that is what we think is very definitely reflected in the activities since then of the Radio Council on Children's Programs and the National Association of Broadcasters, as described in a recent report by Mrs. Dorothy Lewis, vice-chairman of the council.

In the course of 23,500 miles of travel Mrs. Lewis visited 169 cities, contacted 5000 club and civic leaders, met 1200 broadcasters; she was studying things as they are, evolving practical procedures for bringing about much better things, revivifying established groups and club committees who have been concerned with the problem in the past, and stimulating the creation of new ones.

The industry as represented by the National Association of Broadcasters was keenly interested in making effective that provision of its code (adopted in July, 1939) which seeks "to establish acceptable and improving standards for children's programs." Sponsors were generally co-operative too. In fact, one of them, General Mills, of Minneapolis, learning through Mrs. Lewis of the work being done by Iowa University's Radio Division, contributed $4000 for a special study of children's programs.

Mrs. Lewis' report indicates a good beginning in coping with a vital problem. For it is vital, as Mrs. Harold V. Milligan, chairman of the council, emphasizes in her foreword to the report, when she quotes, "The nation marches forward on the feet of little children."

He pointed out that departments of the Federal Government regularly utilize foreign language broadcasting facilities, including especially the Treasury in the Defense Savings campaign. The Federal Housing Administration, Department of Agriculture, Army, Navy, and Marine recruiting, Red Cross and other worthwhile patriotic projects are supported by foreign language broadcasting, Lang said.

DOROTHY LEWIS STARTS ANOTHER SWING AROUND COUNTRY

With the longest railroad ticket ever sold in her purse,[1] Mrs. Dorothy Lewis has hit the trail again in the interest of better understanding between the country's mothers and broadcasters.

Heading west from New York, Mrs. Lewis already has held conferences in Syracuse, Rochester, Erie, Cleveland, Toledo and Indianapolis. She reports enthusiastic response from women's groups and the unqualified support of radio stations.

The NAB wishes to thank those stations who have already helped Mrs. Lewis with her important job, and to urge stations in cities she has yet to visit, to give her their wholehearted cooperation.

NEWSPAPER HEARING

Morris L. Ernst of New York, prominently associated with the American Civil Liberties Union, testified Thursday at the Newspaper-Radio hearings before the FCC, that in his opinion newspapers should not own radio stations, even assuming they can do a better job. Of the opinion that the "pipe-lines to the marketplace of thought" must remain free from domination if the Bill of Rights and our democracy is to survive in competition with the Communists and Nazis, Mr. Ernst stated that he was fearful of any interlocking of controls of the "pipe-lines." Unless we are successful in maintaining our philosophy of a "marketplace of thought," he said, popular demand may force government to take over radio which would be worst of all and result in breakdown of the "pipe-lines."

NEW EDUCATION ASSOCIATION

Broadcasting station educational directors and educators interested in radio may be interested in the organization of the Association for Education by Radio and its *Journal,* the first issue of which appeared in September. Applications for membership should be sent to Robert B. Hudson, 21 E. 18th St., Denver. Dues of $2 a year include a subscription to the *Journal.*

FEDERAL COMMUNICATIONS COMMISSION

Fly Discusses Hearings

FCC Chairman James Lawrence Fly at press conference early this week admitted that the Commission had not made any speed in so far as the newspaper-radio hearing is concerned but he called attention to the fact that it is impossible to run a hearing of that kind continuously and "it is pretty essential that we use only a a couple of days a week on these kind of hearings where it takes time of the full Commission." He said that he doubted if it would be possible for the Commission to make more progress on this hearing than it is at the present time.

Mr. Fly told the newsmen that he felt that the multiple ownership hearing, to be held on October 6, will only take a day or two. He said that the appearances are not yet complete for this hearing and the FCC has extended the time for the filing of briefs in connection with this case. The Chairman was informed by an official of the Commission who was present that at least fifteen briefs have been filed in connection with the multiple ownership hearing. Mr. Fly said that he understood that a dozen or fifteen people are getting together and will have one representative at this hearing and he assumed, he said, that there would be separate appearances but only one brief and one argument for this group.

Order No. 84 (Public Notice)

All interested parties who desire to appear and participate in the oral argument scheduled for October 6, 1941, in connection with Commission Order No. 84, re multiple ownership of standard broadcast stations, may do so by filing with the Secretary, not later than 10 a. m., October 4, 1941, written notice of intention to appear and amount of time required for argument.

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[1] Mrs. Lewis' complete itinerary may be found in NAB Reports, p. 738.

FCC RULE AMENDED

FCC has taken the following action in connection with an amendment to its rules and regulations:

Amended Sections 14.14, 14.32, and 14.53, of Rules Governing Radio Stations in Alaska other than Amateur and Broadcast, to provide for the withdrawal of the frequency 2912 kilocycles from availability for assignment to stations in the Fixed Public, Public Coastal, and Ship Services in Alaska. This frequency will remain available for use by stations currently licensed therefor until the expiration date of the existing license (January 1, 1942).

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, October 6. They are subject to change.

Monday, October 6

Oral Argument Before the Commission

To Be Held in Hearing Room 6121—New Post Office Building

Order No. 84

Section 3.35—Multiple ownership of standard broadcast stations.

Briefs and appearances filed by the following:

Oregon Publishing Co. (KGW and KEX). Represented by: John C. Kendall, Ben S. Fisher, Charles V. Wayland.

Buffalo Broadcasting Corp. Represented by: Frank D. Scott.

Westinghouse Radio Stations, Inc. (WOWO and WGL). Represented by: Donald C. Swatland, Richard H. Wilmer.

Johnson Kennedy Radio Corp. (WIND). Represented by: Mabel W. Willebrandt.

WJJD, Incorporated (WJJD). Represented by: Mabel W. Willebrandt.

Louis Wasmer, Inc. (KHQ and KGA). Represented by: John C. & John W. Kendall, Fisher & Wayland.

Reading Broadcasting Co. (WRAW) and Berks Broadcasting Co. (WEEU). Represented by: George O. Sutton and Arthur H. Schroeder.

Delaware Broadcasting Co. (WILM) and WDEL, Incorporated (WDEL). Represented by: George O. Sutton and Arthur H. Schroeder.

Gene T. Dyer. Represented by: Andrew G. Haley.

Pittsburgh Radio Supply House (WJAS) and KQV Broadcasting Co. (KQV). Represented by: George O. Sutton and Arthur H. Schroeder.

West Virginia Broadcasting Corp. (WWVA) and Monongahela Valley Broadcasting Co. (WMMN). Represented by: H. L. Lohnes & F. W. Albertson.

National Broadcasting Co., Inc. Represented by: D. M. Patrick and P. J. Hennessey.

Massachusetts Broadcasting Corp. (WCOP) and Broadcasting Service Organization, Inc. (WORL). Represented by: Ben S. Fisher.

International Broadcasting Corp. (KWKH) and Tri-State Broadcasting System, Inc. (KTBS). Represented by: George B. Porter and Ben S. Fisher.

Fisher's Blend Station, Inc. (KOMO & KJR). Represented by: Donald G. Graham, Ben S. Fisher, C. V. Wayland, C. F. Duvall.

Evansville On The Air, Inc. (WGBF & WEOA). (Filed September 23, 1941.) Represented by: Henry B. Walker.

Monday, October 6

Consolidated Hearing

NEW—Utica Observer-Dispatch, Inc., Utica, N. Y.—C. P., **1450 kc.**, 250 watts, unlimited.

NEW—Utica Broadcasting Co., Inc., Utica, N. Y.—C. P., **1450 kc.**, 250 watts, unlimited.

NEW—Midstate Radio Corporation, Utica, N. Y.—C. P., **1450 kc.**, 250 watts, unlimited.

Wednesday, October 8

KIDW—The Lamar Broadcasting Company, Lamar, Colo.—Renewal of license, **1450 kc.**, 100 watts, specified hours.

Friday, October 10

WSAM—Saginaw Broadcasting Company, Saginaw, Mich.—Modification of license, **1400 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. Y.—Granted modification of construction permit to make changes in directional antenna system (B1-MP-1402).

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted construction permit (B4-P-2477), to increase power to 5 KW, increase hours to unlimited, move transmitter to approximately 5¼ miles north-northeast of St. Joseph, Mo., install new transmitter and install directional antenna for day and night use. Now operates on **680 kc.**, 500 watts night, 2½ KW-LS, D to LS at San Francisco.

KDON—Monterey Peninsula Broadcasting Co., Monterey, Cal.—Granted construction permit (B5-P-3235), to increase power to 250 watts day and night and install new transmitter. Now operates on **1240 kc.**, 100 watts, unlimited time.

WMVA—William C. Barnes & Jonas Weiland, d/b as Martinsville Broadcasting Co. (Assignors), Martinsville Broadcasting Co., Inc. (Assignee), Martinsville, Va.—Granted consent to voluntary assignment of license (B2-AL-311), of Martinsville Broadcasting Co., Station WMVA, from William C. Barnes & Jonas Weiland, d/b as Martinsville Broadcasting Co., to Martinsville Broadcasting Co., Inc., for a total consideration of $13,100.

DESIGNATED FOR HEARING

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Application for construction permit (B4-P-3040), to install a new transmitter, change frequency to **630 kc.**, increase day power to 5 KW, move transmitter locally, and make changes in directional antenna system for day and night use.

WMIN—WMIN Broadcasting Co., St. Paul, Minn.—Application for construction permit (B4-P-3044), to change frequency to **630 kc.**, change power to 1 KW night, 5 KW day, directional antenna day and night, and install new transmitter and directional antenna. (To be heard jointly with above application of WLOL.)

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Application for renewal of license (B3-R-1005), for the period ending October 1, 1942. Granted temporary license, subject to whatever action may be taken by the Commission upon the pending application for renewal of license.

WELL—Federated Publications, Inc., Battle Creek, Mich.—Application for renewal of license (B2-R-311), granted temporary license, subject to whatever action may be taken by the Commission upon the pending application for renewal of license.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Application for construction permit (B5-P-3113), to change frequency to **1460 kc.**, increase power to 1 KW day and night, install a new transmitter and make changes in equipment and antenna.

John R. Scripps, Ventura, Calif.—Removed from pending files application for construction permit (B5-P-2583), for new station to operate on **1460 kc.**, 1 KW, unlimited time; this application to be heard jointly with KSAN above.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending October 1, 1942:

KDON, Monterey, Cal.; KFPL, Dublin, Texas; KFYO, Lubbock, Texas; KHAS, Hastings, Neb.; KOOS, Marshfield, Ore.; KVEC, San Luis Obispo, Cal.; KVOS, Bellingham, Wash; KYUM, Yuma, Ariz.; WAIR, Winston-Salem, N. C.; WCOU, Lewiston, Maine; WEDC, Chicago; WEMP, Milwaukee; WFBG, Altoona, Pa.; WFIG, Sumter, S. C.; WGAU, Athens, Ga.; WHOP, Hopkinsville, Ky.; WJBW, New Orleans; WJIM, Lansing, Mich.; WJNO, West Palm Beach, Fla.; WLAV, Grand Rapids, Mich.; WLOG, Logan, W. Va.; WLVA, Lynchburg, Va.; WMOB, Mobile, Ala.; WNBH, New Bedford, Mass.; WOLS, Florence, S. C.; WSAV, Savannah, Ga.; WSIX, Nashville, Tenn.; WTEL, Philadelphia, Pa.; KCKN, Kansas City, Kans.; WBHP, Huntsville, Ala.; WCED, Du Boise, Pa.; WESX, Salem, Mass; WHAT, Philadelphia, Pa.; WIZE, Springfield, Ohio; WSAJ, Grove City, Pa.; WTHT, Hartford, Conn.; WTRC, Elkhart, Ind.; WBOW, Terre Haute, Ind.

In the following cases licenses were extended upon a temporary basis only, pending receipt of and determination upon applications for renewal, for the period ending November 1, 1941:

KADA, Ada, Okla.; KAVE, Carlsbad, N. M.; KFJB, Marshalltown, Iowa; KFXJ, Grand Junction, Colo.; KGDE, Fergus Falls, Minn.; KIUL, Garden City, Kans.; KOME, Tulsa, Okla.; KOVO, Provo, Utah; KPFA, Helena, Mont.; KVSO, Ardmore, Okla.; KWLC, Decorah, Iowa; KWNO, Winona, Minn.; KWOS, Jefferson City, Mo.; WAML, Laurel, Miss.; WAYX, Waycross, Ga.; WBBL, Richmond, Va.; WBBZ, Ponca City, Okla.; WBRB, Red Bank, N. J.; WCBT, Nr. Roanoke Rapids, N. C.; WCOV, Montgomery, Ala.; WFTC, Kinston, N. C.; WGAC, Augusta, Ga.; WINX and Synchronous Amplifier, Washington, D. C.; WJEJ, Hagerstown, Md.; WJRD, Tuscaloosa, Ala.; WKAT auxiliary, Miami Beach, Fla.; WMFF, Plattsburg, N. Y.; WSNJ, Upper Deerfield Twp., Nr. Bridgeton, N. J.; KGFW, Kearney, Neb.; KXRO, Aberdeen, Wash.; WGCM, Gulfport, Miss.; WGRM, Greenwood, Miss.; WITH, Baltimore; WJPF, Herrin, Ill.; WLNH, Laconia, N. H.; WOMT, Manitowoc, Wisc.; WPAX, Thomasville, Ga.; WSGN, Birmingham, Ala.; WSOO, Sault Ste. Marie, Mich.; WDSM, Superior, Wisc.

In the following cases licenses were extended upon a temporary basis only, for the period ending December 1, 1941, pending receipt of and determination upon applications for renewal:

KAND, Corsicana, Texas; KWLM, Willmar, Minn; WHBY, Appleton, Wisc.; WISE, Asheville, N. C.

In the following cases licenses were extended upon a temporary basis only, for the period ending November 1, 1941, pending determination upon applications for renewal:

KID, Idaho Falls, Idaho; KITE, Kansas City, Mo.; WIRE and auxiliary, Indianapolis, Ind.; WORK, York, Pa.; WSAR, Fall River, Mass.; WTAQ, Green Bay, Wisc.; WWRL, Woodside, (L. I.), New York.

PLACED IN PENDING FILES

WMAL—National Broadcasting Co., Inc. (assignor), M. A. Leese Radio Corp. (assignee), Washington, D. C.—Application for consent to the voluntary assignment of license of National Broadcasting Co., Inc., Station WMAL, from National Broadcasting Co., Inc., to M. A. Leese Radio Corp., placed in pending file pursuant to Order No. 79.

MISCELLANEOUS

W2XOY—General Electric Co., New Scotland, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 2500 watts power, special emission for FM, with transmitter located at New Scotland, N. Y., for the period September 27 to October 27, 1941.

W2XQR—John V. L. Hogan, Long Island City, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **48700 kc.**, with 1000 watts power, special emission for FM, with transmitter located at 3104 Northern Blvd., Long Island City. Facsimile modulation may be employed in connection with the program of research and experimentation (no authority is contained herein to conduct a facsimile broadcast service). This authorization is granted for the period September 29 to November 26, 1941.

WABA—Agricultural Broadcasting Co., Chicago, Ill.—Granted special temporary authority to operate a special laboratory transmitter as a relay broadcast station on **39820 kc.**, with power of ½ watt in order to record on the ground and to rebroadcast over WLS the human voice and the rate of the heart beat, and other scientific data during a free fall in the air prior to the opening of a parachute, for the period September 24 to October 23, 1941, conditionally.

W47A—The Capital Broadcasting Co., Inc., Schenectady, N. Y.—Granted extension of special temporary authority to operate with main studio at the transmitter of FM broadcast station W47A for period September 29 to October 28, pending completion of ST transmitter at main studio specified in construction permit.

WCAT—South Dakota State School of Mines, Rapid City, S. Dak. —Granted special temporary authority to operate additional time from 6:30 to 10:30 p.m., CST, on October 3, 10, and 17, and from 2 to 4:30 p.m., CST., on November 11, in order to broadcast football games only (B4-S-649).

WGTM—WGTM, Inc., Wilson, N. C.—Granted special temporary authority to operate with studio at 115 West Nash St., Wilson, N. C., in lieu of site specified in construction permit (B3-P-3166), for a period not to exceed 30 days (B3-S-953).

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted extension of special temporary authority to operate daytime with a non-directional antenna until sunset at Sacramento, Calif., for a period not to exceed 30 days beginning September 24, 1941, and ending in no event later than October 23, 1941.

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Granted license (B1-L-1484) to cover construction permit (B1-P-2948) for change in frequency, increase in power, and installation of new transmitter. Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-1209).

WDBC—Delta Broadcasting Co., Escanaba, Mich.—Granted license (B2-L-1505) to cover construction permit (B2-P-2854) authorizing new station to operate on **1490 kc.**, 250 watts, unlimited time. Also granted authority to determine operating power by direct measurement of antenna power (B2-Z-1229).

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1219).

WALH—Piedmont Publishing Co., Portable-Mobile.—Present license for relay broadcast station extended upon a temporary basis only, for the period ending November 1, 1941, pending determination upon application for renewal.

The following applications for renewal of relay broadcast station licenses were granted for the period October 1, 1941, to October 1, 1942:

KIEO, KFAA, WASJ, WAAJ, WOEG, WIOE, WIOF, WIOG, WAFK, KEJR, WIEH, WCBJ, WLOY, WFME, KNBC, WBAC, KQCB, WAHM, KIEF, KIEG, WATS, WEOY, WJEN, WJEP, WAVB, WEMC, WHER, WAIH, WGNA, WGTC, KBQA, WAAK, WENM, KAQY, WATD, KABH, WAWT, KBTA and KBTB.

The following relay broadcast stations' licenses were extended upon a temporary basis only, for the period ending November 1, 1941, pending determination upon applications for renewal:

WBGL, KALO, WSMA and WSMC.

KADB—Nichols & Warinner, Inc., Portable-Mobile.—Present relay broadcast station extended upon a temporary basis only, for the period ending November 1, 1941, pending receipt of and determination upon application for renewal.

WAUB—WSIX, Inc., Portable-Mobile.—Present relay broadcast station extended upon a temporary basis only, for the period ending November 1, 1941, pending receipt of and determination upon application for renewal.

KFIZ—Reporter Printing Co., Fond du Lac, Wisc.—Granted license to cover construction permit for new transmitter, changes in antenna and increase in power (B4-L-1496). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-1221).

KTBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Granted license to cover construction permit as modified for a new station, and for authority to determine operating power by direct measurement of antenna input (B5-L-1499 and B5-Z-1224).

WBRY—American-Republic, Inc., Waterbury, Conn.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-918).

WCRS—Grenco, Inc., Greenwood, S. C.—Granted license to cover construction permit as modified for new station, and authority to determine operating power by direct measurement of antenna input (B3-Z-1228 and B3-L-1504).

KGBS—Harbenito Broadcasting Co., Harlingen, Tex.—Granted license to cover construction permit for new station (B3-L-1498). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-1213).

WISN—Hearst Radio, Inc., Milwaukee, Wisc.—Granted construction permit to move old RCA 1-D-A transmitter to site of new transmitter and use as auxiliary transmitter for emergency use only (B4-P-3299). Granted license to cover construction permit B4-P-2608, as modified, for new transmitter, install directional antenna for night and day use, increase power and move of transmitter (B4-L-1483). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-1208).

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Granted modification of construction permit (for increase in power and install directional antenna for night use) for extension of completion date from September 21 to November 21, 1941 (B4-MP-1391).

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted modification of construction permit (for increase in power, install directional antenna for night use, move transmitter and change frequency) for extension of completion date from September 23, 1941, to January 23, 1942 (B3-MP-1393).

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted modification of construction permit (for installation of new transmitter and directional antenna for night use, and increase in power and hours of operation) for change in transmitting equipment (B1-MP-1384).

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Granted license to cover construction permit for increase in power and installation of directional antenna for night use (B4-L-1494). Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1218).

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted license to cover construction permit B2-P-3257, for reinstatement of construction permit B2-P-2628 as modified, which authorized changes in equipment and in directional antenna system, increase in power and move of transmitter (B2-L-1495). Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1220).

WNAB—Harold Thomas, Bridgeport, Conn.—Granted license to cover construction permit as modified, for new station, and authority to determine operating power by direct measurement of antenna input (B1-L-1508 and B1-Z-1233).

WGCX—E. E. Krebsbach, Wolf Point, Mont.—Granted modification of license to move studio from Main & Fourth Streets, Wolf Point, Mont., to adjacent railroad (rural) Wolf Point, Mont. (B5-ML-1080).

KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted modification of license to move studio from Sparta Building, Main & Riverside Ave., Medford, to Rose Lane, Medford, Ore. (B5-ML-1801).

KTUC—Tucson Broadcasting Co., Tucson, Ariz.—Granted construction permit (B5-P-3284) to install new transmitter, antenna and move studio and transmitter to Broadway and Tindle Ave., Tucson.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted construction permit (B2-P-3255) to install new vertical antenna system, and move transmitter to Obetz Road, between Parsons Ave. and Lockbourne Road, Columbus.

WISR—David Rosenblum, tr/as Butler Broadcasting Co., Butler, Pa.—Denied request for special temporary authority to operate from 7:15 p. m. to 10 p. m., EST, on September 26, 1941, only, in order to broadcast station's opening dedicatory program.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Denied request for special temporary authority to operate additional time from 8 p. m., CST, to conclusion of the Louis-Nova World Heavyweight Championship boxing bout on September 29, 1941.

WNYC—City of New York, Municipal Broadcasting Co., New York, N. Y.—Granted special temporary authority to operate daily, except Sunday, from 6:30 to 6:45 p. m., EST, during the month of October, in order to continue broadcasting special selective service information by Colonel Arthur V. McDermott, Director for New York City, for a ten-minute period, and general and defense job-openings by the New York State Employment Service for the remaining five minutes of each broadcast.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to remain on the air from sign-off time (October, 5 p. m., EST) to 6 p. m., EST, on October 5, 12, 19, and 26, 1941, in order to continue broadcasting the U. S. Treasury Department program, "Millions for Defense" only.

WOSU—Ohio State University, Columbus, Ohio.—Granted special temporary authority to operate from sign-off time (October 7 p. m., EST) to 7:30 p. m., EST, on October 4, 1941, in order to broadcast the Ohio State-Southern California football game, only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to operate additional time from 10 p. m., EST, to conclusion of Louis-Nova world heavyweight boxing bout on September 29, 1941, only.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted license (B5-L-1492) to cover construction permit (B5-P-2681) for change in frequency to **1080 kc.**, increase in power to 1 KW, installation of DA for day and night use and move transmitter. Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-1216).

WICA—WICA, Inc., Ashtabula, Ohio.—Granted motion for order to take depositions in re application for construction permit to operate on **970 kc.**, 1 KW night, 5 KW day, unlimited time, directional antenna night.

Ralph L. Lewis, Greensboro, N. C.—Granted motion for continuance of hearing now scheduled for October 1, 1941 to November 13, 1941, in re applications of Ralph L. Lewis, High Point, N. C., for new station and High Point Broadcasting Co., High Point, N. C., for new station.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted motion for postponement of hearing on application for renewal of license, now set for October 2, 1941, for 30 days.

Nashville Radio Corp., Nashville, Tenn.—Granted motion for leave to amend application for new station so as to request **1450 kc.**, 250 watts, site to be determined, application removed from hearing docket, amendment to be filed within two weeks.

The Kaw Valley Broadcasting Co., Inc., Topeka, Kans.—Granted motion for dismissal without prejudice application for construction permit for new station to operate on **1500 kc.**, 250 watts, unlimited time.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Passed for a week petition for leave to amend application (for construction permit to operate on **580 kc.**, 1 KW, directional antenna night, unlimited time) and to remove application from hearing docket (re new directional antenna design).

WJLB—John L. Booth Broadcasting, Inc., Detroit, Mich.—Granted petition to intervene in re hearing on application of Saginaw Broadcasting Co. (WSAM), Saginaw, Mich., for modification of license to operate on **1400 kc.**, 250 watts, unlimited time.

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Granted motion for continuance of hearing on application for construction permit to operate on **1070 kc.**, 50 KW, directional antenna night, unlimited time, now set for October 9, 1941, for 30 days.

Spencer A. and Lela C. Merrell, d/b as Waterways Radio Co., St. Louis, Mo.—Dismissed motion for continuance of hearing now scheduled for September 29, 1941, on applications of Waterways Radio Co., for new coastal station, and Radiomarine Corp. of America (WGK), St. Louis, Mo. (Docket Nos. 6174, 6173), on Commission's own motion continued said hearing to October 16, 1941.

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Action on WGAN petition to intervene in re hearing on application of American Republican, Inc., Waterbury, Conn. (WBRY), for modification of construction permit to operate on **560 kc.**, passed for two weeks.

WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Granted petition for continuance of hearing on application for construction permit to operate on **1190 kc.**, now scheduled for October 24, 1941, to January 5, 1942, and granted leave to amend application with respect to transmitter site. (Application to remain on hearing docket.)

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted motion to take depositions in re application of Thomas Patrick, Inc. (KWK), St. Louis, Mo., for construction permit to operate on **680 kc.**, 50 KW, unlimited, directional antenna day and night.

Scripps-Howard Radio, Inc., Houston, Tex.—Granted motion to amend notice of hearing on application for new station, to delete from issue No. 1 "legal."

Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted petition for an order to take depositions in re hearing on applications of WICA, Inc. (WICA), Ashtabula, Ohio, and Walker & Downing Radio Corp. (WWSW), Pittsburgh, Pa., both requesting **970 kc.,** 1 KW night, 5 KW day, unlimited time, directional antenna night.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate additional time from 7:15 p.m. PST, to conclusion of local High School and Gonzaga University football games on October 3, 10, 17, and 24, 1941, and from sign-off time (November 4:15 p. m., PST), to conclusion of the Eastern vs. Western Colleges of Education football games on November 1, 1941, in order to broadcast said games only, on a sustaining basis only.

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate additional time from 7:45 p.m., to 10:30 p.m. EST, on October 4 and 10, 1941, in order to broadcast the University of Georgia-South Carolina and the University of Georgia-University of Mississippi football games, only, on a sustaining basis only.

WEEU—Berks Broadcasting Co., Reading, Pa.—Denied request for special temporary authority to operate from sign-off (October 5:30 p.m. EST), to 6 p.m. EST, on October 5, 12, 19, and 26, 1941, in order to continue broadcasting "The Gospel Hour."

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to remain on the air from sign-off time (September 6:15 p. m., PST), to conclusion of Louis-Nova World Heavyweight Championship Bout September 29, 1941, in order to broadcast said bout only.

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted modification of construction permit for changes in directional antenna system and extension of completion date to 180 days after grant, and change in type of transmitter (B1-MP-1345).

Correction: Action taken by Commissioner Craven in motions hearing September 26, on Voice of Alabama, Inc. (WAPI), Birmingham, Ala., should have read: "Granted motion for continuance of hearing until 30 days after Commission acts on pending petition to reconsider and grant."

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Granted modification of construction permit for new station, for extension of completion date from August 15, 1941, to October 15, 1941.

W2XYU—Columbia Broadcasting System, Inc., New York, N. Y.—Granted special temporary authority to use a 25-watt test transmitter on 330.4, 333.4 and 336.4 megacycles in order to conduct antenna and propagation tests from either the Salmon or CBS Building in New York City in connection with proposed operation of ST Broadcast Stations W2XYN, W2XYO and W2XYP for period of 30 days.

Houston Printing Corp., Houston, Tex.—Granted special temporary authority to operate already licensed relay transmitter KFAA, licensed to A. H. Belo Corp., on **2790 kc.,** to transmit programs of Radio Station KPRC from Pasadena to Deepwater, Texas, for a period not to exceed ten days.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted special temporary authority to rebroadcast series of eleven weekly 15-minute sponsored programs (football round up), broadcast by international Station WRCA on Saturday nights at 8:15 p. m., EST, from September 27 to December 6, 1941, only, provided no compensation is paid or received for rebroadcast of such programs.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Denied request for special temporary authority to operate unlimited time on **790 kc.,** with 5 KW, daytime and 250 watts night, at the transmitter site authorized in construction permit, for a period not to exceed 30 days, pending completion of proof of performance measurements and commencement of program tests.

WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—Granted modification of construction permit which authorized increase in power, installation of new equipment and directional antenna for night use and move transmitter, for extension of completion date from September 29, 1941, to December 29, 1941 (B3-MP-1421).

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Denied petition of WBOW for rehearing directed against the Commission's action of July 29, 1941, granting application of WFAM, Inc. (WASK), for a new broadcast station in Lafayette, Ind.; dismissed petition of WFAM, Inc. (WASK), to extend the time within which to file its opposition to the petition for rehearing filed by WBOW, and the Commission on its own motion ordered that the action of July 29, 1941, granting application of WFAM, Inc., for a new station to operate on **1230 kc.,** 100 watts, unlimited time, be set aside, and the application of WFAM, Inc., for a new station in Lafayette, Ind., be granted, authorizing operation on **1450 kc.,** 250 watts, unlimited time, subject to condition that within 10 days from date of this action the applicant shall file with the Commission an application for modification of construction permit requesting these facilities.

WGST—Georgia School of Technology, and Southern Broadcasting Stations, Inc., intervener, Atlanta, Ga.—Denied petition to reconsider and grant without hearing the application for renewal of license of Station WGST.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate unlimited time on **790 kc.,** with power of 5 KW daytime and 250 watts nighttime, using directional antenna at night, at the transmitter site authorized in construction permit, on September 29, 1941, only, pending submission and approval of proof of performance measurements and commencement of program tests. On September 30, Commissioner Craven granted same as above, for a period of two weeks beginning September 30, 1941.

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Extended date for filing Proposed Findings of Fact and Conclusions in re matter of revocation of license to October 6, 1941, and for filing Briefs to October 21, 1941 (Docket No. 6001).

WTMC—Ocala Broadcasting Co., Ocala, Fla.—Extended date for filing Proposed Findings of Fact and Conclusions in re matter of revocation of license to October 6, 1941, and for filing Briefs to October 21, 1941 (Docket No. 6000).

APPLICATIONS FILED AT FCC

580 Kilocycles

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Modification of construction permit (B1-P-3019), for increase in power, changes in directional antenna for day and night use, requesting extension of completion date from 10-25-41 to 11-25-41.

610 Kilocycles

NEW—J. M. West, J. Marion West, Wesley W. West and P. M. Stevenson, Houston, Texas.—Construction permit for a new broadcast station to be operated on **610 kc.,** 1 KW, unlimited hours, using directional antenna for night use. Amended: to omit name of J. M. West (deceased) from application.

620 Kilocycles

WDNC—Durham Radio Corp., Durham, N. C.—Construction permit to install new transmitter, directional antenna for day and night, change frequency from **1490** to **620 kc.,** power from 250 watts to 1 KW night, 5 KW day, and move transmitter. Amended: to make changes in directional antenna.

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico.—License to use old W. E. 304-A transmitter as auxiliary for emergency purposes, 1 KW power.

WAGE—Sentinel Broadcasting Co., Syracuse, N. Y.—Construction permit to increase power from 1 to 5 KW, change in directional antenna night and install new transmitter.

640 Kilocycles

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Construction permit to install new transmitter, directional antenna for night use, change frequency from **1240** to **640 kc.,** power from 250 watts to 1 KW and hours from unlimited to limited time to local sunset at Los Angeles, using directional antenna from sunset at Beckley to local sunset at Los Angeles. Amended: to request facilities WHKC, contingent on WHKC going to new frequency.

WHCU—Cornell University, Ithaca, N. Y.—Construction permit to install new transmitter, directional antenna for night use, change frequency from **870** to **640 kc.**, increase power from 1 to 5 KW, and change hours of operation from limited WWL to unlimited hours.

660 Kilocycles

KSKY—Chilton Radio Corp., Dallas, Texas.—License to cover construction permit (B3-P-2487), as modified, for a new broadcast station.

KSKY—Chilton Radio Corp., Dallas, Texas.—Authority to determine operating power by direct method.

780 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of special service authorization to operate synchronously with station KFAB from local sunset at Lincoln, Nebraska, to 12 midnight, CST, and operate simultaneously with KFAB from 5:30 a. m., CST, to local sunset, Chicago, Ill., for period ending 2-1-42.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Modification of special service authorization to operate synchronously with station WBBM from local sunset, at Lincoln, Nebraska, to 12 midnight, CST, and operate simultaneously with WBBM from 5:30 a. m., CST, to local sunset, Chicago, Ill., for period ending 2-1-42.

880 Kilocycles

WHB—WHB Broadcasting Co., Kansas City, Mo.—License to cover construction permit (B4-P-3160) for a new transmitter.

920 Kilocycles

KTKC—J. E. Richmond, Percy M. Whiteside, Homer W. Wood and Visalia Publishing Co., d/b as Tulare-Kings Counties Radio Associates, Visalia, Calif.—Modification of construction permit (B5-P-3159) for change in frequency, power, new transmitter and changes in directional antenna for day and night use, requesting changes in transmitting equipment, move transmitter and extend commencement and completion dates from 9-29-41 and 3-29-42 to 10 days after grant and 180 days thereafter, respectively.

WJAR—The Outlet Co., Providence, R. I.—Modification of construction permit (B1-P-2192) as modified for increase in power, changes in directional antenna, install new transmitter and move, requesting extension of completion date from 9-30-41 to 3-29-41.

960 Kilocycles

NEW—The McKeesport Broadcasting Co., Inc., McKeesport, Pa. —Construction permit for a new broadcast station to be operated on **960 kc.**, 1 KW and daytime hours.

970 Kilocycles

WWSW—Walker and Downing Radio Corp., Pittsburgh, Pa.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1490** to **970 kc.**, increase power from 250 watts to 1 KW night, 5 KW day and move transmitter. Amended: to increase power to 5 KW and make changes in proposed directional antenna.

1110 Kilocycles

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Authority to determine operating power by direct method.

1140 Kilocycles

NEW—General Broadcasting, Inc., Miami, Fla.—Construction permit for a new broadcast station to be operated on **1140 kc.**, 5 KW, unlimited hours, using directional antenna for day and night. Amended: to make changes in directional antenna.

1210 Kilocycles

NEW—Contra Costa Broadcasting Co., Richmond, Calif.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 500 watts, limited time. Amended: re changes in vertical antenna.

1230 Kilocycles

WESX—North Shore Broadcasting Co., Salem, Mass.—License to cover construction permit (B1-P-3052) for equipment changes and increase in power.

WESX—North Shore Broadcasting Co., Salem, Mass.—Authority to determine operating power by direct method.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—License to cover construction permit (B4-P-3223) for move of transmitter and studio sites and new antenna.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Authority to determine operating power by direct method.

WCAT—South Dakota State School of Mines, Rapid City, S. Dak. —Authority to determine operating power by direct method.

1240 Kilocycles

KWLC—Luther College, Decorah, Iowa.—License to cover construction permit (B4-P-3003) as modified, for increase in power, change frequency, hours, move and install new transmitter.

KWLC—Luther College, Decorah, Iowa.—Authority to determine operating power by direct method.

NEW—John and Marcia Arrington, d/b as Arrington & Arrington, Roanoke, Va.—Construction permit for a new broadcast station to be operated on **1240 kc.**, 250 watts and unlimited hours.

1250 Kilocycles

KTMS—News-Press Publishing Co., Santa Barbara, Calif.—Authority to determine operating power by direct method.

1270 Kilocycles

KFJZ—Tarrant Broadcasting Co., Ft. Worth, Texas.—License to cover construction permit (B3-P-2497) as modified, to install new transmitter, increase in power, directional antenna for day and night use and move of transmitter.

KFJZ—Tarrant Broadcasting Co., Ft. Worth, Texas.—Authority to determine operating power by direct method.

1310 Kilocycles

WRR—City of Dallas, Texas, Dallas, Texas.—License to cover construction permit (B3-P-2229) as modified, for increase in power, new equipment, move of transmitter and directional antenna for night use.

WRR—City of Dallas, Texas, Dallas, Texas.—Authority to determine operating power by direct method.

1340 Kilocycles

WLBC—Donald A. Burton, Muncie, Ind.—Construction permit to move transmitter and install new antenna system.

WFIG—J. Samuel Brody, Sumter, S. C.—Modification of license to increase night power from 100 to 250 watts.

1370 Kilocycles

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Modification of construction permit (B1-P-2730) as modified, for installation of new transmitter, changes in directional antenna for day and night and increase in power, requesting extension of completion date from 10-3-41 to 12-2-41.

KYSO—Merced Broadcasting Co., Merced, Calif.—Construction permit to install new transmitter change frequency from **1080** to **1370 kc.**, power from 250 watts to 1 KW, and hours from daytime to unlimited, using directional antenna for day and night use. Amended: re changes in directional antenna system.

1380 Kilocycles

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Construction permit to increase power from 1 KW night, 2½ KW day to 5 KW and install new transmitter.

1400 Kilocycles

WSRR—Stephen R. Rintoul, Stamford, Conn.—License to cover construction permit (B1-P-2789) as modified, for a new broadcast station.

WSRR—Stephen R. Rintoul, Stamford, Conn.—Authority to determine operating power by direct method.

WBLK—Charleston Broadcasting Co., Clarksburg, W. Va.—Authority to install automatic frequency control equipment.

KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyoming.—Authority to install automatic frequency control equipment.

WKWK—Community Broadcasting, Inc., Wheeling, W. Va.—Modification of license to increase power from 100 to 250 watts.

1410 Kilocycles

WALA—W. O. Pape, tr. as Pape Broadcasting Co., Mobile, Alabama—Modification of construction permit (B3-MP-932) as modified for increase in power, install new equipment and directional antenna for night use and move transmitter, requesting extension of completion date from 9-29-41 to 12-29-41.

1420 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Modification of construction permit (B3-P-3049) for change in frequency, move transmitter, install new transmitter, changes in directional antenna for night use, requesting increase in power from 5 KW to 5 KW night, 10 KW day, changes in directional antenna for night use, change proposed site of transmitter and change proposed type of transmitter.

1450 Kilocycles

WFNC—W. C. Ewing and T. K. Weyher, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Modification of license to change frequency from **1370** to **1450 kc.,** and increase hours from daytime to unlimited.

1490 Kilocycles

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Authority to transfer control of corporation from Thomas S. Lee and R. D. Merrill, executors of Estate of Don Lee, deceased to Don Lee Broadcasting System.

1520 Kilocycles

KXRO—KXRO, Inc., Aberdeen, Wash.—Construction permit to change frequency from **1340** to **1520 kc.,** increase power from 250 watts to 1 KW, install new transmitter and make changes in vertical radiator.

FM APPLICATIONS

W75NY—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PH-42) as modified, for a new high frequency broadcast station, requesting extension of commencement and completion dates from 5-6-41 and 11-6-41 to 1-1-42 and 6-30-42, respectively.

W47NY—Muzak Corporation, New York, N. Y.—Modification of construction permit (B1-PH-48) for a new high frequency broadcast station, requesting approval of antenna system and approval of transmitter site. Amended: re corporate structure.

NEW—Amarillo Broadcasting Corp., Amarillo, Texas.—Construction permit for a new high frequency broadcast station to be operated on **45100 kc.;** coverage: 5,628 square miles; Population: 73,734. Amended: for changes in antenna system.

W77XL—WJIM, Inc., Lansing, Mich.—Modification of construction permit (B2-PH-86) for a new high frequency broadcast station, requesting approval of antenna system.

TELEVISION APPLICATIONS

W6XHT—Hughes Productions Division of Hughes Tool Co., San Francisco, Calif.—Modification of construction permit (B5-PVB-63) as modified for a new television broadcast station, requesting extension of commencement and completion dates from 4-15-41 and 10-15-41 to 12-15-41 and 6-15-42, respectively.

W6XHH—Hughes Productions Division of Hughes Tool Co., Los Angeles, Calif.—Modification of construction permit (B5-PVB-63) as modified for a new television broadcast station, requesting extension of commencement and completion dates from 4-15-41 and 10-15-41 to 12-15-41 and 6-15-42, respectively.

NEW—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Construction permit for a new television (commercial) broadcast station (Formerly W2XWV), to be operated on Channel No. 6 **78000-84000 kc.,** emission A5 and Special for frequency modulation ESR 1750, unlimited. Amended to change ESR to 955.625.

MISCELLANEOUS APPLICATIONS

WHB—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Authority to determine operating power by direct method.

WHB—Allen B. DuMont Laboratories, Inc., New York, N. Y.—License to use old main transmitter as auxiliary transmitter, power 1 KW.

WEDP—The Yankee Network, Inc., Portable-Mobile.—Modification of construction permit (B1-PRE-381) for a new relay broadcast station, requesting extension of commencement and completion dates from 4-20-41 and 10-20-41 to 10-21-41 and 4-21-42, respectively.

W9XG—Purdue University, West Lafayette, Ind.—Modification of construction permit (B4-PVB-52) as modified, for changes in equipment, frequencies, decrease in power and to add A3 emission, requesting extension of completion date from 9-24-41 to 9-24-42.

W2XMC—Muzak Corporation, New York, N. Y.—Modification of construction permit (B1-PEX-36) for a new developmental station, requesting change in transmitter site and changes in antenna.

NEW—WJNO, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1645, 2090, 2190, 2830 kc.,** 50 watts, A3 emission.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Codrin Corporation, 333 Sixth Ave., New York, engaged in the sale and distribution of a medicinal preparation designated "Magnesia S. Pellegrino," is charged in a complaint with misrepresentation and false advertising. (4598)

Theophilus J. Craig, 14 Federal Ave., Quincy, Mass., engaged in the sale and distribution of tombstones and monuments in commerce, is charged in a complaint with misrepresentation. (4600)

Fisher Nut and Chocolate Co., 2327 Wycliff St., St. Paul, Minn., engaged in the manufacture and sale of candy and nut products, is charged in a complaint with the use of lottery methods in the distribution of its products. (4594)

Ingenuities Corporation of America, 745 Fifth Ave., New York, Goldberg, Squire, Lesser and Cohen, Inc., 3 East 28th St., New York, and T. P. McCutcheon and Brother, Inc., 1216 Arch

St., Philadelphia, are charged in a complaint with the use of unfair and deceptive acts and practices in the sale and distribution of neckwear. (4593)

Millinery Stabilization Commission, Inc., an organization of some four hundred manufacturers of women's headwear, and its officers and members; United Hatters, Cap and Millinery Workers International Union, an unincorporated labor union of millinery workers, and its officers and members; two Locals of the Union, and their officers and members; and nine associations whose membership includes hundreds of importers, manufacturers and suppliers of raw materials, supplies and equipment used in the manufacture of millinery, are charged in a complaint with entering into and effectuating agreements, conspiracies, policies and practices restraining and monopolizing the business of manufacturing, selling and distributing millinery in the New York trade area, and from that area to the country at large. (4597-D)

National Coat & Suit Industry Recovery Board—Charges of entering into agreements and conspiracies to monopolize the business of selling and distributing women's and children's clothing are made in a complaint in which fourteen of the largest associations of coat and suit manufacturers in the country, the National Coat and Suit Industry Recovery Board, the membership of which includes representatives of such associations, and their members, and International Ladies' Garment Workers' Union, an unincorporated union of workers in the garment industry, its officers, executive board members and members, are named as respondents. Scores of officers and members of the associations of manufacturers and officers and board members of the Recovery Board and of the Union also are named individually as respondents. (4596)

Nature's Herb Co., 1260 Market St., San Francisco, Calif., engaged in the sale and distribution of a medicinal preparation advertised as "Sterling Capsules," is charged in a complaint with misrepresentation and false advertising. (4601)

Pratt Food Co., 124-130 Walnut St., Philadelphia, engaged in the sale and distribution of medicinal preparations for chickens designated "Pratt's Inhalant" and "Pratt's Poultry Regulator," is charged in a complaint with misrepresentation. (4599)

Waterbury Clock Co., also trading as The Ingersoll-Waterbury Co., Waterbury, Conn., is charged in a complaint with unfair and deceptive acts and practices in commerce. (4595)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders during the past week:

American Bandage Corporation, 1701 Damen Ave., Chicago, has been ordered to cease and desist from misrepresentation in the distribution and sale of a so-called self-adhering medicated bandage designated "A B C Gauzband." (4354)

Martha Beasley Associates—J. V. Cordes and Mrs. J. H. Cordes, doing business as Martha Beasley Associates, 5741 Grand River Blvd., Detroit, engaged in the sale and distribution of medicinal preparations intended for use in the treatment of delayed menstruation, have been ordered to cease and desist from certain representations concerning the preparations, and false advertising. (3841)

Domesart Corporation, 130 W. 17th St., New York City, and Joseph S. Zweigenthal and William M. Safrin, individually and as officers of the corporation, have been ordered to cease and desist from the use of lottery methods in the distribution and sale of candy. (3620)

Federal Yeast Corporation, Colgate-Highlandtown, Baltimore, has been ordered to cease and desist from price discrimination in violation of the Robinson-Patman Act. (3926).

Food Display Machine Corporation, 620 N. Michigan Ave., Chicago, and its officers, A. H. Kulikowski and George H. Hardt, trading under the names King Korn Company, King K Company and Brown Bobby Company, engaged in the sale and distribution of potato chip machines, corn chip machines and doughnut machines, have been ordered to cease and desist from misrepresentation concerning their products. (4122)

Perfect Voice Institute, 64 East Lake St., Chicago, Eugene Feuchtinger as president, Walter A. Jordan as chairman of the board of directors, and Mary E. Murphy as secretary and treasurer of the corporation, have been ordered to cease and desist from misrepresentation with regard to a correspondence course in voice development sold and distributed by them. (4049)

Radio Distributors—Leona Johnson, trading as Radio Distributors, 30 North Dearborn St., Chicago, has been ordered to cease and desist from the use of lottery methods in the sale and distribution of radios and other articles of merchandise. (4157)

W. K. Sterline, Sidney, O., distributor of preparations for treating hay fever and asthma, and Mumm, Romer, Robbins & Pearson, Inc., Columbus, O., an advertising agency handling the Sterline advertisements, have been ordered to cease and desist from misrepresentation in the sale of such preparations. (4485)

Sterling Appliance Company—Nolan B. Stadley, trading as Sterling Appliance Co., 4203 S. Hoover St., Los Angeles, has been ordered to cease and desist from false advertising and misrepresentation in the sale of a short wave diathermy device for treating diseases. (4542)

Joseph Warner Furniture Corporation, 42 East 33rd St., New York, operating so-called dealers or trade showrooms under the name "Salem House" and engaged in the distribution of household furniture, has been ordered to cease and desist from misrepresentation of its products. (4416)

STIPULATIONS

During the past week the Commission made public the following stipulations:

Hec Barth, trading as "Dark Eyes," 2110 W. Madison St., Chicago, engaged in the sale of a dye for eyelashes and eyebrows, called "Dark Eyes," has stipulated that he will cease and desist forthwith from disseminating any advertisement of the preparation which fails conspicuously to include therein a statement to the following effect:

"Caution: Prolonged or frequent use of this preparation may result in permanent discoloration of the skin and mucous membranes."

Provided, however, that such advertisement need contain only the statement:

"Caution: Use only as directed on the label."

if and when the label bears the first described caution conspicuously displayed thereon and the accompanying labeling bears adequate directions for its use. (3214)

Burrell-Dugger Co., Indianapolis, Ind., engaged in selling two drug preparations for poultry designated "Don Sung" and "Avicol," has stipulated to discontinue representing that "Don Sung" is a new product, or is concentrated, or that it is of Chinese origin; that it will increase egg production in cases other than those of poultry whose ration is deficient in the particular elements supplied by this product; or that use of the respondent's products will keep poultry strong or healthy. The respondent further agrees to discontinue any representation regarding diarrhea or bowel disorders in poultry which represent that "Avicol" is of any benefit in the prevention or treatment of all such cases, or of cases due to a parasitic infection, or is effective beyond its effects as an intestinal astringent. (02884)

Charles F. Dowd, Inc., Toledo, an advertising agency which disseminated advertisements on behalf of Michigan Magnetic Mineral Water Co. and Natural Ray Mineral Water Co., both of St. Louis, Mich., has stipulated that in disseminating advertising for the product designated "Mineral Water," it will discontinue representing that the product is a remedy or cure for stomach, bladder or kidney troubles and other ailments; that it is a safeguard, a way to gain, retain or maintain health, a preventive of infantile paralysis or other ailments, or an aid to muscle or bone development; or that it builds up resistance to colds or headaches. (02887)

Fulto School of Beauty Culture—Emma G. Fulton, doing business as Fulto School of Beauty Culture, 4808 Prairie Ave., Chicago, engaged in selling a number of hair preparations, has stipulated to discontinue representing that "Fulto Hair Grower, Plain," also designated "Fulto Plain Hair Food," will feed the scalp and hair, and that this preparation and "Fulto Hair Grower (Double Strength)" and "Fulto Liquid Hair Grower," either alone or in combination, will grow hair or are remedies or cures for dandruff or for diseased scalps. The respondent further agrees to cease and desist from representing, through the use of the terms "Hair Grower" and "Hair Food," or any other terms of similar import, that such preparations will grow hair or feed the hair and scalp. (02886)

Los Angeles Pharmacal Company—Robert Salazar, trading as Los Angeles Pharmacal Co. and as Hidalgo Pharmacy (Hidalgo Farmacia), 204 North Main St., Los Angeles, engaged in the sale and distribution of medicinal preparations, has stipulated to discontinue representing that the product designated "Stomavita," is a remedy or effective treatment for stomach, acidity, dyspepsia, or gastric trouble generally, or that it will afford the user the satisfaction of eating everything desired without distress or ill effects. (3126)

Marvelous Vegetable Yeast Company—Harold Hilty, trading as Marvelous Vegetable Yeast Co., Milwaukee, Wisc., engaged in the sale and distribution of a poultry and animal food supplement, has stipulated to discontinue representing that the product "Marvelous Vegetable Yeast" constitutes a remedy or effective treatment for diseases of poultry or animals generally or is efficacious in correcting or preventing worms and coccidiosis in chickens, pigeons or other poultry and worms in dogs, cats, foxes, minks or other animals. (3213)

Newell Pharmacal Company—J. E. Eggers, trading as Newell Pharmacal Co., Clayton Station, St. Louis, engaged in selling an alleged treatment for the tobacco habit designated "Tobacco Redeemer," consisting of a combination of drug preparations together with dietary information, has stipulated in a supplemental stipulation to discontinue representing that his product is certain to cure one of the tobacco habit, and, by use of the word "Pharmacal" in his trade name or otherwise, that he prepares the preparations or maintains a pharmacy or pharmacal facilities or that he maintains a laboratory wherein tests have been made indicating their efficacy. (040)

John G. Poorman, Tinley Park, Ill., engaged in selling "Poorman's Poultry Brooder and Battery Equipment," has stipulated to cease and desist from representing that the product is as natural as a hen; that artificial temperatures of 90° to 100° cause stench and disease or that his equipment eliminates such conditions; that his equipment is more sanitary or broods stronger or healthier chicks or poults, or that growth would be more rapid than the products of all direct heated brooders; or that the mortality is likely to be any lower with this brooder than with other types of brooding equipment. (02883)

Right-O-Products Company—Robert M. Froehlich, trading as Right-O-Products Co., 635 W. 170th St., New York, engaged in selling health foods and medicinal preparations, has stipulated to cease certain representations in the sale of his products. (02882)

Rev. H. E. Studier—H. E. Studier, trading as Rev. H. E. Studier, 2059 Euclid Ave., Lincoln, Nebr., engaged in selling a medicinal preparation designated "Miracle Salve," has stipulated to cease and desist from representing that Miracle Salve is a remedy or cure for, or has any therapeutic effect in the treatment of pains, gout, arthritis, neuritis and other ailments. (02885)

FTC CLOSES CASES

The Federal Trade Commission ordered closed without prejudice a case resulting from a complaint issued against Harry Berman, Inc., 1337 G St., N. W., Washington, D. C., operator of a luggage shop, and Morris Goldring, itinerant peddler, who had been charged with violation of the Federal Trade Commission Act in the sale of fountain pens.

The Commission order notes that the respondent Harry Berman, Inc., did not engage in the advertising and sales practices as alleged in the complaint and the whereabouts of the respondent Morris Goldring cannot be ascertained.

The case was ordered closed without prejudice to the Commission's right to resume proceedings, should future facts so warrant.

The Commission has also dismissed a complaint issued against Globe-Union, Inc., Milwaukee, manufacturer of storage batteries and radio accessories, alleging violation of the Robinson-Patman Act.

Also the Commission has ordered that a complaint issued against D. J. Easterlin, trading as D. J. Easterlin & Co., Charleston, S. C., charged with violation of the brokerage section of the Robinson-Patman Act, be dismissed.

Commission has ordered that the complaint issued against A. J. Goforth, West Asheville, N. C., charged with misrepresentation in the sale and distribution of medicinal preparations concocted from herbs, be closed without prejudice to the right of the Commission, should the facts so warrant, to reopen the case and resume trial thereof in accordance with its regular procedure.

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